

Thursday, December 11.

The committee on the State of the Republic, reported,

1st. A Protest, on the part of the State of Georgia, in her sovereign capacity, to the Senate of the United States.

2. A memorial to the Anti-Tariff States.

Which were read and ordered to be printed.

Mr. Iverson offered the following resolution, which was adopted.

Whereas it is believed that the Cherokee tribe of Indians are now in possession of a large tract of country, within the chartered limits of this State, which formerly belonged to the Creek Indians, and to which said Cherokees, have never had any right or title, and which has been ceded by the Treaty to the

United States' Government, for the use of Georgia.

Resolved, That a committee be appointed on the part of this House, to join such committee as shall be appointed by the Senate to take this subject into consideration, and report thereon by bill or otherwise.

Messrs. *Iverson, Wofford, Jourdan, Saffold* and *Myers*, were appointed to be the committee on the part of the House.

Friday, Dec. 12.

CHEROKEE LANDS.

Mr. *Iverson* laid on the table the following report and resolutions :

The Committee to whom was referred the resolution directing them to enquire whether the Cherokees are now in possession of any land formerly the property of the Creeks, and ceded by them to the United States for the use of Georgia, have had the same under consideration, and beg leave to report :

That by an examination of the Treaty held and concluded on the 22d March, 1818, between the United States and the Creek tribe of Indians, it is hereby ascertained, that said tribe ceded to the whites a certain tract of country lying within certain boundaries designated by said treaty, the northern part of which was a line running from Suwanna old town, on the Chattahoochee, to the head of the Appalachian River. By reference to the treaty of the 8th July 1817 between the Cherokees and the General Government, it is also ascertained, that said tribe ceded, by said treaty, a portion of their lands lying North of said line and east of the Chattahoochee. From which it would clearly appear, that as late as 1818 the Suwanna old town on the Chattahoochee was the point on said River to which the boundaries of the Creek and Cherokees extended. The one having ceded lands north, and the other south of that point. By reference to the other treaties with said tribe, entered into by the United States, it appears that the mouth of Will's Creek on the Coosa River, was the established point of boundary between said tribes on that river. The most rational conclusion, from these facts is, that the established boundary between said tribes west of the Chattahoochee was a line connecting the two points above designated, viz: the Suwanna old town, on the Chattahoochee and the mouth of Will's Creek, on the Coosa river. In confirmation of this conclusion, your committee have received information from Gen. D. B. Mitchell, former Creek agent, that a boundary had been established between said tribes running from Suwanna old town as aforesaid, immediately across to the Hightower River at a place called Sixes old town—thence down said river to the mouth of Will's Creek; that such boundary was agreed upon and established between said tribes, by a convention or treaty held many years ago, to which the United States was a party, and which was ratified and recognised by the General Government as the permanent boundary line between said tribes. Your committee are confident, from all the information which they have received, that the fact is susceptible of proof, not only from the report made to the General Government by Colonel Hawkins, formerly Indian Agent, but by the testimony of living witnesses, that such was the established boundary of said tribes between said rivers, Coosa and Chattahoochee, and the only one ever recognised and ratified by the Government of the United States.

Your committee are aware of the fact that by a subsequent agreement or convention between said tribes, in 1821, another, and a different boundary was attempted to be established, running from the Buzzard Roost on the Chattahoochee in a straight line to the mouth of Will's Creek. But this line was agreed upon and run by the Indians themselves without the assent or authority of the General Government. The United States was no party to such agreement, nor have your committee understood that it has been recognised or ratified by the General Government. It is therefore void. The Creek tribe had no right, according to the constitution of the United States, and laws of Congress, to cede any portion of its territory to the Cherokees, by any arrangement, treaty or negotiation to which the United States was not a party.

The convention of 1821 between said tribes being thus clearly and unquestionably null and void, the whole of the territory lying south of

the long established, and permanent boundary, between said tribes, first above described, east of the Alabama line, is now the rightful property of Georgia, for by the treaty of 15th Nov. 1827, made by the Creeks with the United States, all the lands owned or claimed by the Creek nation of Indians, not heretofore ceded, and which, on an actual survey should be found to be within the chartered limits of Georgia, were ceded to the United States for the use of Georgia. It is a fact admitted on all hands, and well ascertained, that the territory thus described does lie within the chartered limits of Georgia.

Under these considerations, and with these views, your committee beg leave to offer the following resolutions.

Resolved, That his excellency the Governor be authorised and requested to adopt the most efficient means to procure all the information, and evidence in his power in relation to the true boundary line between the said tribes of Indians.

Resolved, That should the fact be sufficiently established in his opinion, that the proper line between said tribes, at the time of cession by the treaty with the Creeks of Nov. 1827, was the one first above described, beginning at the Suwanna old town as aforesaid running to the Hightower River, and thence to the mouth of Will's Creek on the Coosa, that he be instructed to take immediate and efficient measures to have said line distinctly run and marked; in such a manner as he may deem most advisable.

Resolved, That as soon as said line shall be run and marked, that his Excellency the Governor be instructed to request the President of the United States to have removed immediately all and every Indian, whether Creek or Cherokee, who may be found residing within the territory aforesaid.

Saturday, Dec. 13.

On Mr. Nesbit's motion to reconsider so much of the Journal of yesterday as relates to the rejection of the bill to make certain improvements in the Penitentiary of this state, the yeas were 66—nays 58.

So the House agreed to reconsider, and the bill is again before the House for decision.

The House set apart Thursday next, for the election of Bank directors on the part of the State.

The bill to add the territory lying within the limits of this State and occupied by the Cherokee Indians, to the Counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham, and to extend the laws of this state over the same, and for other purposes, was taken up.

The first five sections provide for the division of the territory, and the addition of it to the frontier counties of Georgia.

Sec. 6. Provides that the laws of this State be extended over the territory, and white persons, residing within the same, shall be subject to the operation of the said laws, as other citizens of said counties.

Sec. 7. From the 1st of June 1830, Indians in said territory, shall be liable to such laws and regulations, as the Legislature may hereafter prescribe.

Sec. 8. No Indian or descendant of an Indian, residing within the Creek or Cherokee nation, shall be a competent witness or a party to any suit, in any court created by the constitution or laws of this state, to which a white-man may be a party.

A great deal of discussion took place, particularly on the section relating to the restrictions to be imposed on the Indians, and on the bill generally, in which, Messrs. Jourdan, Holt of Putnam, Wofford, Iverson, Walker, Bates, Cleveland and Ryan took part. A number of amendments were offered. The proceedings terminated in the adoption of the provisions above stated. The bill was then read the 3d time, passed, and ordered to be sent to the Senate for concurrence.