

To which the Six Nations answered ;

“ Brother Goragh Warraghbyagey,

“ We are now met together in full council, to answer you, concerning what you last spoke to us, about the King's having received our deed, and the proceedings at Fort Stanwix, with his ratification of the same, with which we are highly pleas'd.”

Counsellor D A G G E's opinion on the Indian grant of lands to William Trent and others, viz.

**T**H E writers on jurisprudence agree in the proposition “ that the original right to all kinds of property arose from pre-occupancy, and that in a state of nature every one might possess himself of, and retain any vacant subject.”

The first occupant had a right to grant, cede, or transfer the subject he had possessed himself of, to such persons, and upon such terms, as he thought proper ; and if before such grant, cession or transfer the occupant died, his property descended to his children. The right of transmitting property always resided in the owner, and civil institutions only prescribed the mode of carrying that right into effect.

In that period of society when countries were formed, and their boundaries fixed, we find that different districts were appropriated to the native owners, the first occupants, or in case of vacant or derelict lands to the first discoverers. From those original proprietors each country was transmitted to other proprietors, by the consent or by the conquest of the present owners.

In the case under consideration, I am of opinion that the Indians of the Six Nations appear to have been entitled to the lands in question from pre-occupancy, or from conquest ; but however their right accrued, they are acknowledged in express words by the deed of cession to the Crown, made at Fort Stanwix, November 5th, 1768, to have been at that time the true and absolute proprietors of the lands in question ; and so they were also acknowledged to be in the public negotiations between England and France, in the year 1755, and so also, as is stated in the case, several treaties of peace and commerce entered into with particular nations or tribes of Indians by the English nation, consider and treat the natives or occupiers as the lawful possessors and owners of the countries they respectively occupy.

The deed of cession to the Crown, on the 5th of November, 1768, was made in consideration of 10,460 l. 7s. 3d. sterling, then paid to the Six United Nations, and for other considerations mentioned and expressed in that deed and the treaties previous and preparatory to it.

This deed of cession, the conveyance to Mr. Trent, and the treaties in 1765 and 1768, must be considered together, as they all tend to illustrate the whole transaction, and explain the intention of the contracting parties : And taking the whole under consideration it appears, that the Six United Nations were truly sensible of the great loss the traders had sustained by the treachery and depredations of some of their tributary or dependant tribes ; that a requisition was made to the Six United Nations in May 1765 for a grant of land by way of compensating in some measure for the damages the traders had sustained by the depredations of their dependants or tributary Indians ; that the Six Nations, after deliberating from the 2d of May, when this requisition was made, to the 6th of May, they agreed that the requisition of the traders should be complied with, and they would grant them