

# Georgia Legislature.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, Dec. 10.

### CHEROKEE INDIANS.

The House proceeded to the order of the day, which was the bill to extend the laws of Georgia, over the Cherokees, and to give them the enjoyment of certain civil rights, after June 1, 1830.

[Provides that the Indians shall enjoy such civil rights as foreigners do residing in this State, the right of suing and being sued in the courts of the United States excepted—They are to have no right to vote for any executive, legislative, judicial, or military officer.]

Mr. WOFFORD, rose and remarked, that the bill was a very important one; Georgia had a very great interest in it. As to the principal of the bill, he believed there was very little difference of opinion. In the committee on the State of the Republic, the opinions had been unanimous except as to one gentleman, who objected only to some provisions of it. By reference to the bill, it will be seen that it is drawn pretty much as commended by the Governor. The only difference is, that it does not go quite as far as the Governor recommends. It was the duty of Georgia, he thought, to show to the world, that we were not disposed to oppress these people, but to extend to them as much humanity as they deserve. And the individual who has been called on to administer the General Government is a man well acquainted with the Indians, particularly with the Cherokees; and with pleasure Mr. W. said, he anticipated the wisdom of that man's course on this object. The majority of these Indians, do not wish to remain where they are—But they are kept there by cunning white men and half breeds, for their own purposes. It is not the interest of the Indians to stay there, and if they were not restrained, they would not remain one year on the territory.

There was another object of considerable importance. By a late message or proclamation of the Chiefs, rights were claimed for the Indians which they were not entitled to; and they had passed laws that were insulting to the authorities of Georgia, and her people. Mr. W. was willing to do towards them, every thing that he ought; but it was clear to him, that the General Government had been deceived by them, and that they had practised a fraud on Georgia which should not be permitted—Mr. W. have referred to a rough map which he held in his hand; and said he would refer to various treaties to show that the Cherokees never held any land south of the Hog Mountain, and the Hightower; The Creeks and Cherokees, both held lands in the limits of Georgia, and by the different treaties, they were secured in the possession, of these lands under their own boundaries. Mr. W. then referred to the various treaties from 1773 down to the treaty of 1819; and from them sought to prove that the Cherokees never properly own land south of the Hightower; that it belonged to the Creeks, and that the claims of the Creeks were satisfied by the last treaty with them. Hence he hoped that Georgia would never permit herself to be imposed on by the cunning devices of the Cherokees. By these treaties, he said, it appeared that the line properly, began at the mouth of Will's creek, and ran to the mouth of the Suwanua, 60 miles, on the Chattahoochie, above the present line. That always had been the line up to 1819. By a compromise, then, between the Creeks and Cherokees, the line had been extended farther down. If the house were of the same disposition with him, he said, he would introduce a resolution immediately to take possession of that land, and survey it.

The committee reported the bill to the house with amendment.

In the House, Mr. WOFFORD moved that the bill lie on the table, so that he might have a chance to alter it.

Mr. JOURDAN said, he wished to introduce a substitute. Then if the House thought proper, the bill and substitute might be laid upon the table together.

The substitute was received and read—It was the same with the original bill, as to the division of territory. In the 7th section however, it prescribed that after June, 1830, the Indians be liable to such laws as the legislature may hereafter prescribe—and any laws, usages & customs made by the Cherokees, to be null and void after June 1st, 1830—And no Indian, or descendant of an Indian, residing within the Creek or Cherokee Nations of Indians, shall be deemed a competent witness, or 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.

Mr. JOURDAN said if the intention of the House was to pass the bill, it was better to be done at once, or the Senate would not have time to act upon it. As to the lands it was a matter of very little importance, whether they belong to the Creeks or the Cherokees. The question as to the Creek lands he thought, was settled forever as far as Georgia was concerned. But if the House was disposed to go into the discussion now, he would state every thing briefly, his views of the bill he had offered.

Mr. WOFFORD said he was not opposed to the bill. But he thought Georgia had a right to take possession of all the Creek lands, and ought to do so. For that reason he wanted to make an alteration in the bill, so as to have these lands surveyed. The State had a right to these lands, for they properly belonged to the Creeks, and had been purchased of them.

Mr. SAFFOLD hoped the motion, to lay the bill on the table, would be acquiesced in, to give time to enquire farther into the matter. If the facts had been fearly stated by the gentleman from Habersham (Mr. Wofford)—and it was presumed they were—it appeared to be the duty of Georgia to take possession of the land. According to the compact of 1802, between the State and the United States, these Indians could not sell their lands to any one, without the consent of the United States. They had put themselves under the protection of the United States; and if the Creeks had attempted to change their boundary & sell a part of their lands to the Cherokees, and the fact was not known to the General Government, nor to the United States Commissioners, it was the duty of Georgia to take possession of the lands so attempted to be sold. He wanted to take possession of it, if it should appear to be right to do so. And important benefits would result from that course. The land is said to be extensive and valuable. Take it and you will narrow the boundary within which the cunning white men and half-breeds in the Cherokee Nation, operate. And the narrower their sphere of action is, the better for Georgia.

Mr. JOURDAN said he presumed, that when the subject was investigated, it would be found that a new line had been established between the two nations. He had no disposition however, to be in the way of gentlemen, who wished for more time to look into it.

Mr. WOFFORD said that it was true that a new line had been made, but there was no right to make it—And will Georgia, he asked, submit to be thus intrigued out of her property?

The bill was made the order of the day for to-morrow.