

a considerable interest has been excited by the case of *Canatoo*, a Cherokee Indian confined in Walton under the charge of digging gold in his own name, which by the last Legislature was made a Penitentiary offence, we lay before our readers the following information: derived from a source which may be relied on.

The Indian was taken by the State Guard and carried to Gwinnett, the county having jurisdiction of the case, and upon examination he was committed to Walton Jail, there being no Jail in Gwinnett. During the session of the Superior Court of Walton county, he was brought up by Habeas Corpus, and his discharge was granted upon three grounds. 1st. That the warrant and commitment were defective. 2d. That the act of the last Legislature itself, did not contemplate punishing the Indians for digging Gold on their own lands, was intended for intruders and other persons, and that if it did, it was unconstitutional, on the ground that it violated numerous treaties made with them expressly guaranteeing the undisturbed possession and occupancy of all their lands not ceded to the whites. After much argument, the Court said it was a very important question, and required the utmost deliberation. The respect for the Legislature demanded it. As however, the Court did not believe the person could be discharged upon the two first grounds, it would in candor say, his best prospect was on the last, and as the Court would take time to consider so grave a question, it would release him from his confinement upon his own recognizance,