

12-29-1828

Hyacinth Bernard

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HYACINTH BERNARD.

DECEMBER 29, 1828.

MR. GURLEY, from the Committee on the Public Lands, to which was referred the case of Hyacinth Bernard, made the following

REPORT:

The Committee on the Public Lands, to which were referred the petition and documents of Hyacinth Bernard, report :

That the petitioner claims thirty-three arpens of land by forty in depth, on both sides of the Bayou Teche, in the State of Louisiana, as having been purchased by him of the Chetimaches Indians, in the year 1804, and as having been inhabited and cultivated by him from that period to the present. He represents that he is the father of a large family; that he has made expensive improvements on the land, and has always considered his title as perfect. It appears that when this claim was first entered with the Commissioners of the Land Office, it was unaccompanied with any testimony, and that they recommended its rejection. It was afterwards re-examined, with evidence furnished by petitioner, and recommended for confirmation. This evidence consists of an order under the signature of Mr. Aubry, the then Governor of Louisiana, under the French dynasty, dated the 19th of June, 1767, in which he recognises the Chetimaches nation, and directing the commandant at Manchac to treat their chief with regard; an order of Governor De Galvez, dated at New Orleans, the 14th of September, 1777, commanding the commandant and other subjects of the Spanish Government to respect the rights of said Indians in the lands which they occupied, and to protect them in the occupation thereof; the sales from the Indians to petitioner of the said lands; and the testimony of several witnesses, testifying to the good character of the claimant. That the Indian title was always considered as good; and that the Spanish Government recognized the sales that they made. The Indians themselves, when they made known their claim to our Commissioners, which was for a large tract of land, stated that they and their ancestors had sold portions of said land to different individuals; and among which sales they mentioned the one to petitioner, and declared it to have been made in good faith, and for a valuable consideration. This declaration, coming from the Indians seventeen years or more after the transaction to which it alludes, together with the testimony of several witnesses of good reputation, satisfies your committee that the sale was made in good faith, and for a valuable and full consideration.

The Indian title was good, for they had been in possession for 50 years, say the witnesses; and both Great Britain and Spain had, by divers acts, recognized their right to the soil, while they respectively retained the sovereignty of the country.

The Governor of Spain authorized the Indians to dispose of their lands; and whether a previous permit was necessary or not, is a question not involved in this case, as the transfer to Bernard, the petitioner, was made before the commandant who had authority to give it. The laws of the United States were not then promulgated and in force in Louisiana.

Your committee herewith report a bill for his relief.