

DIVIDING LINE—FLORIDA AND GEORGIA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

COPIES OF COMMUNICATIONS

FROM

THE GOVERNOR OF GEORGIA,

RELATING TO THE LINE

Dividing that State from the Territory of Florida.

JANUARY 23, 1828.

Read, and referred to the Committee on the Judiciary.

WASHINGTON :

PRINTED BY GALES & SEATON.

1828.

To the Senate and House of Representatives of the United States :

WASHINGTON, 22d January, 1828.

By the report of the Secretary of War, and the documents from that Department, exhibited to Congress at the commencement of their present Session, they were advised of the measures taken for carrying into execution the act of 4th May, 1826, to authorize the President of the United States to run and mark a line dividing the Territory of Florida from the State of Georgia, and of their unsuccessful result ; I now transmit to Congress copies of communications received from the Governor of Georgia, relating to that subject.

JOHN QUINCY ADAMS.

to the Senate and House of Representatives of the United States
 the following report of the Secretary of War, and the documents thereon
 submitted to Congress at the commencement of their
 present Session, they were advised of the measures taken for carrying
 into execution the act of 4th May, 1865, to authorize the President of
 the United States to run and mark a line dividing the Territory of
 Florida from the State of Georgia, and of their necessary results.
 I now transmit to Congress copies of communications received from
 the Governor of Georgia relating to that subject.

JOHN W. FORT, ADJUTANT-GENERAL.

EXECUTIVE DEPARTMENT,

Milledgeville, 20th Nov. 1827.

SIR: On the question which has arisen between the State of Georgia and the United States, during the recent effort to mark the boundary line between this State and the Territory of Florida, it will, it is presumed, be satisfactory to you to examine, before the meeting of Congress, the evidence on which the State relies to establish the fact, that the source of the St. Mary's is the lake or spring from which issues the most southern branch of that river, and therefore, the spot at which must terminate the straight line to be drawn from the junction of the Flint and Chattahoochee rivers, according to the second article of the Treaty between the United States and Spain, of the 27th of October, 1795. The subject having been brought before the General Assembly by my predecessor, and not yet acted on by them, it would be improper for me to do more, in transmitting that evidence, than to request your attention to it; no doubt being entertained that its force and importance will be duly weighed.

I have the honor to be,

With perfect consideration,

Your obedient servant,

JOHN FORSYTH.

The PRESIDENT of the United States.

Copy of the report of John McBride, Esq., relative to the source of the St. Mary's river.

EATONTON, August 7, 1827.

SIR: Agreeably to your instructions of the 20th of June last, requiring me, under the direction of Thomas Spalding, Esq., Commissioner, to ascertain the true head or source of the St. Mary's river, I proceeded immediately to Darien, in order to join Mr. Spalding. For reasons, which he has detailed to you, Mr. Spalding believed it unnecessary that he should accompany me in the tour, and superintend, personally, the discharge of the duties confided to us. After receiving from him every requisite aid in procuring supplies and transportation, and, at my request, his written instructions, I repaired, without delay, to the region which I was to examine, and arrived at Filman's on the 3d of July.

By reference to the chart which accompanies this report, it will be seen that the St. Mary's is formed by three principal branches—the north, the west, and the south. To ascertain the source of each of

these branches, their length and relative magnitude at their points of confluence with each other, was considered the object of my mission. And, having learned that the north and south branches unite about four miles below the mound A, or Commissioners' Encampment, I proceeded to that point, and carefully measured the width, depth, and velocity, of the current of each branch, both at the junction and about half a mile above it. From the mean result of these observations, it appears that the south branch discharges 1,369, and the north branch 993 cubic feet of water per minute. Hence, the south branch is to the north as 1,369 to 993, or very nearly as 40 to 29. A traverse was commenced near the junction, and continued up the south branch to the outlet of Lake Spalding, about thirty miles, and another traverse four miles in length, connecting Lake Spalding with Lake Randolph. These are beautiful lakes of transparent water; the former supposed to be nine miles in circumference; the latter, twelve. As no soundings could be made, their depth is unknown. The sources of the south and west branch being thus ascertained, the volume of water contained in the north and west branches was then measured at their junction, and the following result obtained:

Cubic feet of water discharged by the north branch in one minute				
Do.	do.	west branch	do.	238

The fact is then clearly established, that, of the three branches into which the St. Mary's is divided, the south is the greatest, and the north is the least, though it is represented by Messrs. Ellicott and Minor as the principal. The only criteria for determining the principal branch of a river, must be its length, volume of water, and general direction; and these all coincide in the south branch of the St. Mary's. It is three miles longer than either of the other branches, and discharges one-third more water than both of them together. Its general direction agrees with that of the lower section of the river much better than either of the other branches. If a line be drawn from Point Peter to the confluence of the north and south branches, and indefinitely produced toward the southwest, it will pass through Lake Spalding, the source of the south branch.

It had been intended to make a running survey of the north branch also, but, from the very satisfactory nature of the information already obtained, together with some previous knowledge of the sources of the north branch, this intention was abandoned, believing that a further examination, while it would be attended with additional expense, could be productive of no real utility.

In collecting information respecting the topography of the country, which it had become my duty to examine, I availed myself of the aid which could be afforded by the inhabitants. Though the population is extremely sparse, yet no country is better known than this. Resorting thither for the benefits of the chase, and for the pasturage of immense herds of cattle, their knowledge of the country is extensive and accurate; and experience has proven that information derived from them may be safely confided in. Messrs. Cone, Brown, Bar-

bour, Jernigan, and Sparkman, of Camden county, and Filman, Ellis, Parrish, and Long, of Florida, have freely communicated any information that has been requested of them; and I have the satisfaction of being able to inform your Excellency, that, in support of my own opinion, chiefly founded upon actual admeasurement, these men have no doubt but that the north branch of the St. Mary's is less than either of the other two, and that it can have no just pretensions to being considered the principal. By Mr. Filman, who lives within half a mile of the Pine Log, I was informed that, at the time of making this examination, the whole of the water in the north branch was afforded by Alligator creek, and that, at the Pine Log, the channel was dry and dusty.

The United States' and Spanish Commissioners, who, in 1800, attempted to ascertain the source of the St. Mary's, in ascending the river with their canoes, passed the junction of the north and south branches, considering the former as the principal. That those Commissioners should have made an erroneous determination, may be attributed to the deceptive appearance of the two branches at their confluence, and to the peculiarly unfavorable season in which their investigations were made. The channel of the north branch is wider than that of the south. Its depth is greater, and its water of a dark reddish color. At the point of disembouement the south branch is a beautiful, limpid stream, whose narrow channel and transparent water render it, apparently, one-third less than the north; but its velocity is one hundred and sixteen feet per minute, while that of the north branch is only thirty-eight. The disparity of width in these branches is accounted for by the difference of the countries in which they have their sources. That in which the south branch rises is gently undulating, and the transparency and low temperature of the water prove its origin to be principally in springs. The vicinity of the sources of the north branch is frequently an extended plane, with but little elevation or depression, which, in rainy seasons, is completely inundated for many miles; and these vast sheets of water being drained into the north branch, increase its volume to a torrent, which forms a channel much wider than the south branch. When the United States' and Spanish Commissioners were here, in February, 1800, Mr. Ellicott, in his Journal, informs us that the swamps, at that season of the year, were "absolutely impenetrable," in consequence of the preceding Winter's rains. We cannot, therefore, be surprised at their failure to make a correct determination.

The loss sustained by Georgia in running the boundary, according to the agreement of those Commissioners, is a triangle, whose base is 157 miles, its perpendicular 30 miles, and area 2,355 square miles, or 1,507,200 acres.

Respecting the general character of the country through which our southern boundary passes, it may be remarked, that, in proceeding, westwardly, by the Pine Log, for sixty-five miles, the soil is extremely barren, and swamps, cypress ponds, bay galls, and saw palmetto, abundant. The Suwannee and Allapaha rivers are found in this section; but

there is little land in their vicinity that can ever reward the agriculturist for his labors. On approaching the Weethlochochie, the face of the country is much altered. Here it becomes more undulating, and lime pits, and lakes of pellucid water, are skirted by slips of fertile land. From this, the soil is remarkable only for its sterility, for twenty-five miles, and until we approach the Ocilla, where are found tracts of excellent land, interspersed with lakes and deep morasses. The saw palmetto and cypress ponds here disappear, but the former barrenness of soil continues generally throughout the remaining part of the boundary, except in the vicinity of the Mickasuky and Imonia lakes, the Ocklockanne river, and Attapulgas creek, where large bodies of rich loam will repay the purchaser for his adventure, and the laborer for his toil.

With considerations of respect, your Excellency's most ob'dt serv't.

JOHN M'BRIDE, *Surveyor*.

Gov. TROUB, *Milledgeville*.

Notes and Estimates made in ascertaining the volume of the several branches of the St. Mary's river.

No. 1. North Branch, (Junction C.)

Width	-	-	-	-	-	39.6 ft.
Mean depth	-	-	-	-	-	.666
Velocity of the surface per minute	-	-	-	-	-	44.22*

To find the volume :

$$\sqrt{44.22 - 1} = 5.649.$$

$$5.649 \times 5.649 = 31.9, \text{ the velocity of the bottom and sides.}$$

$$\frac{44.22 + 31.9}{2} = 38.06, \text{ the mean velocity.}$$

$$\text{And } 39.6 \times .666 \times 38.6 = 1003.77 \text{ cubic feet, the volume.}$$

No. 2. South Branch, (Junction C.)

Width	-	-	-	-	-	26.4 ft.
Mean depth	-	-	-	-	-	.5
Velocity of the surface per minute	-	-	-	-	-	126.72

To find the volume :

$$\sqrt{126.72 - 1} = 10.257.$$

$$10.257 \times 10.257 = 105.2, \text{ the velocity at the bottom and sides.}$$

$$\frac{126.72 + 105.2}{2} = 115.96, \text{ the mean velocity.}$$

$$\text{And } 26.4 \times .5 \times 115.96 = 1530.67 \text{ cubic feet, the volume.}$$

* To obtain the mean velocity of a current from that of its surface, Mr. Fulton has obligingly furnished me with the following rule ; in which x represents the velocity of the surface, and z that of the bottom and sides.

$$\sqrt{x - 1} = \sqrt{z}. \text{ And } \frac{x + z}{2} = \text{the mean velocity.}$$

No. 3. North Branch, (half a mile above No. 1.)

Width	-	-	-	-	40.26 ft.
Mean depth	-	-	-	-	.697
Velocity of the surface per minute	-	-	-	-	40.92

To find the mean velocity :

$$\sqrt{40.92} - 1 = 5.4 \text{ very near.}$$

$$5.4 \times 5.4 = 29.16, \text{ the velocity of the bottom and sides.}$$

$$\frac{40.92 + 29.16}{2} = 35.04, \text{ the mean velocity.}$$

$$\text{And } 40.26 \times .697 \times 35.04 = 983.26 \text{ cubic feet, the volume.}$$

No. 4. South Branch, (half a mile above No. 2.)

Width	-	-	-	-	18.56 ft.
Mean depth	-	-	-	-	1.14
Velocity of the surface per minute	-	-	-	-	64.68

To find the mean velocity :

$$\sqrt{64.68} - 1 = 7.042.$$

$$7.042 \times 7.042 = 49.58, \text{ the velocity at the bottom and sides.}$$

$$\frac{64.68 + 49.58}{2} = 57.13, \text{ the mean velocity.}$$

$$\text{And } 18.56 \times 1.14 \times 57.13 = 1208.67 \text{ cubic feet the volume.}$$

No. 5. North Branch, (Junction of N. and W. Branches.)

Width	-	-	-	-	18.48 ft.
Mean depth	-	-	-	-	1.03
Velocity of the surface per minute	-	-	-	-	11.22

To find the mean velocity :

$$\sqrt{11.22} - 1 = 2.35, \text{ nearly.}$$

$$2.35 \times 2.35 = 5.52, \text{ the velocity at the bottom.}$$

$$\frac{11.22 + 5.52}{2} = 8.37, \text{ the mean velocity.}$$

$$\text{And } 18.48 \times 1.03 \times 8.37 = 159.3 \text{ cubic feet, the volume.}$$

No. 6. West Branch, (Junction of the N. and W. Branches.)

Width	-	-	-	-	11.22 ft.
Mean depth	-	-	-	-	.32
Velocity of the surface per minute	-	-	-	-	74.58

To find the mean velocity :

$$\sqrt{74.58} - 1 = 7.636.$$

$$7.636 \times 7.636 = 58.3, \text{ velocity at the bottom and sides.}$$

$$74.58 + 58.3 = 66.64, \text{ the mean velocity.}$$

$$\text{And } 11.22 \times .32 \times 66.64 = 238.54 \text{ cubic feet, the volume.}$$

Result of No. 1, N. B.	-	-	1003.78
Result of No. 3, N. B.	-	-	983.26
Sum	-	-	1987.04
Mean	-	-	993.52

Result of No. 2, S. B.	-	-	1530.67
Result of No. 4, S. B.	-	-	1208.77
Sum	-	-	2739.44
Mean	-	-	1369.72

As 1369 : 993 :: 4 : 2.9 ;

Or, S. B. : N. B. :: 4 : 2.9 ; or, as 40 to 29.

Result of No. 5, N. B.	-	-	159.3
Result of No. 6, W. B.	-	-	238.54

As 238.5 : 159.3 :: 3 : 2 ;

Or, W. B. : N. B. : 3 : 2.

Respectfully submitted.

JOHN McBRIDE, *Surveyor.*

October 1, 1827.

An act to prevent the surveying or granting of certain lands either under head rights, or in any other way, and for other purposes.

Whereas the dividing line between the State of Georgia and Florida has not yet been run and marked, but, when run, must be from the head or source of St. Mary's river straight to the confluence of Flint and Chattahoochie rivers ; and whereas it is believed, that the said line must, and of right ought to, commence from the head or source of the south branch of St. Mary's river, in which event a large portion of territory will be included within the limits of Camden county, and subject to be surveyed and granted as vacant lands :

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That it shall not be lawful for any portion of the territory lying between a direct line from Ellicott's Mound upon the north branch of St. Mary's river to the junction of the Flint and Chattahoochie rivers, and the dividing line which may hereafter be run and marked between the State of Georgia and Florida, to be surveyed and granted as vacant land, or in any other way, or for any other purpose, until provision therefore shall be made by law. And, that all surveys which shall be so made, shall be, and the same are hereby, declared null and void.*

SEC. 2. *And be it further enacted by the authority aforesaid, That, when the said line shall be run and marked, if any portion of the territory shall be included within the State of Georgia, which may be claimed and held under and by virtue of a grant or grants from the United States, upon purchases made previous to the passage of this act, then, and in that case, the said grant or grants shall be, and they are hereby, declared good and valid to all intents and purposes : Provided, The United States shall, and do, within two years from the time of running and marking said line, pay to the State of Georgia, the amount for which the territory so held and granted may have been sold by the United States.*

IRBY HUDSON,

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to, *December 24th, 1827.*

JOHN FORSYTH, *Governor,*

The Governor of Georgia to the President of the United States.

EXECUTIVE DEPARTMENT, GEORGIA,

Milledgeville, December 29, 1827.

SIR : I have been requested by the General Assembly to open a correspondence with you, in order to facilitate the adjustment of the boundary line between this State and the Territory of Florida. It is well understood here that, until the act of Congress passed the 4th of May, 1826, authorizing the President to run and mark a line dividing Florida from Georgia, is altered or repealed, the Chief Magistrate of the Union has not power to comply with the just expectations of the State in relation to its southern boundary. This communication is made, therefore, under the expectation that it will be laid before Congress, with such recommendations as the respective rights of the State and of the United States may, in your judgment, require. The subject is of deep interest to this State, not from the value of the land, the title to which is dependent upon the decision of it, but because the description of the boundary is a part of our Constitution. To the Union it is of little moment, except as it affords a fair occasion to consult frankly the wishes of one of its members, and to establish a character for liberality to the individual State, of far greater importance than the acquisition of a few hundred thousand acres of arid territory.

It is one, too, on which even a concession to the State, if the right were doubtful, is recommended by the consideration that the land which would be given up, will remain, although in a different form, a portion of the United States, and of the resources of the Union.

Addressing myself to the Government of the Union, to whom the Territory of Florida now belongs, no doubt is entertained that a demonstration of the right of the State will be followed by a prompt acknowledgment, and such legislative provisions as may be necessary to secure the full enjoyment of it. The southern limits of Georgia depend, 1st. Upon the charter to the Lords Proprietors of Carolina, of 1663. 2dly. Upon the proclamation of the King of Great Britain of 1763, establishing the boundary between Georgia and the two Floridas; and the King's commission to Sir James Wright, of 1764. 3dly. Upon the treaties between the United States and Great Britain, of the 30th of November, 1782, and the 3d of September, 1783.

Confining myself to the southern boundary of the State according to the territorial limits fixed in the compact with the United States, of 1802, it is a line beginning at the most southern branch of the St. Mary's river; thence, up the said river, to its source; thence, in a direct line, to the junction of the Flint and Chattahoochie rivers. Subsequent to the treaty of 1782, Spain, having obtained from Britain a cession of the Floridas without any description of limits, was disposed to make territorial pretensions inconsistent with our rights. The treaty of 1795, concluded at San Lorenzo by Mr. Pinkney and the Duke of Alcudia, put an end to these pretensions. The 2d article of the treaty, conformably to the instructions of Mr. Jefferson, then Secretary of State, under General Washington's administration, describes the line between Florida and the United States (acting for Georgia) in the words used in the treaty of peace of 1782, between the United States and Great Britain. For the purpose of preventing disputes, and to produce an immediate good effect on the Indians on the borders of Georgia and Florida, Mr. Pinkney introduced, without instructions, into the treaty, an article, the 3d, providing for the immediate demarcation of the boundary line described in the 2d article.

This article required the appointment of a Commissioner and Surveyor by each Government who were to meet at Natchez, within six months from the date of the ratification of the convention, and to run and mark the line according to the preceding article; they were to make plats, and to keep journals of their proceedings, which were to be considered a part of the convention, and to have the same force, as if inserted therein. A Commissioner and Surveyor were appointed by the United States to execute these stipulations. It is not necessary to detail all the circumstances which occurred from the meeting of the American Commissioner with the Spanish officer, who was said to be the Commissioner of Spain, to the period when the work was finally interrupted and left unfinished; which, by some fatality, happened precisely at the point where the present southern boundary of Georgia begins on the Chatahoochie. It is sufficient for the present purpose to recal to your recollection these facts, resting upon the assertion of the Commissioner of the United States—that every artifice was used by the Spanish Governor of Louisiana, who is stated to have been the Commissioner of the King of Spain, to prevent the commencement of

the demarcation ; that every obstacle he could secretly interpose, was presented to delay the execution of the work ; that, by the dishonorable intrigues of the Spanish authorities with the Indians residing in the vicinity of the line to be marked, and their disregard of the provisions contained in the 3d article of the treaty, they at last succeeded in compelling the American Commissioner to abandon the work, and leave it, as it has continued to this day, incomplete. The State now asks from Congress the fulfilment of the stipulations made for her in 1795, with Spain, the completion of the work, not completed, because Spain, was unfaithful to her engagements.

The current of events favorable to the repose and to the prosperity of the Union, have placed it in the power of Congress to do immediate justice. It is not now necessary for you, sir, to prosecute a painful and tedious negotiation with a Government most unwilling to understand the just claims of others, and procrastinating, through policy, the acknowledgment of them when they can no longer be denied. The United States stand in the place of Spain, hold the title of that Government, and no other, to the Territory of Florida, and they have only to satisfy themselves what Spain could justly claim, in a controversy with this State under the convention of San Lorenzo. That convention, requiring a direct line to be drawn between two unchanged geographical points, does not seem susceptible of controversy, and were the subject now, for the first time, agitated, none could be anticipated. But a difficulty is known to exist, and is to be found in a peculiar provision of the before mentioned act of Congress of the 4th of May, 1826.

The motive for introducing that provision, is perfectly understood, and duly respected : it was intended to prevent, what it has produced, delay and discussion. The provision is, that the line to be so run (dividing Florida from Georgia) and marked, shall be run straight from the junction of said rivers Chattahoochie and Flint, to the point designated as the head of St. Mary's river, by the Commissioners appointed under the third article of the treaty of friendship, navigation, &c. &c. between the United States and Spain, made at San Lorenzo, &c. &c. This provision was founded on the belief, that the point designated as the head of St. Mary's, was the source of that river. This belief, entertained here, as well as at Washington, recent and accurate examination has shewn to be unfounded. The evidence relied on by the State, on this point, is already in your hands : the chart of the St. Mary's, prepared by Mr. McBride, and his report of the examination made by him for the source or head of that river. The supposition on which the proviso in the act of Congress was founded, being shewn to be erroneous, no disposition can exist to persist in retaining it, to the injury of the State, unless the right of Congress to insert it is clearly shewn, and it is required by their obligations to the other States. If Spain were now the party interested, it is scarcely possible that, in utter disregard of the obligations of truth and justice, she should insist that the line should be run and marked to the point designated as the head of the St. Mary's, by the

Commissioner appointed under the third article of the Convention of 1795 : on the hypothesis that Spain was still the owner of the Floridas, and so forgetful of honor, as to make such a demand, by what argument could it be sustained ? It would be asserted, that the acts of the Commissioners appointed under the third article, had become part of the Convention, and was as obligatory as if inserted in it. This assertion is true, *only* of those acts of the Commissioners which they were authorized by the third article to perform. They were authorized to *run* and *mark* a line—has it been done ? It has not : more than 150 miles of the line is yet to be run and marked. To meet this state of facts, it might be asserted that, it being found impracticable to run and mark the line at that time, the Commissioners agreed upon the two terminating points, and described, in their plats and journals, the direction of the line to be *hereafter* run and marked ; and that the head of St. Mary's was thus agreed to be within a certain distance of a mound raised. Were the Commissioners appointed for this purpose ? Certainly not ; they were appointed to run and mark a line, not to establish the points between which the line should, at some distant time, be run and marked. By what authority did the Commissioners exercise this power ? It is not given by the third article of the treaty : no agreement, made by them, is binding upon either of the Powers who appointed them, unless subsequently ratified by both. Such an agreement as the one made, was not within the spirit of the article, but is directly contrary to it, since it substitutes an artificial object as the point of termination, for the natural one fixed on in the Convention, and confessedly changes the line. The extent of the agreement is stated by the American Commissioner, Ellicott, in these words : “It was therefore agreed that the termination of a line, supposed to be drawn N. 45 E. 640 perches from the mound B, should be *taken* as a point to or near which a line should be drawn from the mouth of Flint river ; which line, when drawn, should be final, and considered as the permanent boundary between the United States, and His Catholic Majesty : provided, it passed not less than one mile north of mound B ; but, if on experiment, it should be found to pass within less than one mile north of the said mound, it should be corrected to carry it to that distance.” No remarks on the peculiar character of the line described, are deemed necessary ; the passage is quoted to shew that Ellicott transcended his authority, and did what was not binding on his Government, unless subsequently ratified by it. It is presumed he had no instructions to make such an agreement : if he had, this State denies that the Convention of 1795 authorized them to be given.

Was this agreement ratified by the two Powers prior to the cession of Florida by Spain to the United States ? It is taken for granted that it was not. If not, the question remains as it did under the Convention of 1795. The stipulations of the third article are yet to be performed, and the points to which the line from the junction of the Flint and Chattahoochie is to be run, is to be determined by referring to the second article of the Convention, not by an appeal to the agree-

ment of Ellicott. It is a geographical point, unvarying and unvaried ; not the creation of man's labor. It is a spot described by the two Governments, not that substituted by their subordinate, unauthorized agents. The agreement of Ellicott was not obligatory, even upon himself. Prior to the running and marking the line, had any error, geographical or astronomical, been made by accident, it was in the power, and it was the duty, of the Commissioner to correct it, as soon as it was discovered. Can it be pretended that, if Ellicott had discovered, immediately after the supposed source of the St. Mary's was agreed upon, that the spring or lake, from whence issued the southern branch, was the true source of the river, he was bound to abide by the judgment he had formed on imperfect information, and to run and mark the line contrary to the provisions of the Convention, to the injury of his country ? If the line had been completed by Ellicott, under the mistaken impression entertained by him of the true source of the river, and the mistake had been clearly ascertained, it would have given the General Government great satisfaction to have been able to rectify, by a negotiation with Spain, the error committed. Called upon by Georgia, would the General Government have hesitated to represent to Spain that a just Government would best consult its honor and its interest by rectifying, with frankness, an error committed by its inferior officers ? Can it be doubted that the United States would have seized with avidity the first occasion to oblige Spain to surrender to Georgia territory held in consequence of such an error ? If such would probably have been the course of the General Government, had the error been consummated by the running and marking of the line, I leave you to consider what would have been their conduct had Spain, remaining owner of the territory, obstinately persisted in claiming to have it run and marked according to Ellicott's agreement, after the mistake committed by him had been discovered and exposed. The United States, tracing the failure to complete the work to its source, might have overwhelmed Spain, by justly deserved reproaches for disgracefully attempting to take advantage of its own infidelity to sacred engagements, by indignant recitals of the intrigues and artifices used, the treachery displayed, from the meeting of the Commissioners at Natchez, until Ellicott was driven from the Chattahoochie. I shall be pardoned for supposing the Government of Spain would have exposed itself to rebuke by advancing such claims. The possibility has been admitted, to bring fairly into view the peculiar position of the United States in relation to this question. The Trustees of Georgia, who arranged the Convention of San Lorenzo, are the holders, by purchase, of the title of Spain under that Convention. In this, their present position, their former relation being necessarily remembered, no pretension can be consistently made by the United States, which would have been disputed if made by Spain while the Floridas belonged to that Power. No claim of Georgia, which the United States would then have seriously pressed upon Spain, can be honorably resisted, by the United States holding the property as a cession from that Power. Above all, it would be the extremity of disgrace, if the

Federal Government should seek to take advantage of an error, committed by its authority, while acting as the guardian of the rights of this State, when Providence has placed it in its power to correct the error, by a simple exertion of its own will.

The accompanying copy of an Executive message to the General Assembly of this State, and of an act passed by that body, are forwarded that they may be presented, with the documents heretofore transmitted, to the consideration of Congress, whenever you shall deem it proper to bring the subject of the boundary line between Florida and Georgia before them.

I am, sir, very respectfully, your obd't serv't.

JOHN FORSYTH.

JOHN Q. ADAMS,

President of the U. States.