

Report of the case of the State vs. George Tussels, 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 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.