

Report of the case of the State vs. George  
Tassels, a Cherokee Indian, for the murder of  
Cornelius Dougherty, another Indian, charged

to have been committed in that part of the Cherokee Nation attached to the county of Hall, and tried at an adjourned Term of the Superior Court of said county, on Monday, the 22d of November, 1830.

The trial commenced a little after 10 o'clock, in the morning. The first witness sworn, was **LETTY PROCTOR**, who swore, that on the 15th of July last at the house where she now lives, the prisoner and deceased were there, early in the morning, when she first got up, and remained there till about 10 o'clock. At that time he seized a gun which was standing in the corner of the room, and being near the middle of the room, said to Dougherty he would shoot him. Dougherty replied, don't shoot me, I have just returned into the house. Witness thought at first it was a mere pretence, and left the house to go to an out-house, but she had not reached it before she heard the gun go off, and turning round, saw deceased coming out at the door with one hand on his side and the other on his knee, saying, "catch him;" witness asked "who?" He did not speak, but motioned back with his hand into the house, and as soon as he got out he fell upon the ground. He was shot in the right side. She left no one in the house but the two; they had been drinking, but there had been no quarrelling between them that she heard. The alarm was given for the persons in the out-house to fly, for fear the prisoner would shoot them also, which was done, the witness among the rest; when she returned, deceased had moved a short distance from where she left him.

**JAMES DOUGHERTY**, testified that the place where the murder took place, was in that part of the Cherokee nation attached to Hall county. He was not present when it occurred, but went there soon after; found deceased weltering in his blood and in great pain. He fainted once or twice, and on one occasion witness closed his eyes under a belief he was dead. He however lived two days.—While living, deceased expressed a decided opinion that he would die, and under that belief, said that the wound with which he was then dying was inflicted by prisoner. While prisoner was before the magistrate, he confessed he had shot Dougherty. Witness asked him why he did it, and if they had any quarrel? He replied they had not, but that they were friends and mates, and he wanted to kill him that they might be buried in one grave.

**ELIJAH ROBERTS** testified, that he was summoned as one of the guard, and was present at the investigation before the magistrate. Prisoner asked witness and McClure what they would do with him; they told him he would have to go to Gainesville and be tried by the Georgia laws.—Prisoner replied, "Cherokee too." McClure said he would be hung or go to the Penitentiary. Prisoner said he had rather go to the Nation and be shot. Witness asked him if he shot Dougherty? He said he did. Witness then asked him what he did it for, was there any quarrel? He said there was a previous quarrel. "Prisoner said that he and Dougherty had been drinking on the day of the murder, and he told deceased he would whip him *there*—Deceased said *no*—Prisoner said *yes, by G—d*—Deceased said he would get some white man to whip him—Prisoner said he would kill him and white man too." And shortly after shot him. Witness asked him if he wa'n't sorry for it? He said with an oath, *No*, he would do it again.

**MARK CASTLEBERRY** testified he was Constable, and arrested prisoner. When he first arrested him he was very stubborn and talked only in Indian. After carrying him some distance he began to talk in English, so that witness understood him very well. He asked witness where he was carrying him? Witness replied to the Georgia side, to be tried for shooting Dougherty. He asked witness if he was dead? Witness said he was not two hours ago. He asked witness if he had seen the bullet hole? He replied he had. He asked where it was? Witness showed him by placing his finger on his side. Prisoner said he aimed to shoot him "*there*," pointing to a spot on his buttock just below the hip. Witness then asked him what he shot him for? He replied he did not know, they went to the place friends, and after being there awhile, prisoner said he told Dougherty he would shoot him, and Dougherty answered, shoot if you choose. Prisoner said he then took down a gun from a rack and began to load it. Dougherty laughed, as though he thought prisoner was not in earnest; and when prisoner had finished loading and was nearly done priming, Dougherty became alarmed and made for the door to escape, and as he reached the door he shot him, and aimed to hit him in the place before described. He said there had been a previous quarrel about a woman. Prisoner begged to be carried to the Savannah to be tried by the Cherokees.

The testimony then closed and the case was argued before the Jury until five minutes after 10 at night, when the Jury retired, and in *thirty-five minutes* returned with a verdict of **GUILTY**. Counsel for the State, the Solicitor General, & Messrs. Goodman and Robert Dougherty—For the Prisoner, Messrs. Underwood, Harris and Mitchell.

At 12 o'clock, on Tuesday the 23d, the Judge passed sentence of death upon the prisoner, prefaced with the following remarks:

"The unfortunate prisoner is brought up to receive the sentence of the law, the most dreadful that belongs to any crime. It is a crisis of terror to the Convict and of most severe trial to the Court; but, on the present occasion, it is rendered peculiarly so, from the singular circumstances attending the case. It is a stroke about to be inflicted, not only upon a fellow being, but that fellow being belongs to another nation, and that nation has been cruelly deceived by false friends, who are seducing them from their proper allegiance, and hurrying them into courses which must certainly terminate in the most disastrous consequences. Would to God, that this case may wake up that unhappy people to a sense of duty, and and occasion them to pause and reflect, and in an especial manner that it might induce their misguided and pretended friends to stop short in the prosecution of designs that must inspire hopes so deceitful, that they cannot but end in disappointments the most mortifying.

There is an additional feature of regret presented in this case. The individual before me cannot understand me. The peculiar solemnity of the occasion, the still & anxious crowd that surrounds him, hanging upon his fate in a pale breathless concern, cannot but instruct him that he is about to meet the last and worst calamity which befalls the lot of man.

How unfortunate then that the usual admonitions intended to direct his mind to the consolations offered by Christianity, are lost to him, and which, in a season of such anguish, and a scene so impressive might be sent home to his heart and understanding with the confident hope of a lively and indelible effect. But though I can say nothing to him which can now benefit his condition, yet I may be permitted under the great excitement, nay, I might say, the great infatuation which has prevailed, to offer something by way of warning to his tribe, and to vindicate the violated laws of the land. This case now forever settles the question of jurisdiction, and will continually urge the imperious necessity, in justice to him, to follow up the commission of similar crime with the same exemplary punishment which he is about to suffer. By every consideration of justice and humanity, the laws cannot now be withheld in their steady and regular prosecution of offences perpetrated by the Indians. The blood of this unfortunate individual would cry from the ground, if he alone should be the only victim. Will not this deluded people and their more cruel and treacherous advisers think deeply upon this subject?—What are political projects compared with the peace and quiet of a poor, ignorant race? Has ambition no higher instrument with which to operate? Is its aim so absorbing and its pursuit so eager, that a whole community of unfortunate beings must be thrown into anarchy, rebellion and all its consequences, to accomplish, at best, but a short lived purpose? Would to Heaven, I repeat, that such infatuation may be brought to reflect!

There are some facts connected with the trial of this case which this occasion will properly allow me to mention. At the regular term of the Court, though I had twice determined the question of jurisdiction, and for which I have been called a "*Savage & a Molock*," yet upon application from the Counsel of the Prisoner for a re-hearing, on the same question, distrusting my own views of

the subject, I determined to submit the case to all the Judges of the State, withdrawing myself altogether from any further consideration of the point, and resolved to be governed by their decision.—What is my consolation resulting from that step, in my present trying situation, is better conceived than expressed. To the Judges the case has been submitted, and their unanimous opinion published to the world, has justified my own. This is not all—at the trial of the prisoner, besides the fair and patient investigation of his case, which I know his able and candid counsel will always attest, he was permitted again to urge the plea of jurisdiction before the Jury of his country, under that valuable privilege of our law which makes the jury the judges of the law and the fact. And this is not all, the Court refrained from delivering any charge whatever to the jury. The fact of guilt was admitted by his nation and his leading counsel, but they contended only against the authority of this tribunal to detect and punish it.—So fearful was the Court that an imputation unfavorable to his character might be attached to its conduct, by reason of former and decided views of this subject, that it resolved to leave the Jury free to act, not only in accordance with the letter and spirit of their privilege, but exempt from all the influence which judicial charges are usually known to exert. The issue has been as I expected; and of course meets my approbation. I am now only left to the discharge of a painful duty, and having arrived at the point when its performance must commence, I can in great truth, say I approach it with the deepest sensibility."

The usual sentence was then pronounced, which fixed his execution on the 24th December instant.