

INDIANS.

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 annul 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, and to repeal the ninth section of the act of eighteen hundred and twenty-eight, upon this subject.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of the unlocated territory within the limits of this State, and which lies between the Alabama line and the old path leading from the Buzzard Roost on the Chattahoochie to Pally Hughes' on the Hightower river: thence to Thomas Petets on the old Federal road: thence with said road to the Alabama line, be, and the same is hereby added to, and shall become a part of the county of Carroll.

Sec. 2. And be it further enacted, That all that part of said territory lying and being North of the last mentioned line, and out of the road running from Charles Gates' ferry on the Chattahoochie river, to Dick Ross's, to where it intersects with the path aforesaid, be, and the same is hereby added to, and shall become a part of the county of DeKalb.

Sec. 3. And be it further enacted, That all that part of said territory lying North of the last mentioned line, and South of a line commencing at the mouth of Baldriges Creek: thence up said creek to its source: from thence to where the Federal road crosses the Hightower: thence with said road to the Tennessee line, be, and the same is hereby added to, and shall become a part of the county of Gwinnett.

Sec. 4. And be it further enacted, That all that part of said territory lying north of said last mentioned line, and south of a line to commence on the Chestatee river at the mouth of Yoholo creek: thence up said creek to the top of the Blue ridge: thence to the head waters of Notley river: thence down said river to the boundary line of Georgia, be, and the same is hereby added to, and shall become a part of the county of Hall.

Sec. 5. And be it further enacted, That all that part of said territory, lying north of said last mentioned line, within the limits of this State, be, and the same is hereby added to, and shall become a part of the county of Habersham.

Sec. 6. And be it further enacted, That all the laws both civil and criminal of this State be, and the same are hereby extended over said said portions of territory respectively, and all persons whatever residing within the same, shall, after the first day of June nex, be subject and

liable to the operation of said laws, in the same manner as other citizens of this State or the citizens of said counties respectively, and all writs and processes whatever issued by the courts or officers of said courts, shall extend over, and operate on the portions of territory hereby added to the same respectively.

Sec. 7. And be it further enacted, That after the first day of June next, all laws, ordinances, orders and regulations of any kind whatever, made, passed, or enacted by the Cherokee Indians, either in general council or in any other way whatever, or by any authority whatever of said tribe, be, and the same are hereby declared to be null and void and of no effect, as if the same had never existed; and in all cases of indictment or civil suits, it shall not be lawful for the defendant to justify under any of said laws, ordinances, orders or regulations; nor shall the courts of this State permit the same to be given in evidence on the trial of any suit whatever.

Sec. 8. And be it further enacted, That it shall not be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law or custom of said Cherokee nation, to prevent, by threats, menaces or other means, to endeavor to prevent any Indian of said nation residing within the chartered limits of this State, from enrolling as an emigrant or actually emigrating, or removing from said nation; nor shall it be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law or custom of said nation, to punish in any manner, or to molest either the person or property, or to abridge the rights or privileges of any Indian for enrolling his or her name as an emigrant or for emigrating, or intending to emigrate from said nation.

Sec. 9. And be it further enacted, That any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and on conviction, shall be punished by confinement in the common jail of any county of this State, or by confinement at hard labor in the Penitentiary for a term not exceeding four years, at the discretion of the court.

Sec. 10. And be it further enacted, That it shall not be lawful for any person or body of persons, by arbitrary power, or under colour of any pretended rule, ordinance, law or custom of said nation to prevent, or offer to prevent, or deter any Indian, head man, chief or warrior of said nation residing within the chartered limits of this State, from selling or ceding to the U. States, for the use of Georgia the whole or any part of said territory, or to prevent or offer to prevent any Indian, head man, chief or warrior of said nation, residing as aforesaid, from meeting in council or treaty, any commissioner or commissioners on the part of the United States, for any purpose whatever.

Sec. 11. And be it further enacted, That any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and on conviction, shall be confined at hard labor in the Penitentiary for not less than four, nor longer than six years, at the discretion of the court.

Sec. 12. And be it further enacted, That it shall not be lawful for any person or body of persons by arbitrary force or under colour of any pretended rules, ordinances, law or custom of said nation, to take the life of any Indian residing as aforesaid for enlisting as an emigrant, attempting to emigrate, ceding or attempting to cede as aforesaid, the whole or any part of said territory, or meeting or attempting to meet in treaty or in council as aforesaid, any commissioner or commissioners as aforesaid; and any person or body of persons offending against the provisions of this section, shall be guilty of murder, subject to indictment, and on conviction shall suffer death by hanging.

Sec. 13. And be it further enacted, That should any of the foregoing offences be committed under colour of any pretended rules, ordinance, custom or law of said nation, all persons acting therein either as individuals or as pretended executive, ministerial or judicial officers, shall be deemed and considered as principals, and subject to the pains and penalties herein before prescribed.

Sec. 14. And be it further enacted, That for all demands which may come within the jurisdiction of a Magistrates court, suit may be brought for the same in the nearest district of the county to which the territory is hereby annexed, and all officers serving any legal process, or any person living on any portion of the territory herein named, shall be entitled to receive the sum of five cents for every mile he may ride to serve the same, after crossing the present limits of said counties, in addition to the fees already allowed by law; & in case any of said officers should be resisted in the execution of any legal process issued by any court or Magistrate, Justice of the Inferior court or Judge of the Superior court of any of said counties, he is hereby authorised to call out a sufficient number of the militia of said counties to aid and protect him in the execution of his duty.

Sec. 15. And be it further enacted, That no Indian or descendant of any Indian residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness in any court of this State to which a white person may be a party, except such white person resides within the said nation.

WARREN JOURDAN,
Speaker of the House of Representatives.

THOMAS STOCKS,
President of the Senate

Assented to, Dec. 19, 1829.

GEORGE R. GILMER, Governor.