

## PROTEST

Of the Cherokee Agent against the running of the line, claimed by Georgia as the true one between the Creeks and Cherokees.

Col. S. A. WALES:

Sir—As the United States' Agent for the Cherokees, and in accordance with the wishes of that tribe of Indians, I deem it to be my duty, to protest against your running any lines, or marking any trees, through, or on, the Cherokee lands, and, particularly, a line from Suwanna, on the Chattahoochee, to the Sixas, on the Hightower, which, it seems, is intended to designate a boundary line between them and the Creek Indians:

1st Because the Cherokees, positively and unequivocally, deny that any such boundary at that place ever did exist between them.

2d. Because the evidence taken by Georgia, in support of such claim, was entirely *ex parte*, and no opportunity given them to rebut or explain away the testimony which was taken.

3d. Because the dividing line between the Cherokees and Creeks was definitively settled, and the line run between them several years before the treaty of the Indian Springs, under which the State of Georgia claims: See a conference on that subject, between them, on the 9th of August, 1814, and the final adjustment of that question on the 11th December, 1821, both of which conferences the Cherokees allege was reported to the United States' Government, and the line so run between them recognized and acknowledged by the United States in the treaty at Washington, on the 24th January, 1826.

4th. Because it is believed to be the province of the General Government, (and so provided by the laws of intercourse,) to run all Indian boundary lines, claimed by her under treaties, and not left to individual States, and especially one which is interested, as is Georgia, in the present case.

And, lastly, because I fear, should that line be run, it would encourage and occasion a great number of white families to rush into, and settle on, the lands embraced within those lines, to the great annoyance, distress and ruin of the poor helpless and inoffensive Cherokees, who inhabit them. For the reasons above stated, I do, most sincerely and solemnly, protest against the running of the above line, until the pleasure of the United States is known on the subject.

I have the honor to be your obedient servant,

H. MONTGOMERY.

13th May, 1829.

May 13th, 1829.

Sir—Your letter of this date, protesting against the survey of any line in the Cherokee nation, and particularly against the line I am now marking, and enclosing a paper purporting to be a Treaty with the Creeks, at Washington City, in 1826, together with a copy of an agreement between the Creek and Cherokee tribes of Indians, in 1814, is before me. I consider it my duty, notwithstanding, to obey my instructions, and complete the survey, believing that it is not the province of either the United States Agent for the Cherokees, or myself, to determine the question, whether the State of Georgia is right or wrong in this matter. It may be proper, however, for me to add, in justification of the course pursuing by the State of Georgia, that the testimony collected, to which you object as *ex parte*, was deemed sufficient by the Executive of the State to establish the line I am now running, as the true line between the Creek and Cherokee tribes of Indians, prior to the Convention between those tribes, in December, 1821. Their agreement on the subject of this boundary at that time, fixing the Buzzard Roost, on the Chattahoochee River, as one point, and the mouth of Wills Creek as the other, is not considered as binding, either on the United States or Georgia, because neither were a party to it; and the law to which you refer makes that agreement void. The paper you enclose me as evidence of a conference between the Creeks and Cherokees, on the 9th of August, 1814, by which their boundary purports to be defined and settled, and which has the signature of General Jackson to it, is pronounced by him to be false: (See his letter to the Secretary of War, dated 4th June, 1816.) The treaty with the Creeks, at Washington City, in 1826, to which you also refer me as settling definitively the boundary between the Creeks and Cherokees, never has been, nor never will be, recognised by the State of Georgia, as a valid instrument. The treaty of 1825, at the Indian Springs, had preceded it, and ceded for the use of Georgia, all the land owned by the Creeks within the chartered limits of the State. It is under this treaty, that Georgia claims the land South of the line running from Suwanna Old Town, on the Chattahoochee, to the Sixas Old Town, on the Etowah.

I am, sir, your obedient servant,

SAMUEL A. WALES.

Col. HUGH MONTGOMERY,

U. S. Agent for the Cherokees.