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The Georgia-Tennessee Boundary Line

By E. MERTON COULTER*

The history of the Georgia-Tennessee boundary line properly begins with the survey made in 1818; but in order to make clear the line which the commissioners at that time were attempting to mark, it is necessary to trace the official statements and agreements relating to this line, from the founding of the colony of Georgia.

The Northern Boundary of the Colony of Georgia

As Carolina had been divided into North and South Carolina in 1729, when Georgia, in 1732, received her charter her territory was taken entirely from South Carolina. Her limits according to this charter extended "from the most Northern Stream of a River there comonly called the Savannah all along the Sea Coast to the Southward unto the most Southern Stream of a certain other great water or River called the Alatamaha and Westward from the heads of the said Rivers respectively in Direct Lines to the South Seas" ¹ Thus, the northern boundary of Georgia was a line drawn westward from the head of that branch of the Savannah which rose farthest north. This designation was adhered to throughout colonial times in all official documents having occasion to mention the northern boundary, as for distance in the royal commission to Governor John Reynolds issued August 6, 1754 ² and in a like commission to Governor James Wright, January 20, 1764. ³ The wording in Reynolds' commission was an exact repetition of the Charter, while the statement in Wright's commission (though not changing the meaning), varied in this way: "bounded on the north by the most northern stream of a river there commonly called Savannah as far as the head of the said river; and from thence westward as far as our territories extend"

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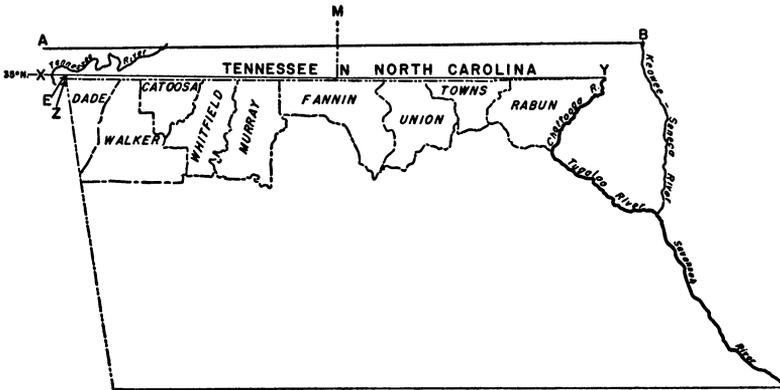
1. The Georgia Charter can be found in many places, but the most recent and authoritative text may be found in A. B. Saye, ed., *Georgia's Charter of 1732* (Athens, 1942). The description of the boundary is on page 39 of this work. Other easily available texts of the Charter may be found in A. D. Chandler, ed., *The Colonial Records of the State of Georgia* (Atlanta, 1904), I, 11-26 and F. N. Thorpe, ed., *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories and Colonies, now or heretofore Forming the United States of America* (Washington, 1909), II, 765-77.

2. Robert and George Watkins, eds., *A Digest of the Laws of the State of Georgia* . . . (Philadelphia, 1800), 737.

3. *Ibid.*, 745.

The Northern Boundary of the State of Georgia to 1787

This same boundary, of course, Georgia continued after the Revolution, when she became a member of the American nation under the Articles of Confederation. In February, 1783, before the Treaty of American Independence had been negotiated, the Georgia legislature passed an act describing the northern boundary



NORTHERN BOUNDARY OF GEORGIA

- B Head spring of the most northern stream of the Savannah (Seneca-Keowee branch)
 Y Commissioners' Island and Ellicott's Rock
 Z Corner of Georgia, Tennessee, and Alabama
 E Nickajack
 AB Northern boundary according to the Charter of 1732
 XY 35th parallel
 YZ Present boundary
 MNY North Carolina boundary

of the state as extending "from the mouth of the river Savannah, along the north side thereof and up the most northern stream or fork of the said river, to its head or source; from thence in a due west course to the river Mississippi"⁴

Georgia Agrees to the 35th Parallel

A dispute having arisen with South Carolina over which stream should be considered the Savannah northward beyond the point where the Tugaloo-Chattooga and Keowee-Seneca came together, and, indeed, whether the Savannah should not be considered as ending there (a most illogical and wholly

4. *Ibid.*, 264.

gratuitous contention of South Carolina), a meeting of commissioners appointed by each state was held in Beaufort, South Carolina, in 1787 to settle the dispute. The so-called Convention of Beaufort, signed April 28, 1787, fixed the line thus: "The most northern branch or stream of the river Savannah from the sea or mouth of such stream to the fork or confluence of the rivers now called Tugoloo [*sic*] and Keowee, and from thence the most northern branch or stream of the said river Tugoloo till it intersects the northern boundary line of South Carolina if the said branch or stream of Tugoloo extends so far north reserving all the islands in the said rivers Savannah and Tugoloo to Georgia; but if the head spring or source of any branch [that is, all branches] or stream of the said river Tugoloo does not extend to the north boundary line of South Carolina, then a west line to the Mississippi to be drawn from the head spring or source of the said branch or stream of Tugoloo river which extends to the highest northern latitude . . ." This line should "forever hereafter form the separation limit and boundary between the States of South Carolina and Georgia."⁵ In acceding to this agreement Georgia lost territory which hitherto had uniformly been included in her limits, for the most northern branch of the Tugaloo-Chattooga does not take its rise as far north as the most northern stream of the Keowee-Seneca.⁶ And, furthermore, Georgia by accepting the western prong of the Savannah (that is, the Tugaloo-Chattooga) instead of securing the eastern prong (that is, the Keowee-Seneca), gave up a large triangle of land between these stream comprising the northwest corner of present-day South Carolina.

On August 9th of this same year (1787) the United States Congress accepted this treaty between South Carolina and Georgia, declaring that it "be ratified and confirmed and that the lines and limits therein specified shall be hereafter taken and received as the boundaries between the said states of South Carolina and Georgia for ever."⁷ South Carolina, thinking that she still had some territory left north of the Georgia boundary, on the same day executed her deed of cession of it to the United States with this description of its boundaries: "all the territory or tract of country included within the river Mississippi and a

5. *Ibid.*, 754; R. R. Hill, ed., *Journals of the Continental Congress, 1774-1789* (Washington, 1936), XXXIII, 471.

6. See Walhalla and Cowee sheets of the Topographical Maps of the United States.

7. Hill, ed., *Journals of the Continental Congress, XXXIII, 474.*

line beginning at that part of the said River which is intersected by the southern boundary line of the State of North Carolina, and continuing along the said boundary line, until it intersects the ridge or chain of Mountains which divides the eastern from the western waters, then to be continued along the top of the said ridge of mountains until it intersects a line to be drawn due west from the head of the southern branch of Tugaloo river to the said Mountains, and thence to run a due west course to the River Mississippi.”⁸ To add some substance to this imaginary territory, South Carolina, it will be noted in this cession to the United States, without any right drew the westward line from the “southern branch of Tugaloo river,” instead of from the “most northern branch or stream of the said river Tugoloo,” as she stated in the Convention of Beaufort. The only possible way South Carolina could have had additional territory, according to the Beaufort definition, would be on account of the most northern stream of the Tugaloo taking its rise south of her northern boundary, which is not the fact.

The Treaty of Beaufort having been ratified by both South Carolina and Georgia and having been accepted by Congress, Georgia considered the boundaries set up therein irrevocable; and to further guarantee them she inserted in her Constitution of 1798 almost the identical words of the Beaufort Convention to describe her limits on the north.⁹

South Carolina had long considered the 35th parallel of latitude to be her northern boundary west of the first ridge of mountains forming the height of land between the Atlantic seaboard and the streams running into the Gulf of Mexico. This agreement had been reached with North Carolina, as the dividing line between the two colonies, in 1735, when commissioners from each state assembled to mark the line.¹⁰ So it came about that South Carolina’s reasoning all along in her dealings with Georgia was conditioned on the 35th parallel being her northern boundary though she had not named it in the Beaufort treaty. Hence it was that South Carolina seemed to think there was a strip of territory south of the 35th parallel which was not included in Georgia, because she thought the head of the “southern branch of Tugaloo river” or even the “most northern branch

8. *Ibid.*, 471.

9. Watkins, eds., *Digest*, 35.

10. M. L. Skaggs, *North Carolina Boundary Disputes Involving her Southern Line* (Chapel Hill, 1941), 86-88.

or stream of the said river Tugaloo," did not reach as far north as the 35th parallel. This strip which she ceded to the United States in 1787, was non-existent, for it is now well known that the Tugaloo takes its rise north of the 35th parallel.

But whether this South Carolina strip was mythical or not, it was ceded to Georgia in 1802 by Congress as part of the compensation Georgia received for giving up her territory west of her present boundary. Believing that she had received additional territory, Georgia on December 10, 1803, erected what she thought was the eastern part of it into a new county which she called Walton, and in defining its limits she first used the designation of the 35th parallel.¹¹ And in an act of December 10, 1804, she clearly indicated the 35th parallel as her northern boundary, by accepting the North Carolina-South Carolina boundary agreement instead of maintaining her colonial boundary line, which was north of the 35th parallel since the Tugaloo River rose north of that parallel; and in this act she authorized her governor to appoint commissioners to meet commissioners whom it was hoped North Carolina would appoint to survey the 35th parallel.¹² Georgia had now definitely given up her northern boundary as designated in her Charter of 1732 and had accepted in its stead a boundary which she mistakenly thought would give her more territory. In all subsequent negotiations relative to her northern boundary, Georgia never departed from her acceptance of the 35th parallel.

Since the first mention of the 35th parallel in official Georgia descriptions as being her northern boundary, came in these two laws (1803 and 1804), it should not be inferred that these statements were in conflict with her Constitution of 1798. The laws merely used the more definite wording while the Constitution carried the designation making possible the northern boundary of Georgia as coinciding with the northern boundary of South Carolina. But it was well known in 1798 (when the Constitution had been made) that the 35th parallel had been agreed upon by South Carolina and North Carolina as their dividing line, and hence must be the northern boundary of South Carolina. So the legislature in naming the 35th parallel had not departed from the Constitution. But on account of insufficient geographic information, there was a definite conflict between the description

11. A. S. Clayton, ed., *A Compilation of the Laws of the States of Georgia* (Augusta, 1812), 128-30.

12. *Ibid.*, 189-91.

of the northern boundary of Georgia as given in her original Charter and repeated thereafter until 1787 and the definition of the boundary that North Carolina and South Carolina had adhered to since 1735 as dividing their territory. The weight of authority was heavily on Georgia's side, for her Charter antedated by three years the agreement of the North Carolina and South Carolina commissioners, and, furthermore, the description held by Georgia up to 1787 was the work of the British government, whereas the 35th parallel was agreed upon by the commissioners of two subordinate divisions of the British empire. But because Georgia thought the 35th parallel was far north of where it actually is, she gave up a considerable area in accepting the Convention of Beaufort and imbedding it in her Constitution—an area which had been guaranteed to her by her Charter.

The Southern Boundary of Tennessee

It is not necessary to pursue the Georgia-North Carolina dispute further, for thereafter it was merely an attempt to mark on the face of the earth the 35th parallel, coupled with other complications that did not relate to the boundary.¹³ In the meantime (1789-1790), North Carolina had ceded to the Federal government her western territory, describing it as "the lands situated within the chartered limits of this State" west of a line which was minutely described as extending "to the southern boundary of this State," but not indicating where that point was, beyond the fact that it could be reached after Unicoy Mountain had been crossed, by following along "the main ridge of the said mountain to the southern boundary of this State [which, of course, meant the 35th parallel] . . ."¹⁴ In 1796 Congress admitted Tennessee as a state, with this vague description of its boundaries: "the whole of the territory ceded to the United States by the State of North Carolina."¹⁵ In her constitution of this year (1796), Tennessee repeated the language describing her eastern boundary used by North Carolina in her deed of cession to Congress, and added this vague verbage: "And that all the territory, lands, and waters lying west of the said line, as before mentioned, and contained within the chartered limits

13. Skaggs, *North Carolina Boundary Disputes*, 179-205.

14. Thorpe, ed., *Federal and State Constitutions*, VI, 3410.

15. *Ibid.*, 3414; Richard Peters, ed., *The Public Statutes at Large of the United States of America . . . 1789 to March 3, 1845 . . .* (Boston, 1850), I, 491.

of the State of North Carolina, are within the boundaries and limits of this State”¹⁶ This description was repeated in her subsequent constitutions.¹⁷ Since North Carolina from 1735, had considered her southern boundary beyond the mountains to be the 35th parallel, it is to be inferred that Tennessee accepted this definition, from the beginning of her existence as a state.

Marking the Georgia-Tennessee Boundary

As the Cherokee Indians inhabited by treaty rights, until 1835, all of the northern part of Georgia bordering on Tennessee there seemed to be no immediate need for marking the line separating the two states. Yet the question of removing the Indians to the regions beyond the Mississippi had been agitated, especially in Georgia, from 1802 on, and sooner or later the line would have to be run. The first action came from Tennessee, whose legislature on November 10, 1817, believing that “it would greatly tend to the prevention of disputes, to have the boundary line between this state and the state of Georgia ascertained, run and marked, before settlements are made on, or near said line by individuals under the authority of either state,” provided for commissioners to run such a line as soon as Georgia should pass like legislation.¹⁸ Being in hearty agreement, Georgia provided by act of her legislature the next month (December 16, 1817), for the appointment of commissioners to join those of Tennessee to proceed with the survey.¹⁹

Though the winter season was no time to run the line, Governor William Rabun of Georgia with commendable haste, wrote Governor Joseph McMinn of Tennessee on December 18th, suggesting that they begin to make preparations for running the line and that the commissioners start on the Tugaloo River, which would include a re-survey of the Georgia-North Carolina line, which Andrew Ellicott had attempted to locate along the 35th parallel in 1811.²⁰ Governor McMinn thought that it would be better to wait until late spring to begin the work and that

16. Thorpe, ed., *Federal and State Constitutions*, VI, 3424.

17. *Ibid.*, 3429, 3452.

18. *Acts Passed at the First Session of the Twelfth General Assembly of the State of Tennessee . . . One Thousand Eight Hundred and Seventeen* (Knoxville, 1817), 75-76.

19. *Acts of the General Assembly of the State of Georgia . . . November and December, 1817* (Milledgeville, 1818), 152; L. Q. C. Lamar, ed., *A Compilation of the Laws of the State of Georgia . . . since the Year 1810 to the Year 1819 . . .* (Augusta, 1821), 1184-85.

20. *Governors' Letterbook, Georgia, 1814-1821* (Manuscript in the Department of Archives and History, Atlanta), 207-208.

the point of departure should be the western end rather than the eastern. Governor Rabun on February 11, 1818, agreed and added in his letter to McMinn that though the boundary was defined in Georgia's constitution, yet "as the 35th degree of North latitude has generally been held and considered as the true line between the two States, I am of opinion that if the commissioners can ascertain correctly that parallel of latitude, and plainly mark and designate the same, the object of the two States will be accomplished." He added further, "Should your Excellency be of different opinion, you will please to signify your views on that subject."²¹

Heading the Georgia commissioners was Thomas Stocks with James Camak as mathematician; John Cocke was in charge of the Tennessee commission with James G. Gains as mathematician. They arrived at Nickajack in May, 1818. Governor McMinn accompanied his commissioners part of the way, but was prevented from completing his journey by the necessity of treating with a group of Cherokee chiefs who were hostile to the survey.²²

Having agreed that the 35th parallel was her northern boundary, Georgia now receded from another positive advantage. According to the Articles of Cession and Agreement made in 1802 between Georgia and the United States, the western boundary of Georgia was described as the Chattahoochee River up to the first big bend beyond Uchee Creek, and "thence, in a direct line, to Nickajack, on the Tennessee river; then crossing the said last mentioned river; and thence, running up the said Tennessee river and along the western bank thereof, to the southern boundary line of the State of Tennessee; . . ." ²³ Instead of holding out for this corner on which to begin the survey eastward, the Georgians as well as the Tennesseans began making observations to determine the 35th parallel, "all of which have made the 35th degree of north latitude 2 miles south of Nickajack old town."²⁴ By such supine compliance, Georgia not only failed to reach the Tennessee River, to which the Articles of Cession of 1802 gave her a clear right, but as it was to turn out, she did not even reach the 35th parallel.

The surveyors started on June 1 and ended on the 27th. In-

21. *Ibid.*, 211.

22. *Georgia Journal* (Milledgeville), June 16, 1818.

23. *American State Papers. Documents Legislative and Executive, of the Congress of the United States. Public Lands* (Washington, 1832), I, 125.

24. *Georgia Journal*, June 16, 1818.

stead of stopping when they reached the end of the Georgia-Tennessee boundary, they continued on, establishing the Georgia-North Carolina line to a point within about 37 miles of its termination opposite an island in the North Fork of the Chattooga River on the true 35th parallel. The distances as given in the surveyors' notes are surprisingly correct. The entire distance of the survey was according to their notes 110 miles; the distance to the point where the Georgia-Tennessee line ends is given as about 74 miles (though they seemed oblivious of the fact that this point was the end of the line). The distance is at present calculated to be 72.8 miles. They continued their survey on for about 37 miles, until they reached a mountain which they thought was Unicoy Mountain, for they knew that the deed ceding the Tennessee region to Congress, which North Carolina made in 1790, described the line as intersecting the Georgia line beyond the Unicoy Mountain. The mountain on which the surveyors stopped is probably the one which is today labeled on the Dahlonega quadrangle of the United States Geological Survey, Bly Gap, which is near Hightower Bald.²⁵ Conclusive evidence that the surveyors thought that they had run only the Georgia-Tennessee line is seen in Stocks' letter of July 4, 1818, to Governor Rabun, describing the line (see Appendix A) and in a statement Camak made in 1826, referring to the 1818 survey: "The boundary between the states of Georgia and Tennessee, has been, by actual measurement, ascertained to be 109 miles in length."²⁶

In early July (the 4th), Stocks wrote the Georgia governor, saying that the commissioners began the survey on the 35th parallel, "87 chains south of Tennessee river, and one quarter of a mile south of Nickajack cave." He then gave a description of the line surveyed to Unicoy Mountain which was "the dividing line between the state of N. Carolina and Tennessee." The distance they surveyed, he said, was 110 miles.²⁷ According to Governor Rabun in his message to the legislature on November 3, 1818, the commissioners from the two states met

25. A manuscript copy of this survey, entitled "Field notes and Report," is in the Tennessee Archives, Nashville. Though not signed, it may be assumed to be the official report. It is published for the first time, as Appendix B of this article.

26. "Report on the Boundary between Georgia and Alabama by Jas. Camak 1826. Dated January 15, 1827" (Manuscript in the office of the Georgia Secretary of State), 18.

27. *Georgia Journal*, July 14, 1818.

at Nickajack "and after a laborious tour of several weeks, completed the line, to the entire satisfaction of both parties."²⁸

Was the 1818 Survey Ratified?

Tennessee was also well satisfied with this survey, and at the next meeting of her legislature she ratified the line, on October 30, 1819. According to that act, the line began "at a point in the true parallel of the thirty fifth degree of north latitude as found by James Carmak [Camak], Mathematician on part of the State of Georgia, and James S. Gains, Mathematician on part of the State of Tennessee, on a rock about two feet high . . . which stands one mile and twenty eight poles from the south bank of the Tennessee river, due south from near the center of the old Indian town of Nickajack and near the top of the Nickajack mountain." After a further description the act declared it "the true dividing line between the states of Tennessee and Georgia" and "is hereby in every part and parcel thereof established as the true southern boundary line of the state of Tennessee . . ." According to section two of this law, "*Be it enacted*, That this act shall take effect and be in force so soon as the state of Georgia shall have passed a law similar in its provisions."²⁹

But what did Georgia say, apart from Governor Rabun's statement in his message that the survey was made "to the entire satisfaction of both parties"? On December 18, 1819, the governor approved a resolution of the legislature by which he was "authorized and requested to have recorded in the surveyor general's office of this state, the maps of the lines as run, dividing this state and the states of Tennessee and North Carolina, with the certificates thereunto annexed, and pay for the same out of the contingent fund."³⁰ This resolution fell far short of "a law similar" to the act of the Tennessee legislature, ratifying the line; and according to the wording of the Tennessee law, the line was not to be considered as established until a similar law should be passed by Georgia. This resolution was clearly

28. *Journal of the Senate of the State of Georgia . . . November and December, 1819* (Milledgeville, n. d.), 7.

29. *Acts of a Public or General Nature, Passed at the First Session of the Thirteenth General Assembly of the State of Tennessee . . . One Thousand Eight Hundred and Nineteen* (Nashville, 1819), 43-44.

30. Lamar, ed., *Compilation of the Laws of Georgia, 1217; Acts of the General Assembly of the State of Georgia, Passed at Milledgeville, at an Annual Session, in November and December, 1819* (Milledgeville, 1819), 146; *Journal of the Georgia Senate, 1819*, pp. 77, 91.

not a ratification by Georgia, but for the next sixty-eight years Georgia officially remained silent. Though this silence might be considered as consent, yet it was not so construed by Georgia in her further dealings with North Carolina. It should be noted here that a re-survey of the Georgia-North Carolina line had been made in the fall of 1819, which explains the inclusion of North Carolina in the resolution providing for filing the maps of the Georgia-Tennessee survey. Seven years later Georgia had become so dissatisfied with the Georgia-North Carolina survey that she had a new line run, and the fact is that to the present time Georgia has come no nearer ratifying any Georgia-North Carolina survey than she has any Georgia-Tennessee survey.³¹

As examples of ratifications of surveys, the action of Georgia in relation to the surveys of the Georgia-Florida line and of the Georgia-Alabama line are here presented. The long-drawn-out trouble between Georgia and Florida over their boundary was finally settled in a survey which Georgia accepted on December 13, 1866, in this positive language: That the line "is hereby declared to be the permanent boundary line between the States of Georgia and Florida; and that the Governor of this State be, and he is hereby requested to issue his proclamation that the said line so run and marked has been and is declared to be the permanent boundary line between" the two states.³² The Georgia-Alabama line had been accepted December 8, 1826 in this direct statement: "That the line run and marked from Nickajack to Miller's Bend on the Chattahoochie, is the true line contemplated by the Articles of Cession of 1802 between the United

31. Skaggs, *North Carolina Boundary Disputes*, 205 is mistaken in asserting that Georgia has "acquiesced in the location of North Carolina's southern boundary line." Georgia has agreed to the 35th parallel of north latitude, but the North Carolina line today, though beginning on that parallel, soon deviates from it, and so is no more the correct line than is the Tennessee line. Dr. Skaggs cites as evidence for his statement the boundary description in R. H. Clark, T. R. R. Cobb, and D. Irwin, eds., *The Code of the State of Georgia* (Atlanta, 1861). This section fixes the 35th parallel as the dividing line between Georgia on the one side and North Carolina and Tennessee on the other and then proceeds to fix it on the earth's surface by an impossible description. It was thus not an act of the legislature, as Dr. Skaggs asserts, that fixed the 35th parallel as the boundary, but a section of the Georgia Code, which the legislature adopted on December 19, 1860, "to be of force and take effect, on the first of January, 1862." *Ibid.*, ix-x. As a matter of fact, Georgia re-opened with North Carolina the boundary discussion in 1883, a move which North Carolina had invited on March 12, 1881 in an act of her legislature providing for the appointment of surveyors and commissioners to determine her boundaries with Virginia, Tennessee, Georgia, and South Carolina. *Acts and Resolutions of the General Assembly of the State of Georgia, 1882-83* (Atlanta, 1883), 689.

32. *Acts of the General Assembly of the State of Georgia . . . November and December, 1866* (Macon, 1867), 221.

States and Georgia, and that it be recognized as such by the State of Georgia."³³

Early Doubts as to the Correctness of the 1818 Survey

But by this very definite acceptance of the Alabama line, Georgia weakened her case in any subsequent dispute with Tennessee, for the Alabama line, both by logic and official agreements, must end on the Tennessee line. As has appeared, the Alabama line stopped far short of the point named in the Articles of Cession of 1802, and considerably short of the 35th parallel. When this line was surveyed in 1826, it happens that James Camak, who had been the mathematician on the Tennessee survey, was engaged again to act as mathematician.³⁴ The Georgia and Alabama commissioners finding the point mentioned in the Articles of Cession of 1802 to be in the state of Tennessee³⁵ and even Nickajack old field to be "about one quarter of a mile north" of the Georgia-Tennessee boundary (as surveyed in 1818), they stopped when they reached the old survey of 1818. Nevertheless, Camak here made new observations to determine the 35th parallel. On account of a lack of water on Raccoon Mountain, which was "a short distance south of the Northern boundary of the state . . . we were compelled to select a spot in Nickajack Old Field, near the Mouth of the Cave at that place, and 47 ch 40 Links north of the 35th degree of North Latitude—the northern boundary, of the state."³⁶

As Camak had become doubtful of the correctness of the location of the 35th parallel made in the Georgia-Tennessee survey of 1818, he now made new observations and came to this conclusion:

"Latitude of Northern Boundary" 34 59 36 N
 "Latitude of the Obsy [Observatory] at Nickajack" 35 00
 06 N³⁷.

Though he did not resurvey the Georgia-Tennessee line³⁸ he made these comments: "Admitting that the observations and

33. *Acts of the General Assembly of the State of Georgia . . . 1826* (Milledgeville, 1826), 211.

34. *Georgia Journal*, May 16, Sept. 5, Nov. 14, 1826.

35. Report of Georgia Commissioners on Georgia-Alabama Boundary Survey 1826 (Manuscript in Office of Georgia Secretary of State), 11.

36. Camak Report on Georgia-Alabama Survey, 1826 (Manuscript filed with the Georgia-Alabama Survey, 1826), 8. C. E. Battle, "The Georgia-Tennessee Boundary Dispute," in *Report of the Nineteenth Annual Session of the Georgia Bar Association . . . 1902* (Atlanta, 1902), 106 mistakenly attributes this Camak Report as relating to a second survey Camak made of the Georgia-Tennessee boundary, when in fact it related only to observations he made in connection with his work as mathematician on the Georgia-Alabama Survey.

37. Camak Report, 47.

38. Battle, "Georgia-Tennessee Boundary Dispute," 106.

results of 1826 are correct, and of consequence that this boundary has been fixed 37 90/100 chains too far South, the loss sustained by Georgia will equal to 51 51/100 square miles, or 33,048 8/10 acres. [About 68 square miles is the present estimate.] This is to be understood as relating only to the boundary between Georgia and Tennessee. For the termination of the boundary, between Georgia and North Carolina, on the top of Unacoi Mountain is — yards north of the aforesaid line.”³⁹

Camak added, “I pretend not to decide *positively* whether the observations of 1818, or those of 1826 are entitled to a preference.” This doubt was brought about by the faulty tables and none-too-good instruments which he was forced to use, in both surveys. He threw out this hint to Georgia: “Taking everything into consideration, I am *inclined* to give a preference to the results of 1826.”

“Whether the difference of the results of 1818 and 1826, which I have pointed out, is of sufficient magnitude to induce the authorities of the state to carry the investigation farther, is a matter for their consideration.”⁴⁰ Apparently the Georgia government thought not, though it is significant to keep in mind that Camak’s report was not made until January 15, 1827, more than a month after Georgia had definitely accepted the Alabama line. It is not impossible to assume that Georgia now thought that it was too late to act; or more likely, that the small amount of territory was not worth worrying about—especially since the Indians were still in control of it.

Georgia’s Apparent Acceptance of the 1818 Survey — Land Lotteries — Railroads

Excepting this doubt raised by Camak in 1826, Georgia slept on her rights for sixty-eight years, as has been previously stated, and in one way or another accepted by indirection the 1818 survey. In 1830 Georgia divided all the lands occupied by the Cherokees into four sections preparatory to applying the land lottery system to the region.⁴¹ As surveys were necessary in dividing the sections into districts which in turn were to be cut into 160-acre lots, notice of the location of the Georgia-Tennessee boundary necessarily had to be taken in making these sur-

39. Camak Report, 18-19.

40. *Ibid.*, 20-21.

41. *Acts of the General Assembly of the State of Georgia . . . October, November and December, 1830* (Milledgeville, 1831), 127-43.

veys. Official maps were published, and in every instance where a lot touched the Tennessee border, the old survey was accepted.⁴² The next year (1831) Georgia established Cherokee County, which bordered on Tennessee, and in describing its area, she raised no issue as to the Tennessee boundary survey, when she said that it extended northward to include all lands lying "within the limits of Georgia."⁴³

The railroad era having set in, lines were soon being projected across the Georgia-Tennessee border—a move which would have to take note of the boundary line between the two states when charters were being secured and surveys made. When Georgia in 1836 decided to build the Western and Atlantic Railroad to Chattanooga, she found it necessary to secure permission from Tennessee to cross into that state. The next year (on November 23), the Georgia legislature resolved to dispatch an agent to Tennessee to ask her legislature, then in session, to pass an act "authorizing the extension of our State Road from the Georgia line through the Territory of Tennessee, to the Tennessee river."⁴⁴ Tennessee, January 24, 1838, granted Georgia the right-of-way "for the extension and construction of her said railroad from the Georgia line to the Tennessee river."⁴⁵ In neither was there a question about the boundary raised. On December 29, 1838, the Georgia legislature in a resolution relating to the Hiwassee Railroad took occasion to say that the road began at Knoxville, Tennessee, and extended to "Red Clay Council Ground, on the Georgia line."⁴⁶ By mentioning Red Clay as being on the Georgia line, the legislature unwittingly admitted that the survey of 1818 was binding. By reference to the Dalton Sheet of the Topographical Maps of the United States, it will be seen that the Georgia-Tennessee boundary still passes through Red Clay—in fact a slight distance north of the railroad station.

42. Compare, for instance, the northern boundary line of the 2nd section of the 27th district with the Dalton Sheet of the Topographical Maps of the United States, and the 4th section of the 9th district with the Catoosa Sheet. For these and other lottery maps which touch the Georgia-Tennessee boundary line, see J. F. Smith, *The Cherokee Land Lottery . . .* (New York, 1828), 186, 227, 234, 319, 361, 368, 410.

43. *Acts of the General Assembly of the State of Georgia . . . November and December, 1831* (Milledgeville, 1832), 74.

44. *Acts of the General Assembly of the State of Georgia . . . November and December, 1837* (Milledgeville, 1838), 270.

45. *Acts Passed at the First Session of the Twenty-Second General Assembly of the State of Tennessee, 1837-8* (Nashville, 1838), 319-20.

46. *Acts of the General Assembly of the State of Georgia . . . November and December, 1838* (Milledgeville, 1839), 281.

Revival of Boundary Discussion – Western End, Eastern End

Two developments finally woke Georgia from her long sleep over the 1818 survey. One grew out of her fear that Tennessee was not pursuing a friendly course toward Georgia's Western and Atlantic Railroad properties in that state; the other arose from uncertainties among landowners along the border as to whether their properties lay in Georgia or in Tennessee. But in neither movement did there seem to appear a demand for a resurvey of the whole line. At one time there was a desire to have a resurvey made of the western end, in the Dade and Walker counties frontier, and at another, to have the eastern end run along the Fannin County line.

Georgia having during the 1870's and 1880's revived with North Carolina and with South Carolina a discussion of her boundary lines separating her territory from those states, readily fell into a critical mood relating to the Tennessee border. On October 15, 1887, the Georgia legislature reciting in an act passed on that day that as there was some doubt as to "the location of the State line between Georgia and Tennessee on that part of the line which runs between Dade County, in Georgia, and Marion and Hamilton Counties, in Tennessee," directed the Georgia governor to communicate with the Tennessee governor on having a joint survey of this part of the line made. If Tennessee acted then the Georgia governor should appoint three commissioners to join a like group from Tennessee "to survey, establish and proclaim the true line between the disputed points."⁴⁷ As Tennessee had an age-old boundary dispute with Virginia going at this time, she did not borrow any further boundary troubles from Georgia. In fact Governor "Bob" Taylor was in no mood at this time to pursue the question further with Virginia, as he clearly indicated in his message to the legislature on January 11, 1889, when he said that he had written Governor Fitzhugh Lee of Virginia "that I would 'decline to take any steps toward reopening a question which had so long been regarded by the State of Tennessee as permanently settled.'"⁴⁸

But as the Tennessee-Virginia dispute was about to get into the United States Supreme Court, Tennessee decided it might be just as well to treat with Georgia. The Tennessee legislature

47. *Acts and Resolutions of the General Assembly of the State of Georgia, 1886-7* (Atlanta, 1887), II, 105.

48. *Senate Journal of the Forty-Sixth General Assembly of the State of Tennessee . . . January 7, 1889* (Nashville, 1889), 37.

declared in an act passed on April 8, 1889, that "WHEREAS, There are grave doubts as to the location of the State line between Georgia and Tennessee on that part of the line between Dade County, Georgia, and Marion and Hamilton Counties, Tennessee, creating trouble and inconvenience between the two States," therefore, the governor should appoint three commissioners to act with a like group from Georgia to survey, establish, and proclaim "the true line between the disputed points." It very carefully and cleverly protected itself against agreeing to reopen the question of resurveying the entire line, or even departing from the old Georgia-Tennessee survey of 1818 or the Georgia-Alabama survey of 1826, by declaring that the commissioners "shall begin their survey at that point where Georgia and Alabama corner, and run east as far as is necessary to establish the disputed line."⁴⁹ Yet by agreeing to open the question at all, Tennessee lost some of the strength of her position, gained by sixty-eight years of Georgia silence. Now she had admitted that the line might not be correctly surveyed, but she largely nullified such an admission by insisting that the survey should begin in the old point of 1818, reaffirmed in 1826.

According to the Georgia act of 1887, the governor was not empowered to appoint commissioners unless Tennessee should provide commissioners to join them. In 1889 Tennessee, as has appeared, empowered her governor to appoint such commissioners; but for reasons unknown neither Governor John B. Gordon of Georgia nor Governor Taylor of Tennessee acted. There was, however, every reason for Governor Gordon to have acted after 1889, and equally good reason from Tennessee's standpoint for Governor Taylor not to act, for Tennessee was only too glad not to jeopardize by further discussion the possession of territory which had not been originally assigned to her. Governor Taylor may have been trying to extricate his state from the false step the legislature had taken in 1889 in agreeing to re-open the discussion.

49. *Acts of the State of Tennessee passed by the Forty-Sixth General Assembly, 1889* (Nashville, 1889), 499-500. The doctrine laid down in the United States Supreme Court decision of *Virginia vs. Tennessee* (148 U. S., 503-28) that a boundary line long acquiesced in by a state would be "conclusive even if it be ascertained that it varies somewhat from the courses given in the original grant," might seem to preclude Georgia from ever forcing a departure from the old 1818 incorrect survey. Nevertheless, it should be noted that both Tennessee and Virginia had definitely in specific language ratified the line which they had under dispute now. In the present case neither Georgia nor Tennessee has accepted the line, for by the expressed terms of the act of the latter state in 1819, there was no acceptance without a like act on the part of Georgia. As is well known, Georgia passed no such act.

Efforts of Governor W. J. Northen

In 1890 William J. Northen became governor of Georgia, and in getting acquainted with all the duties of his office and with the unfinished business of his predecessor, he ran into the sleeping boundary question. On July 20, 1891, he wrote Governor J. P. Buchanan of Tennessee enclosing a copy of Georgia's act of 1887 and calling the Tennessee governor's attention to the fact that it was "to the interest of the Citizens of the Counties touching upon the disputed line that the matter of boundary should be definitely determined, and I write to enquire if your Excellency is now empowered to act in the premises."⁵⁰

For nearly six months he awaited Governor Buchanan's answer, and not being accorded the courtesy of a reply he wrote again on December 1 (1891) reminding the Tennessee governor that no reply had been received to the July letter. Suggesting that his own letter or the Tennessee governor's reply might "have miscarried," Northen begged "to ask if the former was ever received, and, if so, what, if any, was the nature of the reply."⁵¹ Governor Buchanan had apparently decided that the Georgia-Tennessee boundary line was a subject tabooed in respectable official circles in Tennessee, for, again he took no notice of the Georgia governor's letter—though he was by the laws of his own legislature empowered to appoint commissioners to act with like commissioners of Georgia. But governors come and go, and in Tennessee in 1893 Peter Turney succeeded Buchanan as governor.

With renewed hope Governor Northen wrote Governor Turney on June 26, 1893, informing him of his ill luck in securing an answer from Buchanan. "It is, of course," said Northen, "to the interest of the citizens of both states, in the counties touching upon the disputed line, that the matter of boundary should be definitely determined, and I write now to ask if your Excellency has authority, under the laws of Tennessee to cooperate with the Governor of this State in securing this result."⁵² Without waiting long for a reply, Governor Northen intensified his initiative by appointing on July 7 (1893), in pursuance of the act of 1887, three Georgia commissioners, S. W. Hale,

50. *Governors' Letterbook, Georgia, 1886-1894* (Manuscript in the Department of Archives and History, Atlanta), 250.

51. *Ibid.*, 271.

52. *Ibid.*, 337-38.

L. J. Lumpkin, and J. I. Johnson, all of Dade County to meet commissioners "to be appointed by the Governor of Tennessee."⁵³ Apparently it had become a tradition with Tennessee governors to ignore all communications from Georgia governors, which dealt with the boundary question, for Turney neither answered Governor Northen's letter nor did he obey the law of his own legislature (1889) requiring the governor to appoint boundary commissioners. Governor Northen, who must have had the patience of a Job and a courtesy unequalled in the annals of modern times, wrote Governor Turney again on September 15, (1893) reminding him of the letter sent him in July informing him that Georgia had appointed her commissioners and asking him the names of the Tennessee commissioners, and also informing him: "I have received no acknowledgment of the receipt of that letter, and I have some fear that it may not have reached you. May I ask your Excellency to be kind enough to enlighten me on this point?"⁵⁴ Thus ended Georgia's first offensive against Tennessee on the boundary question. Over a period of two years, Governor Northen had written at least four letters to two Tennessee governors on the subject, and had succeeded in eliciting no replies or acknowledgements.

The Wimbish Report

The studied silence of the governors of Tennessee in the face of her act of 1889, and the apparent willingness of North Carolina to discuss boundary difficulties not only with Georgia but with every other state which bounded her domain as indicated in her act of March 12, 1881⁵⁵—these two considerations led the Georgia legislature to pass a resolution on December 21, 1897, wherein it was recited that as there was "great uncertainty concerning the true northern boundary of this State;

"And, whereas, the States of North Carolina and Tennessee have each recognized that grave doubt exists as to the true boundary lines between those States respectively and the State of Georgia, and have each by Acts of their respective General Assemblies provided for the appointment of commissioners to confer with such commissioners as may be appointed by the

53. Minutes, Executive Department, Georgia, 1893-1894 (Manuscript in the Department of Archives and History, Atlanta), 118; Governors' Letterbook, Georgia, 1886-1894, p. 339.

54. *Ibid.*, 347.

55. *Report of Special Attorney for the Western & Atlantic R. R. October 27th, 1897. William A. Wimbish, Special Attorney* (Atlanta, 1897), 73-74.

State of Georgia for the purpose of ascertaining the true boundary line;" that under these circumstances W. A. Wimbish special attorney of the Western and Atlantic Railroad, be appointed to make a study of all documents and reports dealing with the matter under discussion. Whenever his report was received the governor should institute whatever proceedings seemed necessary or expedient to determine the line.⁵⁶ Wimbish seemed to be the logical man to make this investigation, for in his report in 1897 as special attorney for the Western and Atlantic Railroad, he had gone somewhat into the question of the boundary—probably as a threat to force Tennessee to assume a more friendly attitude toward the property rights of the railroad, in Chattanooga.⁵⁷

The Tribunal of Nine

Wimbish's boundary report, which was dated October 26, 1898, added little to what had appeared in his discussion in 1897,⁵⁸ but the legislature feeling that it was now ready to proceed, took a unique step in Georgia jurisprudence. On the following December 20th, this body, hoping to enlarge the Georgia-Tennessee boundary question to embrace the whole line and to also include disputes which had arisen with North Carolina, passed a law providing for a "joint tribunal" to be composed of nine commissioners or judges, three from Georgia, three from Tennessee, and three from North Carolina. This tribunal should "be vested with all the rights, powers and authority of a court of superior original jurisdiction, and as such shall have authority to compel the attendance of witnesses and the production of papers, to hear evidence, and consider and determine questions of law, and to proceed to an adjudication of the questions at issue." If the majority of the commissioners acting for each state should be in agreement, their findings should be "binding upon each of such States, and shall not require legislative approval." If neither Tennessee nor North Carolina adopted legislation reciprocal to this act, then the Georgia Governor should take no action.⁵⁹ As neither of these states moved, nothing came from

56. *Acts and Resolutions of the General Assembly of the State of Georgia, 1897* (Atlanta, 1898), 595.

57. *Report of Special Attorney, 1897*, pp. 65-77.

58. *Report of Special Attorney for the Western & Atlantic Railroad Including Report Concerning the True Northern Boundary of the State. October 26th, William A. Wimbish, Special Attorney* (Atlanta, 1898), 23-43.

59. *Acts and Resolutions of the General Assembly of the State of Georgia, 1898* (Atlanta, 1899), 402-403.

this rather ambitious, if not grandiloquent, scheme of settling Georgia's whole northern boundary from the Tennessee to the Tugaloo.

Tennessee Awakes – For a Short Time

There finally appeared in Tennessee a governor who was not afraid to take note of the Georgia-Tennessee boundary question, and who, probably, might answer a letter written by a Georgia governor on that subject. This man was James B. Frazier, who in a message to his legislature, March 17, 1905, said: "For some years past there has been uncertainty as to the true location of the line between the State of Tennessee and the State of Georgia, at points [*sic*] where Georgia and Alabama corner on Tennessee, running east along the line between Dade County, Georgia, and Marion and Hamilton Counties in Tennessee. This uncertainty has caused great confusion as to land owners, causing uncertainty as to property rights, etc." "Various unlawful acts have been committed on the territory in question," he declared, "and perpetrators have escaped by reason of the uncertainty of said boundary." He recalled that the Tennessee legislature had in 1889 passed a law looking to the settlement of this question, but he said he was unable to find that any action had ever been taken under it. He called on the legislature for some expression.⁶⁰ That body complied on April 17, following (1905) by repeating in a new law the almost identical words of the 1889 act, the only material difference being the omission of the clause requiring the survey to begin on the Georgia-Alabama corner.⁶¹ It might be argued that by this omission, Tennessee had taken a more liberal and compromising position on the boundary (she was at least not setting an arbitrary point at which to begin), but this law, like the 1889 act, did not contemplate a resurvey of the whole line. It applied only to the boundary between Walker and Dade counties on the one side and Marion and Hamilton counties on the other.

Though Frazier was governor for two more years he took no action under this law which he had asked for; but he might be excused on the ground that now Georgia seems to have fallen asleep or, at least, she paid no attention to the Tennessee law. For on August 17, 1906, the Georgia legislature, ignoring Tennes-

60. *Senate Journal of the Fifty-Fourth General Assembly of the State of Tennessee . . . January 2, A. D. 1905* (Nashville, 1905), 276.

61. *Acts of the State of Tennessee Passed by the Fifty-Fourth General Assembly, 1905* (Nashville, 1905), 1100.

see's desire to fix the western end of the line, passed a resolution looking toward fixing the eastern end. According to this resolution, since a "dispute as to the location of the line between the State of Georgia and the State of Tennessee, and especially as to that part of the line between the counties of Fannin in Georgia and Polk in Tennessee," existed, the governor should, therefore, "confer with the Governor of Tennessee and take such steps as are necessary to settle and locate the line between the said States and counties."⁶² It will be noted that this resolution did not suggest the appointment of commissioners.

Further Attempts

But the sore spot on the line, in the eyes of Tennesseans, was the western end. W. T. Ginn, of Whiteside, Tennessee, on March 4, 1915, wrote Governor T. C. Rye of Tennessee, telling him of his troubles growing out of the fact that he did not know whether he was legally in Tennessee or in Georgia. These troubles were heightened by the fact that some Negroes were claiming part of his land, and he was uncertain as to which state he should choose in which to defend his rights.⁶³ On March 12, Governor Rye wrote Governor John M. Slaton of Georgia enclosing the Ginn letter, and suggesting that this boundary line ought to be fixed. "With this end in view," he said, "I would be glad if you would join us in taking such steps as may be necessary to have the boundary line at this place clearly and accurately defined."⁶⁴ On March 17, Governor Slaton answered that as he expected to be in Chattanooga on the next April 13, attending a meeting at which Governor Rye would be present, he thought it best to discuss the matter there.⁶⁵ What, if anything, was said at Chattanooga on the boundary subject, is unknown; the fact is that nothing was officially done.

It seemed that the more Tennessee became interested in the western end of the line, the more Georgia insisted on having a resurvey of the eastern end. Georgia's interest in the eastern end was no doubt called forth not only by the encroachments on her territory there by the fumes of the copper works around

⁶². *Acts and Resolutions of the General Assembly of the State of Georgia, 1906* (Atlanta, 1906), 1160; *Journal of the Senate of the State of Georgia at the Regular Session of the General Assembly . . . 1906* (Atlanta, 1906), 616. See also *ibid.*, 544, 690, 691.

⁶³. "Boundary—Georgia-Tennessee" (Manuscript in folder so labeled in the Department of Archives and History, Atlanta).

⁶⁴. *Ibid.*

⁶⁵. *Ibid.*

Ducktown, deadly to all vegetation,⁶⁶ but also by the alleged pushing of the boundary southward with the passing of the years. Therefore, if Georgia gave any answer at all to Governor Rye's move in 1915 relative to the western end of the line, it was to pass a resolution on August 19, 1916, calling for a resurvey of the eastern end of the boundary—"between the County of Fannin in the State of Georgia and the County of Bek [a strange misprint for Polk] in the State of Tennessee." The Governor was "authorized to take the necessary steps with the proper authorities . . . looking to the establishment of the true boundaries between the counties herein named and the proper marking of the same."⁶⁷ Tennessee paid no attention to this resolution.

To keep the boundary pot boiling, the Georgia legislature on August 16, 1922, resurrected its old 1906 and 1916 resolutions dealing with the eastern end of the boundary and inserted in the place of Fannin the counties on the western end of the line. It now ran, "Whereas, there is a dispute as to the location of the line between the State of Georgia and the State of Tennessee, and especially to that part of the line between the counties of Walker and Dade, in Georgia, and Hamilton and Marion, in Tennessee," that, therefore, the governor was requested "to confer with the Governor of Tennessee and take such steps as are necessary to settle and locate the line"⁶⁸ And so the matter rested again until March 6, 1941, when the Georgia legislature reopened the question.

This new attempt did not follow the old formula. In the first place, it singled out no part of the line, but gave its attention to the line as a whole. The dispute in its broadest aspects was now up for discussion. In the next place, instead of providing for the appointment of commissioners by the governor, the legislature appointed the commissioners in the persons of a "joint standing committee of eight"—three Senators and five Representatives. The duties of this committee were in conjunction with a committee which it was hoped the Tennessee legislature would appoint, "to establish, survey and proclaim the true boun-

66. Some of the references to this subject follow: *Acts of Georgia, 1905*, pp. 1250-51; *ibid.*, 1907, pp. 991-92; *ibid.*, 1913, pp. 1295-1302; *ibid.*, 1916, p. 1056; *ibid.*, 1918, p. 944; *ibid.*, 1921, pp. 1206-09; *ibid.*, 1925, pp. 1618-20. See also the United States Supreme Court decision *Georgia vs. Tennessee Copper Co.*, 206 U. S., 230-40.

67. *Acts and Resolutions of the General Assembly of the State of Georgia, 1916* (Atlanta, 1916), 1042.

68. *Acts and Resolutions of the General Assembly of the State of Georgia, 1922* (Atlanta, 1922), 1139-40.

dary line between Georgia and Tennessee, and to take such further or other action or pursue such remedy or remedies" as a majority of the committee might deem proper. To secure action on the part of Tennessee, the governor of Georgia was requested to communicate with the Tennessee governor "for the purpose of having a joint survey and settlement of the disputed boundary question."⁶⁹ The committee had an historical survey of the boundary dispute made, but Tennessee took no action. So Georgia's attempt in 1941-1942 to have the dispute settled came to an inglorious end.⁷⁰

But the Banquo's ghost of the Georgia-Tennessee boundary dispute was not laid (and seems destined never to be until Tennessee can be induced to enter a conference with Georgia or the Federal government takes action). In 1947 the Georgia legislature passed two laws relating to a settlement of the boundary: The one providing for the appointment of a committee to negotiate with a Tennessee committee; and the other, authorizing the Attorney-General to institute proceedings in the Federal courts if no settlement could be obtained by direct negotiations.

69. *Acts and Resolutions of the General Assembly of the State of Georgia, 1941*, p. 1852.

70. Complying with the Georgia law of 1941, the governor wrote the Tennessee governor, and received a reply which led nowhere. Eugene Talmadge, Atlanta, to E. M. Coulter, Athens, Ga., August 31, 1942 (MS. in possession of E. M. Coulter). E. M. Coulter of the History Department of the University of Georgia was appointed consultant for the joint committee of the legislature. He made an historical survey of the boundary dispute from the beginning. This article, here published, is substantially the report he made to the committee. The conclusion of this effort to settle the dispute is set forth in this excerpt from the minutes of a meeting of the joint committee held in the Senate Chamber on Tuesday, December 1, 1942:

"Be it resolved by the joint committee of the House and Senate of Georgia on the Georgia-Tennessee boundary line in regular meeting assembled with all members present with the exception of Hon. Dupree Hunnicutt, Jr., who is in military services of the United States Government, that the committee and the people of Georgia are greatly indebted to and appreciative of the magnificent report made by Dr. E. M. Coulter to this committee on the subject of the Georgia-Tennessee boundary line, which traces the history of all disputes in reference to this line and actions in reference to this line, as well as to the lines of North Carolina and Georgia, South Carolina and Georgia, Alabama and Georgia, and Florida and Georgia, from the inception of the various lines and does so in a most able, clear and concise manner. It is of invaluable assistance to this committee and will in our future be a valuable document in the archives of this State. The committee again expresses its great appreciation to Dr. Coulter and files as part of the records of this committee this report with instructions to the Highway Department of Georgia that twenty-five copies of the report be made and that copies be furnished to each member of the committee and to the following: State Librarian, State Planning Board, Secretary of State, Highway Department, Speaker of the House of Representatives, President of the Senate, incoming Speaker of the House of Representatives, incoming President of the Senate, Attorney General of Georgia, to him and his successors, incoming Governor of Georgia, Dr. E. M. Coulter, and Library, University of Georgia."

See also *Journal of the Senate of the State of Georgia of the Ten Day Session at the General Assembly Commenced . . . January 13, 1941* (Americus, n. d.), 38; *Journal of the Senate of the State of Georgia of the Regular Session of the General Assembly Commenced . . . January 23, 1941* (Americus, n. d.), 58, 81, 101-103, 172, 194-96, 407, 426, 441-43, 667.

Tennessee now moved in the matter to the extent of Governor Jim McCord holding a conference with a delegation of the Georgia legislature, "but no decision was reached on the controversy." According to a newspaper account, the territory in dispute was valued at nearly \$100,000,000.⁷¹ And so ended Georgia's latest attempt to arrive at a boundary decision.

The Western and Atlantic Railroad Enters the Picture

The other development which led to the reopening in 1887 of the discussion on the Georgia-Tennessee boundary, as previously noted, grew out of the difficulties Georgia was having with Tennessee relative to the Western and Atlantic Railroad properties in that state. If this uncertain boundary line could be pushed far enough northward to include Chattanooga, then all of Georgia's railroad troubles with Tennessee would be ended. By the 1890's, remarks, some half facetious and some otherwise, were being made in the halls of the Georgia legislature and in the newspapers of the state, that Chattanooga really belonged to Georgia. One wit observed that this city would be a welcomed addition to Georgia, though there might be a disadvantage in annexing it, as the large number of Republicans which would be acquired with it might upset the politics of the state.⁷² W. A. Wimbish, the special attorney for the Western and Atlantic Railroad, in his report for 1897, said that since Tennessee refused to recognize "the doctrine of the tribunals of this state concerning the road," if the boundary line could be moved sufficiently to place the whole road in Georgia, "there could be no danger of the loss of any terminal or other property of the road."⁷³

In the early legislation establishing rights-of-way and control of this railroad, no precise designation had been made of the point where the road crossed into Tennessee; but in 1837, Stephen H. Long, the chief engineer, deposited with the state of Georgia a map of the various routes surveyed for the railroad. This map accepted the old survey of 1818 as the Georgia-

71. *Journal of the House of Representatives of the State of Georgia at the Regular Session of the General Assembly Commenced . . . January 13, 1947* (Atlanta, 1947), 413, 429, 430, 582, 664. *Journal of the Senate of the State of Georgia at the Regular Session of the General Assembly Commenced January 13, 1947* (Atlanta, n. d.), 138, 152, 155, 156, 238, 391; *Atlanta Constitution*, Feb. 7, 1947, p. 24; March 7, p. 2, c. 3; March 8, p. 1, c. 1.

72. *Atlanta Constitution*, Oct. 31, 1897.

73. *Report of Special Attorney, 1897*, p. 65.

Tennessee boundary.⁷⁴ But as time went on, so many encroachments were made on the Western and Atlantic Railroad properties, both in Georgia and in Tennessee, that on December 16, 1895, the Georgia legislature, provided for the execution of an elaborate map of the road, on which all its property boundaries should be clearly marked. It was to be submitted to the governor for his approval, and if approved, it was to be declared official and "to be filed in the office of the Secretary of State in the capitol," and duplicate copies or tracings to be filed in the office of the clerk of the superior court in all the counties through which the railroad ran, "including the county of Hamilton, Tennessee."⁷⁵ D. Lee Wardroper, engineer in charge, and Thos. P. Stanley, assistant engineer, finished the survey and the construction of this map in 1896, and the original in a large number of sheets was approved by Governor W. Y. Atkinson⁷⁶. According to this map, which was declared to be official, the old 1818 survey was recognized as the northern boundary of Georgia. On December 23, 1896, the Georgia legislature passed a resolution asking Tennessee to pass legislation authorizing tracings or duplicate copies of this map to be filed in the office of the register of Hamilton County, Tennessee, and to give "to such maps when so filed the quality of constructive notice of admissibility in evidence in the courts of Tennessee as *prima facie* true and correct, together with such other qualities, force and effect as are given by the laws of Tennessee to the record of deeds to land." The governor of Georgia was instructed to send a copy of this resolution to the Tennessee governor with the request that he submit it to the Tennessee legislature.⁷⁷

Wimbish, the special attorney for the Western and Atlantic Railroad, acting for the governor, sent a duplicate of this map to the governor of Tennessee in 1897 and according to his report, "I also addressed several letters to him, but was never favored with the courtesy of a reply. I then caused a bill to be drawn

74. This map is on file in the Office of the Secretary of State. A copy of it may be found in J. H. Johnston, *Western and Atlantic Railroad of the State of Georgia* (Atlanta, 1931), facing page 364.

75. *Acts and Resolutions of the General Assembly of the State of Georgia, 1895* (Atlanta, 1896), 100.

76. "Map of the Official Survey of the Western & Atlantic R. R. Made under Act of the General Assembly approved December 16, 1895, by the Direction of his Excellency Gov. W. Y. Atkinson approved by Hon. W. A. Wimbish State's Counsel and Executed by D. Lee Wardroper Engineer in Charge and Thos. P. Stanley Assistant Engineer September 16th, 1896." This map consisting of a large number of sheets is bound into an immense book. It is in the keeping of the Public Service Commission.

77. *Acts and Resolutions of the General Assembly of the State of Georgia, 1896* (Atlanta, 1897), 343-44.

[for acceptance of this map as official] and personally carried to Nashville to insure its consideration by the Governor in the hope of securing the desired legislation, but this effort was crowned with no more success than my letters prior to that time."⁷⁸ The Tennessee legislature adjourned without action, for Tennessee was again using her old weapon of silence and non-action.

As the sessions of the Tennessee legislature were biennial, it did not meet again until 1899. At this time, E. T. Brown, who was now the special attorney for the Western and Atlantic Railroad, went to Nashville to promote the acceptance of these maps.⁷⁹ He held repeated conferences with the governor and various legislators and was finally able to get a bill introduced to accept these maps as official in Tennessee, and it was passed on April 24, 1899. In addition to providing for the acceptance of these maps it declared that they "shall have the quality of constructive notice, shall be admitted as evidence in any of the courts of Tennessee as *prima facie* true and correct, and shall have such other qualities, force and effect as are given by the laws of the State of Tennessee to the records of deeds to land."⁸⁰ Tennessee might well have had the feeling that in accepting these maps which Georgia declared to be official she was also ratifying an agreement with Georgia which fixed the old survey of 1818 as final, for that line appeared on these maps.

What the Maps Say

It is of interest to note the general usage of cartographers throughout the period of Georgia's existence, in indicating the northern limits of the colony and state. Most maps made in colonial times were notoriously inaccurate. On some of them no attempt was made to indicate the northern boundary and on others the line was so foolishly inaccurate as to run south of Augusta. The more detailed and accurate maps early began using the 35th parallel of latitude, assuming that the southern boundary of North Carolina was the northern boundary of Georgia. This was true on the map entitled "The United States of North America: With the British Territories, and those of

⁷⁸ *Report of Special Attorney, 1897*, pp. 25-26.

⁷⁹ *Report of Special Attorney for the Western & Atlantic R. R. November 11th, 1899, E. T. Brown, Special Attorney* (Atlanta, 1899), 9-10.

⁸⁰ *Acts of the State of Tennessee passed by the Fifty-First General Assembly, 1899* (Nashville, 1899), 972-73.

Spain, according to the Treaty of 1784. Engraved by Wm. Faden, 1793," and also on "A New Map of Part of the United States of North America, containing the Carolinas and Georgia. Also the Floridas and Part of the Bahama Islands &c. from the latest Authorities. By John Cary, Engraver. 1806." The Famous Early Map of Georgia, engravd in 1818 ("Map of the State of Georgia prepared from actual Surveys and other Documents for Eleazer Early by Daniel Sturges. Engraved by Saml. Harrison, 1818. Published and sold by Eleazer Early, Savannah, Georgia. And by John Melish & Samuel Harrison, Philadelphia") places the northern boundary on the 35th parallel.

A map published in London in 1796 ("A Map of the United States of North America. Drawn from a Number of critical Researches. By A. Arrowsmith, Geographer") ingeniously made the 35th parallel begin at the headwaters of the most northern stream of the Savannah, and thus, was able to follow Georgia's colonial charter limits as well as the southern boundary line of North Carolina, and another map published in London in 1799 ("Map of the Southern Provinces of the United States. Printed for R. Phillips, 71, St. Paul's Church Yard") located the mythical strip ceded by South Carolina to the United States, making it lie north of a line drawn west from the headwaters of the Tugaloo. According to this map the boundary of Georgia was slightly south of the 35th parallel.⁸¹

Almost uniformly, maps of the United States and of Georgia made the state's northern boundary the 35th parallel, until near the end of the nineteenth century, when the custom grew up of running the line slightly south of the 35th parallel. This fact was no doubt the result of a wider understanding among cartographers that although the 35th parallel was according to all laws and agreements the boundary, the actual survey was south of that line. They were merely recording what was the practical application of the line on the earth's surface. Even the official maps of Georgia no longer used the 35th parallel, but marked the line south of that latitude. As an example of such a map, J. J. Brown, "Official Map of Gorgia, Issued by Department of Agriculture—1919" may be cited. The United States Government in all its official maps has marked the northern boundary

81. A bibliographical description of most maps referred to in the preceding paragraphs may be found in *Catalogue of the Wymberly Jones De Renne Library* (Wormsloe, 1931), III, 1193-1256, and in P. L. Phillips, ed., *A List of Maps of America in the Library of Congress* (Washington, 1901).

of Georgia south of the 35th parallel. This fact can best be observed on the Topographical Maps of the United States. It should also be noted here that the United States Government has accepted the old 1818 survey in all necessary practical applications of boundary lines. It has recognized this survey for judicial and revenue purposes and it has designated as being in Tennessee postoffices south of the 35th parallel but north of the old 1818 survey. An example is Whiteside, Tennessee.

Present-Day Contradictions

The complications and contradictions that have entered into the history of the northern boundary of Georgia point to no clear answer as to where it ought to be today. The one point that shines with perfect clarity is that both Georgia and Tennessee are in agreement that it is the 35th parallel of north latitude, yet Tennessee has never admitted, even in the face of facts as clear as day, that the 1818 survey is not on the 35th parallel. She has repeated so often the ancient fallacy that the 1818 survey was on the 35th parallel that she has come to embed it in her code of laws down to the present moment. The Tennessee Code of 1939 uses the manifestly contradictory language that the line "begins at a point in the true parallel of the thirty-fifth degree of north latitude" as found by James Camak.⁸² It is common knowledge today, categorically denied by no one, that the point found by Camak is not in the "true parallel of the thirty-fifth degree," but is a considerable distance south of that parallel.

The description of the line in the present Georgia code is hardly more sensible. According to the code of 1933, "The boundary between Georgia and North Carolina and Georgia and Tennessee shall be the line described as the 35th parallel of north latitude, from the point of its intersection by the River Chattooga, west to the place called Nickajack."⁸³ No survey ever made of the Georgia line, ended at Nickajack and none of the various grants or agreements relating to the boundary ever stated that the line should end at Nickajack. This place first crept into the description in the Articles of Cession and Agreement of 1802, but not to designate a stopping point. The perti-

82. Chapt. I, Title 1, Part I, Sec. 89.

83. O. A. Park et al., eds., *The Code of Georgia of 1933* (Atlanta, 1935), 391 (Chapter 15, sec. 103.)

nent language in this document, as previously given, is: "thence, in a direct line, to Nickajack, on the Tennessee river; then crossing the said last mentioned river; and thence, running up the said Tennessee river and along the western bank thereof, to the southern boundary line of the State of Tennessee;"⁸⁴

The first misuse of this place name as the ending of the 35th parallel was in *The Code of the State of Georgia* prepared by R. H. Clark, T. R. R. Cobb, and D. Irwin, and published in 1861. The description in the present code is a repetition of the exact wording in the Clark, Cobb, and Irwin code.

From this history of the Georgia-Tennessee boundary line, these points emerge:

I. Both states have agreed that the 35th parallel is the boundary, but each has described this parallel in language impossible of fulfillment.

II. The old 1818 survey is not today clearly indicated, and as a result the line has been shifted within the memory of people now living.

It would be interesting to know just when and how this boundary began to evolve into the consciousness of the people who live in its vicinity—just when they could point with certainty to a hack-mark on a tree or to a stone emplaced in the ground or to any other distinguishing mark and be able to say who put it there and at what time. Certainly those who ran the boundary line in 1818 left few traces of where they went. As their notes indicate, the principal marks which they mentioned were trees, and there is no statement of the surveyors that they actually hacked these trees, though it may be assumed that this was done. But if it were done, those marks were seen by few if any people except Cherokee Indians, for not until 1838 (twenty years later) did this region cease to be occupied by the Indians. During those years no local traditions could grow up as to where the boundary was at any given place, except among the Indians, who certainly did not have a chance to identify lines to incoming whites. So it is safe to say that as far as establishing an exact line, the surveyors of 1818 might well not have run a boundary.

When did the first ideas of a marked boundary line begin to crystallize? The first lines that were run which the white settlers could have identified were the markings of those land

84. *American State Papers, Public Lands*, I, 125.

lots which were made by the surveyors preparatory to letting the white people take possession under the land lottery system. So here are the first lines which could have entered into the consciousness of settlers who could have passed them down to succeeding generations. Can it be supposed that these land lottery surveyors could have located in the early 1830's the unmarked or poorly marked line run by the surveyors of 1818? These land lottery surveyors may have had the oldest surveyors' notes, but, of course, they were of little value in determining the exact location. They undoubtedly tried to locate the old erroneous line of 1818 instead of attempting to determine the true 35th parallel. So, whatever the local conception of where the line is today in any given segment, that conception is based on the most flimsy evidence—something hardly more than heresay.

Wherever the line is or should be—that location ought to be established by permanent markers. Was there ever an important boundary allowed to grow up in such a careless fashion, and to remain as a question mark as long as the Georgia-Tennessee boundary?—and for that matter, the boundary between Georgia and North Carolina, too? The solution seems to be either locating and marking the old 1818 survey or clearly determining, accepting, and marking the 35th parallel, which all have agreed is the true boundary.⁸⁵

APPENDIX A

FACTS FOR ESTABLISHING THE GEORGIA-TENNESSEE BOUNDARY SURVEY OF 1818

In the foregoing history of the Georgia-Tennessee boundary line, submitted to the joint committee of the Georgia legislature on August 20, 1942, it is shown that the 35th parallel of north latitude has been agreed upon by Georgia and Tennessee as the true boundary between the two states but that the line actually surveyed in 1818 was considerably to the southward of the 35th parallel. It was suggested that either one of these procedures might be adopted, namely: (1) make a survey of the 35th parallel and establish that line or (2) attempt to re-survey the line of 1818 and definitely mark it so that there should never be any dispute hereafter as to the exact location of that line. The first

⁸⁵ For a description of the present markers on the Georgia-Tennessee line, see a mimeographed pamphlet published by the State Highway Board of Georgia in December, 1941, called "Geodetic Control Stations Established along Present Georgia-Tennessee Boundary Line."

alternative would be accompanied by many extreme difficulties incident to the question as to whether the 1818 survey had ever been accepted by either Georgia or Tennessee; it would involve a long, bitter, and uncertain litigation in the United States Supreme Court; and if successful on Georgia's part it would upset a large number of people who have more than a century lived under the jurisdiction of Tennessee. It, therefore, seems more practical to re-establish the old 1818 survey as far as it is possible to do so.

There are two methods that may be followed. First, if the two points between which the line should be surveyed can be established then any practical surveyor ought to be able to run a straight line between these two points. There should be no difficulty about agreeing on the point at the western end of the line, that is, the point on which Georgia and Alabama corner. But there is no certainty as to the spot where the eastern end of the Georgia-Tennessee line terminates. There is, however, agreement on the point of the eastern extremity of the northern boundary of Georgia, which terminates on the eastern bank of the Chatooga River opposite an island called Commissioners Island. This spot was marked by a large rock called "Ellicott's Rock," and is the end of that part of the boundary which separates Georgia from North Carolina. But if Ellicott's Rock is taken as one of the fixed points and a straight line is run directly to the Georgia-Alabama corner, it may well not coincide with the 1818 survey, because this survey was never extended eastward to that point. This was so because the 1818 survey was to mark the line between Georgia and Tennessee, and naturally there was no need to continue it on along the Georgia-North Carolina border, though the surveyors mistakenly extended it to a point about 37 miles from Ellicott's Rock. Nevertheless, this procedure (using the two fixed points mentioned above) will come nearer a practical solution than the second alternative, which will appear in the following paragraphs; but it will undoubtedly coincide less with the old 1818 survey.

The second alternative follows. This plan would carry out as far as possible the actual line as marked and noted by the commissioners in 1818. The survey would begin at the same fixed point of the western end (the Georgia-Alabama corner). There is perfect agreement (as far as any agreement has ever been established between Georgia and Tennessee) on this point. Thomas

Stocks (who accompanied James Camak) as the Georgia commissioner said in a letter to Governor Rabun on July 4, 1818, "We commend the line (as you have been previously notified) 87 chains south of Tennessee River, and one quarter of a mile south of Nickajack cave."¹ Tennessee has officially stated the starting point in this language, "The boundary line between this state and the state of Georgia begins at a point in the true parallel of the thirty-fifth degree of north latitude, as found by James Carmack [Camak], mathematician on the part of the state of Georgia, and James S. Gaines, mathematician on the part of the state of Tennessee, on a rock about two feet high, four inches thick, and fifteen inches broad, ingraved on the north side thus: 'June 1st, 1818, Var. 6 3/4 East', and on the south side thus: 'Geo. 35 North, J. Carmack [Camak]', which rock stands one mile and twenty-eight poles from the south bank of the Tennessee river, due south from near the center of the old Indian Town of Nick-a-Jack, and near the top of Nick-a-Jack mountain, at the supposed corner of the states of Georgia and Alabama"²

Calculations will show that Georgia and Tennessee have stated the starting point to be the same distance south of the Tennessee River, for one mile and twenty-eight poles is exactly 87 chains. To establish whether the present rock (if there is still one there) is in the proper location, a line can be run due south from the Tennessee River the distance which both states agree upon as correct.

From this point, difficulties will begin to pile up. If James Camak, the Georgia mathematician, Thomas Stocks, the Georgia commissioner, or H. Montgomery, the Georgia surveyor, deposited a set of notes or a report with the state government, they have long ago disappeared; but there is in the Tennessee Archives in Nashville a manuscript entitled "Field notes & report," of the 1818 survey. Although it gives a detailed account of the route, including distances from point to point, the objects it mentions mostly are trees—white oaks, post oaks, chestnut oaks, etc.—which, of course, no longer exist. But there are frequent notations of permanent natural features, such as mountains, creeks, rivers, and valleys, with names which in some cases continue to the present. This one is the most valuable and

1. Published in *Georgia Journal* (a Milledgeville newspaper), July 14, 1818.
 2. *Mitchie's Tennessee Code of 1938* (Charlottesville, Va.), Paragraph 89, pp. 9-10.

practical descriptions of the line as surveyed in 1818. Another description of the boundary, but in more general terms, is contained in a letter of July 4, 1818 from Thomas Stocks to Governor Rabun, previously referred to. His description of the line follows: "It crosses the Lookout mountain about 2 miles south of the point, leaving Daniel Ross's about that distance north, and Rossville (or John Ross's store) 150 yards south—48½ miles from Nickajack, we crossed the Federal road leading by Mackanear's [McNair's], bearing about one mile north—72 miles and some chains from the beginning, we crossed the Amoy river [Toccoa], a beautiful stream 60 or 70 yards wide, which is a branch of Hiwassee; between 10 and 11 miles from this river, we crossed the Notly, which is about 50 yards wide and is a branch of the Hiwassee also—the next water course of any size is Brass-town creek, which we crossed about 94½ miles from the point of beginning, leaving Brass town 5 or 6 miles south, & [Currehee] Dick (the chief) one mile north—6¾ miles from this creek and 100¾ from the beginning, we crossed the Unicoy road about 250 yards north of where Bull Neck's creek empties into Hiwassee; a few chains from the road, we crossed Hiwassee river, which is not larger at that place than Notley; at 110 miles from the point of beginning, and on the Unicoy mountain, we stopped. This mountain is the dividing line between the states of N. Carolina and Tennessee—It intersects with the blue ridge 5 or 6 miles south of the line, which would, if continued on, cross the Blue Ridge at the distance of 7 or 8 miles from this mountain. Mr. Ellicott's rock, which is on the bank of Chateega [Chattooga], must be at least 50 miles from the Unicoy mountain at this point. The line has run over a great variety of soil. To speak of it as a country in the aggregate, it is poor in the extreme, very mountainous and stony—nevertheless, there are many places where the land is very fertile—It would produce corn, wheat and tobacco equal to any land I ever saw. Many of the water courses run through rich valleys."

It should be observed here that the line of the survey of 1818 included not only the Georgia-Tennessee boundary but also about 37 miles of the Georgia-North Carolina boundary—in fact about half of this latter boundary. This situation was brought about by the surveyors mistaking Unicoy Mountain. According to the official description of the North Carolina-Tennessee boundary, given by North Carolina in her deed of cession of the

Tennessee region to Congress, the line should begin, on the Virginia frontier and continue according to a detailed description through the Great Smoky Mountains and thence along the extreme height of these mountains "to the place where is is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this state North Carolina."³

The fact is evident that the Georgia-North Carolina boundary, being a continuation of the Georgia-Tennessee boundary, is equally erroneously drawn. But as it progresses eastward it gradually approaches the 35th parallel until the line terminates in this parallel on the east bank of the North Fork of the Chattooga River.

Probably the most reliable and detailed description of the Georgia-Tennessee line and the one that could be easiest followed is to be found in the District Maps made in pursuance of the Land Lottery Act of 1830, dividing into lots all the lands of the Cherokees. These large-scale maps are now on file in the office of the Secretary of State, and by selecting only those maps which touch Tennessee, the boundary line could be clearly traced on these maps and transferred to the earth's surface, since many rivers and natural objects are named and located. Accompanying these maps are the Field Notes of the surveyors. It is logical to assume that the surveyors had detailed descriptions of the Georgia-Tennessee line (that is the survey of 1818), and that this information can be relied upon as the best description of the 1818 survey. This information ought to be ample for a present-day surveyor. The following are the designations of those maps which touch the Georgia-Tennessee lines:

17	Districts,	1	Section	11	Districts,	3	Section
18	"	1	"	28	"	3	"
9	"	2	"	9	"	4	"
27	"	2	"	10	"	4	"
10	"	3	"	19	"	4	"

If, perchance, any of these large-scale maps should be missing in the office of the Secretary of State, accurate small copies of them can be obtained from James F. Smith, *Cherokee Land Lottery . . .* (New York, 1838).

3. F. N. Thorpe, ed., *The Federal and State Constitutions . . .* (Washington, 1909), VI, 3410.

The present official Tennessee description of the survey of 1818 is very sketchy and practically of no value in re-establishing the line. After describing the starting point (the Georgia-Alabama corner), previously mentioned in this report, it continued, "thence running due east, leaving old D. Ross two miles and eighteen yards in the state of Tennessee, and leaving the house of John Ross about two hundred yards in the state of Georgia, and the house of David McNair one mile and one-fourth of a mile in the state of Tennessee, with blazed and mile-marked trees, lessening the variation of the compass by degrees, closing it at the termination of the line on the top of the Unicoi mountain at five and one-half degrees." It will be noted that as far as this description goes, it agrees with the description made by Stocks in his letter to Governor Rabun.

Since surveying, a century and more ago was done with such faulty instruments it is possible that the Georgia-Tennessee line as surveyed in 1818 and in the land lottery District Maps as described in notes and on maps might not actually make a straight line from one end to the other. But if the old line is to be re-established, then this fact must be kept in mind. On the other hand, if a line is surveyed between the two fixed points (the Georgia-Alabama corner and Ellicott's Rock), then a straight line could be run, but it would likely not be the old 1818 survey.

APPENDIX B

FIELD NOTES OF THE GEORGIA-TENNESSEE BOUNDARY LINE OF 1818¹

June the 1st. Beginning at James Camaks Rock then on the line 1 mile to a white oak. 2 miles to a white oak. 3 miles to a Chestnut. 4 miles to a Black oak. 5 miles to a Post-oak. 6 to a Chestnut. 7 to a Poplar. 8 to a White oak Crossing the federal Road at 35 Chains 9 miles to an ash then on to a Post marked 10 miles. left the old Glass about half a mile to the South then on 13 outs [?] to a Branch of Lookout Creek Crossing the Spurs and Some small parts of Mills Town Valley which was all the good land we passed. Thursday morning Clear the 4th proceeded on the line to a Post-oak on the top of a Spur marked 11 miles. thence on over some points of Spurs to a hickory on the South

1. The manuscript from which this copy was made is not the original, though it is evident that it was a contemporary copy. Probably several copies were made from the original, which was written in the field. This manuscript here copied is in the Tennessee Archives in Nashville.

side marked 12 miles—thence Crossing the Georgia road against at 7. outs [?] thence on to a large Black oak Marked 13 miles thence on Crossing the Lookout Creek at 13 Miles and 64 p. to the foot of Lookout Mountain. Camped then all night. Friday Morning the 6th proceeded with the line up the Mountain to a Chestnut oak markd 14 miles near up to a cleft 14 miles & 120 poles to the top of said Mountain. thence down the same 15 miles to a Black-oak on the top of the mountain towards the South side. then on 16 miles to a Hickory marked 16 Miles then 88 poles to Chatanuega Creek Crossing said Creek again at 16 miles & 9 outs [?] then Crossing the Creek at 17 miles to a White oak marked thus 17. then 18 miles Crossing the Creek twice to a Post oak marked thus 18 Miles thence on 100 poles to the Georgia road encamped on a Branch in Georgia near John Rosses Whos house falls in Georgia about 200 yards. Saturday Morning the 6th. Clear this Morning. we are engaged in getting the Variation of the Compasses the sun did not rise Clear. We have to try again until we git a good observation—extended a line from old Rosses to the State line which is 2 Miles & 18 Yards. Monday the 8th 19 miles to a Post oak 20 miles to a pine 21 to a Post oak 51 Chains to a Branch Running to the N Missionary Mill Creek 22 miles to a Pine 23 miles to a Black oak 45 Chains to Chickamaga 24 miles to a Post oak Tuesday the 9th 52 Chains to the E. fork of Chickamaga 25 miles to a Pine 26 to a Pine 27 Miles to a pine 28 miles to a Post oak 37 Chains to a Small creek running to the right 29 miles to a Post oak 55 Chains to the top of Chickamaga Mountain 30 Miles to a Chestnut June 10th 56 Chains to a Creek running to the left 4 Chains to the same creek running to the right 7 chains to the same creek running to the left 31 miles to a Red oak 62 Chains to a branch running to the right 34 Miles to a Black oak 35 miles to a Hickory 10 Chains to a Branch running to the right 36 Miles to a pine 37 Miles to a Post oak 43 Chains to a Small Creek Running to the right Waters of Chickamauga 38 Miles across a mountain to a Post oak. June the 11th. 39 Miles to a Poplar in an old field 40 miles to a Hickory 10 Chains to a Branch Running to the right—Crossing Sugar Creek at 30 Chains 41 miles to a Red oak 42 Miles to a Post oak 43 miles to a post oak 44 miles to a Black oak 25 Chains to a Branch Crossing 5 times in 55 chains June the 12th 45 miles to a pine 46 miles to a pine 13 Chains to Big Connasauga 47 miles to a Beach in the Bottom 48 miles to a Black oak 31 Chains to Federal

Road leaving McNear $1\frac{1}{4}$ miles on the N. Tuesday the 16th of June Cloudy waiting to take the Latitude Proceeded on the line 49 Miles to an ash crossing Connasauga at eight Sticks Crossing it again at 11 outs [?] Crossing the same again at 15 outs [?] & 2 Sticks lay out to night without any thing to eat or any Covering on a Bed of Rocks June the 17th Cloudy Rainy morning Run on the line 50 miles to a Black oak 30 Chains to the top of the mountain 51 miles to a Spanish oak 34 Chains to the 2nd crossing of Connesauga running S. W. crossing it again at 55 Chains running N. W. Crossing it again at 75 chains running S. W. 52 miles to a White oak crossing Connesauga again at 30 Chains running S. W. 53 Miles to a Hickory on a Mountain named Hogback Mountain 78 Chains to Connasauga again running N. W. then on leaving Ellacensatown 2 miles to the S. 54 Miles to a Beach in a Cane brake Crossing the W. fork at one Chain and the E. fork at Ten Chains 55 miles to a Chesnut 56 miles to a Spanish oak 57 Miles to a White oak 58 to a Chesnut crossing a small creek at the foot of Bullfrog Mountain at 47 Chains 59 miles to a Chesnut on the W. side of said Mountain 60 to a Chesnut oak Near the top of it 35 chains to the top 61 miles to a white oak on the E side then on crossing Wochboe Creek at 62 chains running N. E. Waters of Ammoy River [present name is Toccoa in Georgia, Ocoee in Tennessee] 62 miles to a pine 63 miles to a Black oak & W. fork of said creek June the 20th 64 to a holley and fork of the above creek running to the left 65 to a black oak 66 to a Chesnut 67 to a Post oak 68 to a Black oak then on 21 Chains to a large Creek of Ammoy river to the left 69 to a Post oak crossing Ammoy river at 20 chains 60 yds wide running to the left. to to a white oak 71 to a post oak 72 to a Black oak then 73 to a Black oak 30 chains to the top of a mountain [about here was the end of the Ga.-Tenn. boundary] 74 miles to a post oak June the 21st 76 miles to a Black oak 76 to a post oak 77 to a White oak 78 to a post oak 79 to a Black oak 80 to a black oak 81 to a post oak 82 to a Spanish oak 83 to a post oak Crossing Noteley River at 65 chains running to the N. ward 50 yds 84 miles to a black oak 85 to a Black oak 86 to a Post oak 87 to a Post oak 88 to a Black oak—24th June Crossing the top of a high Rang of Mountains Called the Ivey Log Mountain at 45 chains 89 miles to a Black oak 90 miles to a maple 91 to a Black oak 92 to a White oak crossing a small creek at 26 chains Running to the left 93 Miles to a Span-

ish oak 94 to a Post oak Crossing Brass town creek at 50 chains running to the left leaving the Indian town about 3 miles to the right about 15 yards wide—June the 25th Proceeded on the 95 miles to a Post oak 96 to a Chesnut oak on the West side & near the top of Panther Mountain 97 to a Black oak 98 to a Black oak 99 to a black gum by an Indian Settlement 100 to a Black oak then Crossing the Unicoy Turnpike road at 20 chains about 200 yards North of the ford of Bullneck Creek and high Wassey River [Hiwassee] at 35 chains running to the left about 35 Yards Wide the land is good at the road 101 Miles to a White oak 102 to a Post oak 103 to a Black oak on the East side of Bell Creek Mountain then on 6 outs [?] and Camped for the night

June the 26th then on 104 miles to a White oak 105 to a Chesnut 106 to a Lynn 107 to a Chesnut oak 108 to a Buckeye 109 to a Chesnut then 70 Chains on to a White oak on the top of the Unicoy Mountain this tree is about 14 Inches in diameter which is marked as follows to wit, 110 miles on the West side on the East side thus X & below thus 35th D. [Degree] N. Latitude H M Below it and also on the West side T. Stocks, C. G. J. C. S. R. B.

June 27th, 1818. J. Cocke on a White Oak about 12 Rod to the South. Also marked C. T. above. This Mountain Divides the Waters of little river of high Wassey [Hiwassee] and of Antaaley [Nantahala] of Tennessee thus we finished the line on the 27 June 1818. [Though there seems to be a gap here, the final page of the Report follows.] And Camped all together to night Making Ready to Start home in the morning.

The line Supped about 4 miles north of the Blue Ridge opposite the head of Outifloy as Called by the Indians & Toruraw [Ter-rora] by the Whites & is a Branch of the Savany [Savannah] Chatoga and multiply [?] makes Togola [Tugaloo]. Tugola & Senaca makes Savany the mountain here & for Some distance north is Called by the Indians the Indian fork [?] the Unicoy losses its name from narrowing [?] runing [?] from that point South 45 East the the [sic] general Basing of the mountain from the line Northwardly is about North 4.5 West.