

## CHEROKEE LANDS.

*The following Report and Resolutions, introduced in the House of Representatives by Mr. Iverson on the 12th instant, were subsequently agreed to in both branches of the Legislature of this State.*

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 Chatahoochie, to the head of the Appalachian River. By reference to the treaty of the 8th July, 1817, between the Cherokee 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 Chatahoochie. From which it would clearly appear, that as late as 1818, the Suwanna old town on the Chatahoochie was the point on said River to which the boundaries of the Creeks 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 Chatahoochie was a line connecting the two points above designated. viz: the Suwanna old town, on the Chatahoochie, 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 recognized 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 from 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 Chatahoochie, and the only one ever recognized 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 Chatahoochie 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 recognized 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 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 November, 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 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 authorized 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.