

**Report of the Joint Committee on the State of the Republic.**

The Committee on the State of the Republic to whom was referred that part of the Governor's Communication with the accompanying Documents, relating to our relations with the Cherokee tribe of Indians; also a Resolution from the House of Representatives, instructing the Committee to inquire into the expediency of surveying the lands now in the occupancy of said tribe, &c.

**REPORT.**

That in the investigation of this subject, your Committee have deemed it unnecessary to recapitulate the principles, upon which the right of Georgia to the lands now in the occupancy of the Cherokee Indians within her chartered limits, is founded, as the same have often heretofore been ably set forth and sustained. — Ineed these principles have long since been established by the highest Judicial tribunal known to the country, and so well under-

stood, as to render any assertion of them in this report useless. The extent and nature of the right of the Indians to the land they have been permitted to occupy within the limits of Georgia are known as a question, somewhat of difficult determination. The right of soil, and consequently the right of jurisdiction, is admitted to be in Georgia, and consequently, whatever right the Indians may possess cannot be inconsistent with those. But be the right of the Indians what it may, the Government of the U. States is bound by solemn compact and agreement with Georgia, to extinguish the same for the use of Georgia. The cause of complaint on the part of Georgia, at the tardiness, with which the Government of the United States, has discharged its obligation thus incurred, is somewhat lessened, by the development recently made by the President, of a sincere wish to satisfy the claims of Georgia in the extinguishment of the Indian title to all the lands within her limits. The zeal manifested by the President, and his corresponding efforts to aid Georgia in the procurement of this desirable object, merits her approbation, and the continuance of that confidence, hitherto, cheerfully reposed in him.—The documents submitted to your Committee show that the right claimed by Georgia, of extending her laws over the country now in the occupancy of the Indians, is distinctly admitted by the President of the United States. They also shew an earnest request on the part of the President, that in the exercise of that right, we should, at this time be careful, not to take any measure, calculated to counteract, or lessen the inducements, which he is at this time holding out to the Cherokees, for a cession of the whole of that country for the use of Georgia. This request, so courteously made, has received additional weight, by an appeal on the part of the President, to our liberality, and beseeching a continuance on our part of that forbearance hitherto manifested by Georgia in this her interesting subject.—The acquisition of the whole country now in the occupancy of the Cherokees within the limits of Georgia, is certainly a consideration of the highest importance to her citizens. It therefore becomes the Legislature, representing the People of Georgia, to adopt the measure best calculated to obtain that object.

The mere exercise of the right of extending her laws over the territory and the Indians, cannot, in the opinion of your committee, be a consideration with Georgia, in any manner commensurate with the unconditional, and exclusive possession of the soil by her citizens, and if the same could in anywise be considered harsh, and unnecessary, your committee would be the first to abandon the measure.

The exertions of the President are now directed to the procurement for Georgia, of her long neglected rights; and it certainly would be unwise, at this time to do any thing calculated to defeat a result so much desired by us, or which might in the least have a tendency to lessen the zeal and exertions of the President in our behalf. It will be perceived, that the President entertains a lively hope that his exertions now making, to cause the whole tribe to remove West of the Mississippi will be crowned with ultimate success. And your committee can but indulge the same hope, that this unfortunate and deluded people will no longer oppose their best interest, but will receive the advice of the Government, in the spirit in which it is given, and remove shortly, avoiding all unpleasant difficulty with Georgia; such as must inevitably succeed any determination to remain where they are now.

Your Committee possessing every disposition to comply with the wishes of the President, who is now joined with us in the same undertaking, would have been disposed to permit our relations with the Indians to remain as they now stand, but for the claim of the Cherokees to the right, and now the exercise of such a right, of establishing a separate and independent government for themselves, within the limits of Georgia.

The existence of such a Government, your Committee are of opinion, Georgia can not permit to exist, consistently with her sovereignty as a State, and her duty to her citizens. Each citizen of Georgia is entitled to the protection of her laws, and that protection should shield him, whether he tread upon her soil, in the occupancy of the red or the white man.—And it surely can not accord with the rights of the free State, that her citizens, when within her own proper chartered limits, should be subject to the operation of laws, in the enactment of which they had no participation, and whose barbarity might disgrace, even a savage.

However high may be the respect entertained by Georgia for the President, and however obligatory may the duty of manifesting that consideration and esteem, which his station deserves and his services demand; yet there is a duty still more imperative, and the performance of which she will not neglect—the protection of her people.

Your Committee being of opinion that to afford the desired protection to the citizens, and to defend her sovereignty, it becomes necessary for Georgia to extend her laws over the territory now in the occupancy of the Cherokees within her limits, they therefore report the accompanying bill:

This bill is entitled "An act to add the territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham, and to extend the laws of this state over the same, and to repeal all laws and ordinances made by the Cherokee nation of Indians; and to provide for the compensation of officers serving legal process in said territory, and to regulate the testimony of Indians."

The five first sections apportion the territory among the counties named.

The 6th section extends civil and criminal laws over it.

The 7th section declares null and void all Cherokee laws, orders, regulations, &c. &c. nor are defendants allowed to justify or courts

of law to receive the same in evidence.

The 8th section imposes a tax of — cents, as a full tax on every full blooded male Indian of 21 and upwards.

The 9th section points out the manner of suing out legal process, and its compensation. Officers serving the same, in case of resistance to call the aid of citizens of the above named counties.

The 10th section provides that no Indian or descendant shall be a competent witness in any court, until the Judge is satisfied that the witness has a due sense of the obligation of an oath.

Extract of a letter to the Editor of the Savannah Republican, dated

*Milledgeville, Dec: 1.*