

*The Gold Diggers.* The Athenian of last Tuesday contains the decision of Judge Clayton, upon a case of Habeas Corpus, which originated in the arrest of a man by the name of Wm. Robbins, with his companions, by a detachment of the United States' troops, on lands in the occupancy of the Cherokee Indians.

These men were arrested on the information of one Bean, a white man enjoying the privileges of an Indian, which was, that Robbins and his companions had ordered off said Bean, who was or had been digging gold, and that they, Robbins and company, had tools with them for the purpose of digging gold, and had declared they would dig gold in the Cherokee nation, in defiance of the laws of the United States, the Governor's proclamation or the troops.

Judge Clayton ordered Robbins and companions to be released. The grounds taken by him in this case were, that the officer exhibited no authority for the arrest of the men; that no offence was committed, though an offence might have been intended; that the territory was Georgia's and had been organized since the 1st of June, from which time the authority of the United States ceased, if ever they had any, and that if any offence is committed, the offenders are alone amenable to the State laws; and that Congress have no right to pass a law which does not relate to the regulation of commerce among the Indians, and that the digging of gold in the nation, actually committed, much less the intention only to do so, is no act which comes within the right of Congress to punish, under said power to regulate commerce.

*Recorder.*