

On the 3d inst. the Committee of the House of Representatives, to whom were referred the Messages and Documents relative to the matters in dispute between this State and the General Government, made a Report, which was ordered to be printed. It is long, and takes a view of it considerably different from that offered to the Senate, which was published in our last. It commences with discussing the nature of the sovereignty assumed over the Indian tribes and territories by the discoverers, and then proceeds to trace the history of this affair; disputes the validity of the Treaty at the Indian Springs, and asserts the potency of the one at Washington. The tone of it sides with the U. S. executive and its spirit, generally, may be collected from the concluding part herewith presented, which is all we have opportunity at this time to insert.

It is not known to the committee that, until recently, either Georgia or any other State, has, since the adoption of the Constitution, exercised or claimed the right to treat with independent tribes of Indians, except by authority and consent of the United States, or has exercised any act of legislation over them or has claimed to do any act or thing forbidden by the law of 1802. The Committee believe that the State of Georgia has not only acquiesced, until lately, in the validity of this course of Legislation, but that her intelligent and prominent citizens have given it their express sanction. In the talk of Messrs. Campbell and Merriwether, to the Cherokees, in 1823, those gentlemen say "the sovereignty of the country which you occupy [a considerable part of which is in the State of Georgia]



is in the United States alone, no State or great Foreign power can enter into a treaty or compact with you. These privileges have been passed away and your intercourse is restricted exclusively to the United States." In a letter dated March 10, 1824, addressed by the Georgia delegation of Senators and Representatives to the Secretary of War, the committee understand the delegation to say that the Cherokees are to be viewed as other Indians, as persons suffered to reside within the territorial limits of the United States, and subject to every restraint, which the policy and power of the General Government require to be imposed on them for the interest of the Union, the interest of a particular State, and their own preservation."

From these considerations the Committee are brought to the conclusion that the property in, and jurisdiction over the lands occupied by the Creeks within the State of Georgia, are not exclusively possessed by that State, but are subject to the rights guaranteed to the Creeks, or reserved to the United States by the Constitution of the U. States, by the compact of 1802, by the provisions of law, or by treaty.

It remains only to ask, whether the occupancy of the small portion of lands now in controversy is reserved to the Creek nation, and on what right Georgia claims to survey it.

Georgia claims the right to survey it, under the treaty of the Indian Springs, but the Committee are of opinion that no right nor title could vest under that treaty, for the following reasons, in brief:

*First.* That treaty was negotiated not only contrary to instructions, but on a basis expressly forbidden by the Executive, when previously submitted for his sanction.

*Secondly.* The treaty at the Indian Springs was concluded by a party of the Creek nation, not authorised by the Creek nation to treat for the cession of any lands.

*Thirdly.* The treaty was concluded by a minority, not merely of the principal Chiefs present, and without regard to the protest of the Head Chiefs, made by their representative, both before and at the moment of executing the treaty.

*Fourthly.* Supposing the Commissioners authorised, and the Chiefs empowered to treat, such authority and power could, in no circumstances, extend beyond a cession of the lands occupied by the Chiefs treating, and those who empowered them; whereas, by the treaty of the Indian Springs, a small party assumed to themselves the right to cede away nearly all the lands occupied by the nation.

*Fifthly.* If the Creek nation was a party to the treaty of the Indian Springs, then it has been declared null and void by the two parties to it, viz: the United States and the Creek nation; if the Creek nation was not a party to it, then it is no treaty at all, for it purports on its face to be negotiated with the Creek nation.

For these reasons, on which the Committee are prevented for want of time from enlarging, they are of opinion that, by a treaty like that of the Indian Springs, the Creek nation could not be divested of its right of occupancy, nor Georgia vested with a right of possession, and that the lands West of the new treaty line having never been ceded away, are reserved to the Creek Indians by the treaty of Washington, and that the survey of them is contrary to law.

The Committee, however, are happy to add, that the inconvenience resulting from this circumstance is much less than was apprehended.

In a letter of Governor Troup, to Messrs. Cobb and Berrien, dated 4th May, 1826, it is stated that, "unless all the sources to information here shall prove erroneous and deceptive, the State (if the validity of the new treaty be admitted) has been defrauded of one million of acres of her best land." But if the Western boundary of Georgia were run, according to a rigorous construction of the compact of 1802, it would pass in some points East of the Chattahoochie, and thus give her a boundary which she might consider less advantageous than the line drawn by the treaty of Washington. If the Western boundary line be run according to the interpretation put upon the compact by the Commissioners of Alabama, it would leave Georgia less than she now claims. But granting the *ex parte* line, run by the Georgia Commissioners, to be the true Western boundary of the State, the quantity of unceded land, by the only computation the Committee has seen, is 198,632 acres, and that of a poor quality, being about one ninety-eighth part of the land, the Indian title to which, the United States, in 1802, covenanted to extinguish for Georgia, as soon as it could be done reasonably and peaceably.

The small quantity of land in controversy, and its trifling value, render it probable, that the Indians will agree to cede it. Inasmuch as the quantity depends on the direction which the line between Alabama and Georgia may take, it were to be wished that this line should be first run. It appears, however, that the Executive, from an earnest desire to meet the wishes of Georgia, has instructed the agent to urge the Creeks to a cession of all the land East of the line, which Georgia has established for herself. The preliminary steps for this cession require no appropriation; and the Committee deem it inexpedient, by now making an appropriation for the final purchase, either to fix on an inadequate, or an unnecessarily large sum. It is the result of the best view of the subject, that no legislation upon it is at this time necessary.

In conclusion, the Committee beg leave to observe, that they have given to this important subject all the time and attention they could command, at this advanced stage of the session. They have felt how many



great interests are concerned in the subject. The powers of the Union, and the manner in which they have been exercised; the rights and interests of a sovereign State, and the protection due from the strong and the prosperous, to the feeble remnant of a once formidable race. Notwithstanding the collisions of opinion, which can rarely be avoided where such interests are involved, the Committee think it may with justice be averred, that, in the general result, while the Constitutional powers of the United States have been asserted, the great objects desired by Georgia have been attained, and the public sentiment of the world has not been disregarded, which requires a tenderness and moderation, in disposing of the rights of those, whom Providence has placed, without the means of resistance, at our discretion.

Such are the views which the Committee had prepared themselves to submit to the House. By the message and accompanying documents yesterday referred to the Committee, it appears (if the Governor of Georgia correctly represents the other authorities and People of the State) that the prospect of a prompt and amicable termination of existing difficulties, is less flattering than had been hoped. To the letter of the Secretary at War, informing the Governor that the President, in consequence of the remonstrance and appeal of the Indians, would feel himself compelled, if necessary, to employ all the means under his control to maintain the faith of the nation, by carrying the treaty of Washington into effect, the Governor has returned a direct defiance. Instead of submitting the decision of the question to the tribunal provided by the constitution, he has issued orders to the Attorney and Solicitor General of the State, to take all necessary and legal measures to effect the liberation of the Surveyors, who may be arrested, under the authority of the Government of the United States; and has directed them to bring to justice, by indictment or otherwise, the officers of the U. S. or others concerned in arresting the Surveyors, as violators of the peace of Georgia. He has ordered the Major Generals of two divisions of militia to hold the regiments and battalions within their respective commands, in readiness to repel any hostile invasion of the Territory of Georgia; and he has declared, in substance, that he shall regard the attempt of the United States to sustain the Indians by force, (which it will become their sacred duty to do, should all other means fail) in the occupation of the lands reserved to them by the treaty of Washington, as an attack upon the Territory, the People, and the sovereignty of Georgia.

The Committee will not take upon themselves to express any opinion on the subject of counsel, so much to be deplored. They have no apprehension that the people of Georgia will engage in violent collision with the Union, for the purpose of sustaining a title to a small strip of barren land, acquired under an instrument, which, by a very large majority of the other House of Congress, sanctioned by an almost unanimous vote of this House, has been declared "null and void." If, however, it is necessary to contemplate so disastrous an event, the Committee trust the law of the land will be maintained, and its faith preserved inviolate. The Committee recommend the adoption of the following resolutions:

*Resolved*, That it is expedient to procure a cession of the Indian lands, in the State of Georgia.

*Resolved*, That until such a cession is procured, the law of the land, as set forth in the treaty of Washington, ought to be maintained, by all necessary Constitutional and legal means.