

# A PROCLAMATION.

GEORGIA—By His Excellency GEORGE R. GILMER,  
*Governor and Commander in Chief of the Army and  
Navy of this State, and of the Militia thereof.*

**W**HEREAS it has been discovered that the lands in the territory now occupied by the Cherokee Indians within the limits of this State, abound with valuable minerals, and especially gold—And whereas the State of Georgia has the fee simple title to said lands, and the entire and exclusive property in the gold and silver therein: And whereas numerous persons, citizens of this and other States, together with the Indian occupants of said territory, taking advantage of the law of this State, by which its jurisdiction over said territory was not assumed until the first day of June last past, have been engaged in digging for gold in said land, and taking therefrom great amounts in value, thereby appropriating riches to themselves, which of right equally belonged to every other citizen of the State, and in violation of the rights of the State, and to the injury of its public resources—And whereas the absence of legal restraint and the nature of their pursuit, have caused a state of society to exist among said persons, too disorderly to be permitted to continue—And whereas by the act of the last Legislature to add the territory within the occupancy of the Cherokee Indians, included in the limits of this State, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham, and to render void and disannul all Cherokee laws, the jurisdiction of this State is now extended over said territory, and all persons therein made subject thereto:—Now for the purpose of removing all persons from the lands of this State in the territory aforesaid, except such as are permitted by the laws or assent of this State to occupy the same; to secure to the State its property in the minerals therein, and to put an end to the lawless state of society which has hitherto existed among the gold diggers in said territory, I have thought proper to issue this my Proclamation, notifying all persons whom it may concern, that the jurisdiction of this State is now extended over all the territory in the occupancy of the Cherokees, included within the limits of this State, and which was by an act passed by the last Legislature of this State, made a part of the counties of Carroll, DeKalb, Gwinnett, Hall or Habersham, and that all persons residing therein, are subject to said jurisdiction; and to warn all persons whether citizens of this or other States, or Indian occupants, to cease all further trespass upon the property of this State, and especially from taking any gold or silver from the lands included within the territory occupied by the Cherokee Indians, and so as aforesaid added to the counties aforesaid, and to direct all persons to quit possession of said lands and depart from said territory without delay, except such as by law or the assent of the State are permitted to occupy the same, and to require all officers of the State within

the counties aforesaid to be vigilant in enforcing the laws for the protection of public property, and especially to prevent any further trespass upon the lands of the State, or the taking any gold or silver therefrom.

Given under my hand, and the Great Seal of the State, at the State House in Milledgeville, this third day of June, in the year of our Lord eighteen hundred and thirty, and of American Independence the fifty-fourth. GEORGE R. GILMER.

By the Governor:  
EVERARD HAMILTON, Sec'y of State.

## A PROCLAMATION.

GEORGIA—By His Excellency GEORGE R. GILMER, Governor and Commander in Chief of the Army and Navy of this State, and of the Militia thereof.

WHEREAS the General Assembly of the State of Georgia did, on the 13th December, 1829, pass the following act, to wit:

"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, De Kalb, 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 Chattahoochee, to Sally 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 South of the road running from Charles Gatos' ferry on the Chattahoochee river, to Dick Roe'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 De Kalb.

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 Baldridge's 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 the 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 portions of territory respectively, and all persons whatever residing within the same, shall, after the first day of June next, 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, or 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 United 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 rule, ordinance, 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 council as aforesaid, any commissioner or commissioners as aforesaid, and any person or body of persons so 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 rule, 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 Magistrate's 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; and 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 authorized 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 reside within the said nation."

And whereas by the above recited act, all the laws of the State, both civil and criminal, became extended over the territory described in said act, and in full operation upon all persons residing therein, on the first day of the present month—And whereas by the said act, all the laws, ordinances, orders and regulations which have been hitherto passed by the said tribe of Indians, or the Chief Men thereof, are by the said act rendered null and void, and all persons attempting to enforce the same, subjected to punishment therefor—

And whereas by the said act it is also made highly penal to prevent or attempt to prevent any Indian residing within said territory from emigrating therefrom, or to use the means therein described to prevent a cession of said territory for the use of the State—And whereas said Cherokee Indians have for some time past been attempting to establish a Government independent of the authority of this State, and have, since the passage of the said recited act, violated the rights of the citizens of this State under highly aggravating circumstances, under pretence of executing the legal orders of the Principal Chiefs of said tribe—

And whereas the rulers and head men of said tribe have continued, since the passage of said act, to excite the Indians under their influence, against submission to the operation of the laws of this State, and have attempted to prevent the enforcement of the same by appealing to the Congress of the United States to interpose the powers of the Union to protect them therefrom—and having by various other acts evinced a spirit of determined hostility against the government of this State:

**NOW THEREFORE,** That the sovereign authority of this State, over all the persons within its limits, may be duly acknowledged and respected, and the rights of its citizens preserved, and that the Indian people occupying its territory under the protection of its laws, may be relieved from the oppression to which they have been hitherto subjected by the laws and customs of their tribe, or the arbitrary power of their Chiefs, I have thought proper to issue this my Proclamation, giving notice to all persons, that said recited act is now in force, and all Indians and others residing within said territory or elsewhere, are warned not to violate its enactments; and every officer, civil and military, is hereby required, and every patriotic citizen of the State urged to aid in the enforcement thereof, and especially to cause the penalties for its violation to be certainly inflicted upon each and every Chief, Head-man or other Cherokee Indian, or any other person residing in said territory, who shall exercise, or attempt to exercise, any authority within said territory, under pretence or by virtue of any Cherokee law, ordinance, order or regulation whatsoever, or who shall by virtue of any such pretended authority prevent, or attempt to prevent, any Indian from emigrating from said territory, or enrolling himself for that purpose, or who shall in like manner punish or molest either the person or property, or abridge the rights or privileges on account of his or her enrolling as an emigrant or intending to emigrate, or who shall by virtue of any such pretended authority, or by any arbitrary power prevent or offer to prevent or deter any Indian, Head-man, Chief or Warrior residing within said territory from selling or ceding to the United States for the use of Georgia, the whole or any part of said territory, or prevent such person or persons so residing, from meeting in council or treaty, any commissioner or commissioners of the United States, for any purpose whatever, or who shall by virtue of any such pretended authority, or by any arbitrary force put to death any Indian for enrolling as an emigrant or attempting to emigrate, ceding or attempting to cede, the whole or any part of said territory, or meeting or attempting to meet in council for that purpose.

Given under my hand, and the Great Seal of the State, at the State House in Milledgeville, this third day of June, in the year of our Lord one thousand eight hundred and thirty, and of American Independence the fifty-fourth.

GEORGE R. GILMER.

By the Governor:

EVERARD HAMILTON, Sec'y of State.