

GEORGIA WESTERN TERRITORY.

did not annihilate the colony, which is evident from a royal Governor being immediately appointed, who, by his commission, is made "Governor of our colony of S. Carolina," without any specific boundaries; which meant a tract of country bounded as under the proprietary government, or it meant nothing.—That on the 9th of June, 1732, the colony of Georgia was carved out of S. Carolina; but all lands belonging to S. Carolina, still continued to belong there, except that which was contained in the charter of Georgia; and of course the land lying south of the south line of Georgia, as far as the 31st degree of lat. still belonged to S. Carolina, which is evident from common sense, as well as from the fact that the Governor of S. Carolina made grants of land south of the colony of Georgia in 1763; which, though highly offensive to the board of trade, were at length admitted to be legitimate. It is further said, that the State of S. Carolina, in 1788, by solemn legislative act, ceded to Georgia all her right to the lands in question, by ratifying the articles of the Convention of Beaufort, agreed upon between the States of S. Carolina and Georgia; and that the lands became thereby unquestionably the property of Georgia.

Other answers have been made to this ground of claim by the United States; such as that the true intent and meaning of the Proclamation of 1763, was to annex the land in question to Georgia, and that this was considered as the fact by the British government; and if the communication from Mr. George Chalmers, the certifying officer of the board of trade, to the Attorney-General of the United States, is to be relied on as an authority, this is true. It has also been answered that the Ockmulgee is not the most southern stream of the Alatamaha, but Phenhalloway's Creek, which heads in lat. 31° north; so that the whole of this land was strictly within the original chartered limits of Georgia.

Other advocates for the claim of the United States, have said, that at least this claim is good from the 31st degree of lat. as far north as a line projected due east from the confluence of the Mississippi and Yazoo rivers.

The foundation of this assertion is this. The board of trade, in 1764, represented to the king that it was expedient to extend West-Florida as far northward as the above-mentioned line, and advised that a proclamation might issue for that purpose. No such proclamation, however, was made; but several subsequent commissions to the Governors of West-Florida, bounded the colony of West-Florida northward by that line; and in this state the matter rested until the independence of the United States. Hence it is argued that this land, being a part of W. Florida in 1783, when the bounds of the United States were settled by treaty with Great-Britain, could not belong to Georgia; but being within no particular State, it became the property of the United States.

To this the purchasers have answered, That the proclamation of 7th of Oct. 1763, was a solemn public act, and established the southern boundary of W. Florida at the 31st deg. of lat. and that the commission of a Governor, being inferior in solemnity and publicity, could not abrogate it.—That the reason why no proclamation was made, probably was, that the supposed fact on which the expediency of the alteration was predicated, was not known to exist; and that in the commissions themselves are words leading to a belief that it was considered only as a temporary arrangement. The fact is, say they, that this matter was wholly founded on a gross misrepresentation of the Governor of Florida, who represented to the board of trade, and they to the King, that the 31st deg. of lat. was south of the town of Mobile. It is nearly certain that the British government did not consider this as a permanent alteration on the northern boundary of W. Florida; for no reason can be given why, in the peace of 1783, they should cede to the United States, without any equivalent, so great and valuable a part of W. Florida, which had never joined in the revolution; especially considering that on the same day on which our treaty with Britain bears date, she ceded W. Florida, without bounds, to Spain: thus on the same day ceding the same territory to two different nations, if it was then a part of W. Florida.

Other objections have been urged against the claim of the United States, which apply to all the grounds of claim above mentioned. It has been said by the purchasers and their agents, that the most solemn acts of the three nations who have been immediately interested in the question, have, for a long course of years, recognized the title of Georgia, viz. Britain, Spain, and the United States.

Britain, as has been mentioned, recognized this title, by the peace of 1783. The general principle on which the boundaries of the United States were then established,

* It appears by a manuscript map, in the office of the Secretary at War, taken under the authority of the United States, that Phenhalloway's Creek forks as a small distance from its entrance into the Alatamaha; and that each stream runs about thirty miles from its head to the fork, the head of the southern stream being about the most southern part of the 31st degree of latitude.