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# Johnson & Graham's Lessee v. McIntosh

Date of Decision: February 28, 1823

## Summary of case

Thomas Johnson and a group of fellow British citizens purchased land from the Illinois and Piankeshaw tribes in 1773 and 1775, when the United States was still under British rule. When Johnson died, he left the land to his son, Joshua Johnson, and his grandson, Thomas Graham, and his heirs. Thomas Johnson and the others who purchased the land from the tribe attempted several times between 1781 and 1816 to get their ownership of the land legally confirmed by Congress, but they were unable to do so. In 1818, William McIntosh purchased the same land from Congress that Johnson had purchased, and the Johnson heirs pursued a lawsuit to recover ownership. The question became whether the purchase by Johnson and his group could be recognized in the U.S. court system, and therefore be passed to the heirs.

## Summary of majority opinion (unanimous ruling)

The court ruled unanimously that McIntosh's claim to the land was valid because it "derived from Congress" and that Johnson's initial purchase was invalid because the Piankeshaw Tribe did not have the right to sell land to individuals. This landmark ruling claimed that the "exclusive right of the British government to the lands occupied by the Indians has passed to that of the United States" and that the federal government of the United States had the "sole right of negotiation with the Native American nations." Further, the tribe's "power to dispose of the soil at their own will to whomsoever they pleased was denied by the original idea that discovery gave exclusive title to those who made it."

Johnson & Graham's Lessee v. McIntosh. (n.d.). Oyez. Retrieved February 6, 2020, from <https://www.oyez.org/cases/1789-1850/21us543>