

28 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.

3 Feb. [115.] VIRGINIA. *Beverley v. Ballard*. Order of reference II. pp. of R. Beverley's petition; with copy of the petition; and 446-7. Attorney General Northey's opinion, read 10 Feb.

16 Feb. [116.] NEW ENGLAND. *French and Indian attacks*. B. of T. II. p. 458. representation for sending 400 firearms to Massachusetts, (§§ 920, and letters to Connecticut and Rhode Island enjoining them 922.) to assist their neighbours on occasion for their mutual security.

21 Feb. [117.] LEEWARD ISLANDS. *Military Stores*. B. of T. II. p. 458. representation; and copy of Ordnance estimate.

9 March. [118.] CONNECTICUT. *Mohegan Indians*. B. of T. repre- II. p. 459. sentation on a complaint against an Act, by which lands reserved to the Indians by several treaties are to be taken from them and divided to the Governor and several others. The Mohegans claimed that they had always hitherto assisted the English, but, if no redress can be had, they will be necessitated to withdraw their obedience and join with the Eastern or French Indians. They therefore desired the appointment of a Commission of Inquiry.

The Attorney General reported "That it doth not appear to him that the lands now claimed by the Indians were intended to pass or could pass to the corporation of the English colony of Connecticut, or that it was intended to dispossess the Indians, who before and after the grant were the owners and possessors of the same"; that the Act was therefore illegal and void, and that her Majesty might establish a Court to do justice to the Indians.

It was accordingly recommended that a commission be issued to Gov. Dudley and Lt.-Gov. Thomas Povey, of Massachusetts; Edward Palmes, James and John Avery and John Morgan, of New London, Connecticut; Francis Brinly, of Rhode Island; Giles Silvester and Jahleel Brenton, of Boston; Nathaniel Byfield, of New Bristol, Massachusetts; Thomas Hooker, of Hartford, Connecticut; and Thomas