

# The Missionaries.

GEORGIA, GWINNETT COUNTY.

Superior Court September Term, 1831

THE STATE

vs.

THE MISSIONARIES.

} Indictment, Verdict Guilty.

The trial commenced on Thursday morning: their pleas to the jurisdiction were overruled without argument, by the Court, when the case went to the Jury, before whom the constitutionality of the law extending the jurisdiction of the state into the Cherokee nation, was argued at great length by the counsel for the prisoners. All the authorities were read from the treaties and other books, and insisted on with great force, by Judge Underwood, and Mr. Chester, two of the prisoners' counsel, and were ably answered by S. H. Trippe. The argument closed at about 12 o'clock at night, when the Jury retired, and in about twenty minutes, returned a verdict of guilty, against all the prisoners. On Friday morning, the prisoners were brought to the bar to receive the sentence of the Court, and on an enquiry from the Judge, whether the prisoners, or any of them, had any thing to say, any sentence should not be passed against them according to law, the Hon. Mr. Underwood rose and remarked, in substance as follows: "May it please the Court, if I were made guilty of all the charges alleged against me by counsel for the State, and which were not supported by evidence, that I would have nothing to say why sentence should not be passed on me according to law. But as I stand before God, before whom I expect to answer, that I am not guilty of those charges, I have only one to say, that I do believe that under the Constitution of the U. States and the treaties, the Honorable Court ought not to hold jurisdiction in cases arising in the Cherokee Nation." After which, the Court delivered to the prisoners the following