
Johnson & Graham's Lessee v. McIntosh

PETITIONER

Johnson and Graham's Lessee

RESPONDENT

William M'Intosh

DOCKET NO.

None

DECIDED BY

Marshall Court (/courts?court=Marshall Court)

CITATION

21 US 543 (1823) (https://supreme.justia.com/cases/federal/us/21/543)

ARGUED

Feb 16, 1823; Feb 17, 1823; Feb 18, 1823; Feb 19, 1823

DECIDED

Feb 28, 1823

Facts of the case

In 1775, Thomas Johnson and other British citizens purchased land in Virginia from members of the Piankeshaw Indian tribe under a 1763 proclamation by the King of England. When he died, Thomas Johnson left this land to his heirs. In 1818, William M'Intosh purchased from Congress 11,000 acres of the land originally purchased by Johnson. Johnson's heirs sued M'Intosh in the United States District Court to recover the land. Ruling that the Piankeshaw tribe did not have the right to convey the land, the federal district court held that Johnson's initial purchase and the chain of title stemming from it were invalid.

Question

Can a Native American tribe convey land to individuals?

Conclusion

In a unanimous decision, the Court held M'Intosh's claim superior to Johnson's, affirming the district court. Chief Justice John Marshall established that the federal government had the sole right of negotiation with the Native American nations. The Indians themselves did not have the right to sell property to individuals. M'Intosh's claim, which was derived from Congress, was superior to Johnson's claim, which was derived from the non-existent right of Indians to sell their land.

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