

4-17-1854

On the Case of G. Barrell et al.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Rep. No. 211, 33d Cong., 1st Sess. (1854)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1854.—Ordered to be printed.

Mr. PETTIT made the following

REPORT.

The Committee on Private Land Claims, to whom was referred the "Memorial of George Barrell and others, praying confirmation of their title to certain lands purchased of the Indian tribes on the northwest coast of America; or such compensation as Congress shall deem just and proper for their explorations and discoveries in those regions," have had the same under consideration, and submit the following report:

The committee find a report upon said memorial, submitted to the Senate on the 11th August, 1852, by Mr. Felch, then chairman of the Committee on Public Lands, in which, after a full recital of the facts, the committee make use of the following language, (see page 13:)

"The principles relative to such new discoveries, it is believed, are well settled in the code of civilized nations. The citizen of any country first taking possession, does so in the name of his nation; and the jurisdiction of the country, with the exclusive right to the soil, subject to the possessory right of the natives, invests in the government of him who first asserts and maintains possession. The right to extinguish the possessory title of the natives does not vest in the individual discoverer, but in his government, and a purchase thus made by him of the natives, would, it is conceived, give no title as against his government, unless made with the previous consent of the latter, or subsequently confirmed by the proper authorities of his nation.

"If this view of the subject be correct, it follows that the owners of the two vessels acquire no title in the land by their purchase of the Indian chiefs."

Your committee fully endorse the part of the report above set forth. This, then, disposes of all that part of the memorial which was properly referable to this committee.

There is another proposition, however, in the memorial which contemplates some pecuniary compensation for the losses and expenses incurred in this early exploration and settlement upon our northwest coast. This question, your committee are of opinion, belongs exclusively to the Committee on Claims; they, therefore, without expressing an opinion of the merits of this latter proposition, report back the memorial, and recommend that all that part of the memorial which relates to compensation for these early discoveries, explorations, and settlement, be referred to the Committee of Claims.