

Article Title: The Senate of the United States, March 2. 1797. Results of a hearing on the southern and western boundaries of Georgia, with recommendations to the President.

Author:

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IN SENATE OF THE UNITED STATES

March 2, 1792.

The committee to whom was referred the resolutions of the senate respecting the southern and western boundary of Georgia, having had the same under consideration beg leave to submit the following report :

Georgia was created by charter from the king of Great-Britain dated in June 1732, and originally bounded on the north, by the northern stream of the river Savannah, on the South by the more southerly stream (the Oakmulgee) of the Altamaha, and westward from the heads of the said river, respectively to the south seas. It was intended as a frontier establishment to strengthen and protect the settlements of S. Carolina, and probably to form the southern and western boundary of that province. The country between the Altamaha and St. Mary's being in dispute between Britain and Spain was excluded from the Georgia charter.

In 1732, the charter of Georgia was surrendered to the crown which from thenceforward possessed exclusively over this, as well as all other colonies which are crown property the power of enlarging or diminishing the boundaries of the province. By a proclamation dated 7th October 1763, the lands lying between the rivers Altamaha and St. Mary's were added to Georgia, and by the same instrument " all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and northwest are reserved under the sovereignty, protection and dominion of the king" which would appear to have excluded and extinguished all jurisdiction in Georgia over the lands beyond the sources of these rivers and to have vested it in the crown. Like the country beyond the Ohio, the lands thus reserved west of Georgia continued a territory out of which new colonies might from time to time be erected. This opinion is fortified by the actual exercise of the species of jurisdiction by the crown. It enlarged the government of West-Florida by extending its limits northward to a line drawn due east from the mouth of the river Yazous to the Apalachola thereby adding more than a degree and a half in breadth to that province. This was not complained of in Georgia nor was it considered as an encroachment, nor does it appear from any document that Georgia before the revolution ever claimed or exercised any jurisdiction to the west-ward of the sources of the Oakmulgee river.

The king of Great Britain having, previous to the independence of the United States, severed and annexed to West-Florida that portion of the reserved territory which lies to the south of a parallel drawn due east from the mouth of the Yazou to the Apalachola, there can be no doubt that this territory, did not revert to Georgia by our treaties with Great-Britain and Spain, but now belongs to United States. And if the foregoing construction of the proclamation is just, Georgia can have no good title to the lands lying west of a line drawn from the head of St. Mary's river to the source of the Oakmulgee, or west of the sources of rivers which fall into the sea from the west and the north west. But inasmuch as this boundary has never been ascertained and in its nature must in many places be uncertain, and as the fate of Georgia has claimed and exercised jurisdiction over a great portion of this territory, your committee are of opinion that an amicable and conciliatory plan of accommodating these adverse claims should be adopted by the United States, and for that purpose they recommend the following resolutions :

1st. That the President of the United States be authorized to appoint three commissioners who, or any two of whom shall have full power to treat, adjust and determine with such commissioners as

shall be appointed for that purpose by the state of Georgia, all interfering claims of the United States and Georgia to the land lying west of a line drawn from the head of St. Mary's river to the source of the Oakmulgee, and west of the sources of the rivers which fall into the sea from the west and the north west.

2d. That the President of the United States be requested to take measures for ascertaining the number of inhabitants in this disputed territory, the places of their residence, their right to the soil they now possess. And that he requests from the state of Georgia its consent that temporary government be established under the authority of the United States over this territory, to continue no longer than the duration of present dispute, and it is hereby declared that the assent of the state to this measure shall in no respect be construed to as to affect its title to the lands or the jurisdiction of the country.

3d. That if the consent of congress shall be obtained for that purpose, the President is hereby authorized to establish a territorial government in the above described country similar to that of the western territory and to appoint all the necessary officers therein, whose commissions shall be in force until the next session of congress ; and they shall respectively enjoy and receive the same compensations for their services, as the present officers of the western territory and entitled to receive by law.