

VOL. III

APRIL, 1904

No. 12

---

THE  
NORTH CAROLINA BOOKLET

---



GREAT EVENTS IN  
NORTH CAROLINA HISTORY

---

THE NORTH CAROLINA AND  
GEORGIA BOUNDARY,

BY

DANIEL R. GOODLOE.

---



PRICE, 10 CENTS

\$1 THE YEAR

# THE NORTH CAROLINA BOOKLET.

GREAT EVENTS IN NORTH CAROLINA HISTORY.

## VOL. IV.

The Lords Proprietors of the Province of Carolina.

Kemp P. Battle, LL.D.

The Battle of Ramsour's Mill.

Major William A. Graham.

Rejection of the Federal Constitution in 1788, and its Subsequent Adoption.

Associate Justice Henry G. Connor.

North Carolina Signers of the National Declaration of Independence:

William Hooper, John Penn, Joseph Hewes.

Mrs. Spier Whitaker, Mr. T. M. Pittman, Dr. Walter Sikes.

Homes of North Carolina—The Hermitage, Vernon Hall.

Colonel William H. S. Burgwyn, Prof. Collier Cobb.

Expedition to Carthage in 1740.

Chief Justice Walter Clark.

The Earliest English Settlement in America.

Mr. W. J. Peele.

The Battle of Guilford Court House.

Prof. D. H. Hill.

Rutherford's Expedition Against the Indians, 1775.

Captain S. A. Ashe.

The Highland Scotch Settlement in North Carolina.

Judge James C. MacRae.

The Scotch-Irish Settlement in North Carolina.

Governor Thomas Pollock.

Mrs. John Hinsdale.

One BOOKLET a month will be issued by the NORTH CAROLINA SOCIETY OF THE DAUGHTERS OF THE REVOLUTION, beginning May, 1904. Price, \$1 per year.

Parties who wish to renew their subscription to the BOOKLET for Vol. IV are requested to notify at once.

Address MISS MARY HILLIARD HINTON,  
"Midway Plantation,"  
RALEIGH, N. C.

Arrangements have been made to have this volume of the BOOKLET bound in Library style for 50 cents. Those at a distance will please add stamps to cover cost of mailing.

EDITORS:

MISS MARY HILLIARD HINTON.

MRS. E. E. MOFFITT.

VOL. III

APRIL, 1904

No. 12

THE  
NORTH CAROLINA BOOKLET

"CAROLINA! CAROLINA! HEAVEN'S BLESSINGS ATTEND HER!  
WHILE WE LIVE WE WILL CHERISH, PROTECT AND DEFEND HER."

RALEIGH  
E. M. UZZELL & Co., PRINTERS AND BINDERS

1904

OFFICERS OF THE NORTH CAROLINA SOCIETY DAUGHTERS  
OF THE REVOLUTION, 1903:

REGENT:

MRS. THOMAS K. BRUNER.

VICE-REGENT:

MRS. WALTER CLARK.

HONORARY REGENTS:

MRS. SPIER WHITAKER,

(*Nee Fanny DeBerniere Hooper*),

MRS. D. H. HILL, SR.

SECRETARY:

MRS. E. E. MOFFITT.

TREASURER:

MRS. FRANK SHERWOOD.

REGISTRAR:

MRS. ED. CHAMBERS SMITH.

---

FOUNDER OF THE NORTH CAROLINA SOCIETY AND REGENT 1896-1902:

MRS. SPIER WHITAKER.

REGENT 1902:

MRS. D. H. HILL, SR.

## PREFACE.

---

The object of the NORTH CAROLINA BOOKLET is to erect a suitable memorial to the patriotic women who composed the "Edenton Tea Party."

These stout-hearted women are every way worthy of admiration. On October 25, 1774, seven months before the defiant farmers of Mecklenburg had been aroused to the point of signing their Declaration of Independence, nearly twenty months before the declaration made by the gentlemen composing the Vestry of St. Paul's Church, Edenton, nearly two years before Jefferson penned the immortal National Declaration, these daring women solemnly subscribed to a document affirming that they would use no article taxed by England. Their example fostered in the whole State a determination to die, or to be free.

In beginning this new series, the Daughters of the Revolution desire to express their most cordial thanks to the former competent and untiringly faithful Editors, and to ask for the new management the hearty support of all who are interested in the brave deeds, high thought, and lofty lives of the North Carolina of the olden days.

MRS. D. H. HILL.



## THE NORTH CAROLINA AND GEORGIA BOUNDARY.\*

---

BY DANIEL R. GOODLOE.

---

It is not surprising that an important event in the history of North Carolina, which transpired within the present century, has been almost entirely lost sight of in view of the fact that its interesting incidents have not been recorded by any one of our historians. Hawks made thorough work as far as he went, but his valuable history stops short in 1729. His predecessors, Williamson and Martin, only brought down the narrative to the date of the Revolution. Jones wrote only sketches. Colonel Wheeler collected valuable materials for history in compiling the annals of the counties, but he somehow overlooked the most important incident in those of the great county of Buncombe. Mr. Moore refers to it in three lines. I can recall no reference to the affair, even by Governor Swain, whose essays and addresses are not now before me. Yet the materials for a history of this border war and struggle for territory are ample, and are preserved in the most authentic form—that of official documents. I find them in the annals of Congress; and they may be seen in the laws and legislative proceedings of both Georgia and North Carolina.

It appears from the annals of the House of Representatives that a memorial from the Legislature of Georgia was pre-

---

\*Reprinted by permission from the State Normal Magazine. This is a posthumous contribution, Mr. Goodloe having been dead several years.

sented on January 13, 1806, setting forth that great oppression and injury had arisen to sundry citizens of the State in consequence of a claim of the State of North Carolina to certain lands lying within the boundary of Georgia; that the rights of Georgia had been affected and violated thereby, and praying that Congress would interpose and cause the thirty-fifth degree of north latitude to be ascertained, and the line between the two States to be plainly marked.

The memorial was referred to a special committee consisting of Messrs. Spalding of Georgia, George W. Campbell of Tennessee, Moore of South Carolina, Stanford of North Carolina, and Epps of Virginia, with instructions to examine and report their opinion thereupon to the House.

On February 12th Mr. Spalding, of the committee, made a report in which it is stated that between the latitude of 35 degrees north, which is the southern boundary claimed by North Carolina, and the northern boundary of Georgia, as settled by a convention between that State and South Carolina, intervenes a tract of country supposed to be about twelve miles wide, from north to south, and extending in length from the western boundary of Georgia, at Nicajack, on the Tennessee, to her northeastern limits on the Tuzalo. The committee say that this tract was consequently within the limits of South Carolina, and in the year 1787 it was ceded to the United States, who accepted the cession. This territory, the report continues, remained in the possession of the United States until 1802, when it was ceded to the State of Georgia.



The committee, from the best information at hand, estimated the number of settlers upon this territory at 800. It was not known where they came from, and it was denied that they had any title to the land they occupied and on which they had made improvements. No title, indeed, could have been given, the committee say, since the lands remained within the boundary of Cherokee until 1798, when a part of it was purchased by treaty held at Tellico.

At the earnest entreaty of the inhabitants of the territory, we are told, the Legislature of Georgia, in 1803, passed an act to organize the inhabited part of the territory, and to form it into a county, authorizing, at the same time, the Governor to appoint commissioners to meet such commissioners as should be appointed by the Government of North Carolina, to ascertain and plainly mark the line dividing the territory from North Carolina.

After adverting to some circumstances attending the failure of the two States to agree upon terms of settlement, the committee came to the following resolution:

*“Resolved,* That the President of the United States be authorized to appoint a commissioner to meet such commissioners as may be appointed by the States of North Carolina and Georgia, for the purpose of ascertaining and running the line which divides the territory transferred by the United States to Georgia from North Carolina.

“The report was read and referred to a Committee of the Whole House on Friday next.”

But the Committee of the Whole House failed to take up the report and resolution on the Friday designated; and nothing more was done in the premises. The reader will have noticed that the committee assumed all the facts to be such as they were stated in the memorial. But they failed to impress the majority of Congress as they had done the committee, and the matter was permitted to drop.

It is said, indeed, that the North Carolina delegation gave the assurance that they would represent the matter to the State authorities and endeavor to bring about a settlement without the intervention of Congress.

The county which was organized in the disputed territory by the State of Georgia, and which is referred to in the report of the committee, took the name of a prominent citizen, Judge Walton. It not only bordered on the county of our Buncombe, but it was carved out of it, as the subsequent survey demonstrated. It is a curious fact that that Georgia county within a North Carolina county was, in the settlement of the controversy, erased, expunged, obliterated, and no longer exists, but the State of Georgia—determined to preserve the name—half a dozen years later organized a new county in the interior of the State of the same name! Old Buncombe, on the other hand, though curtailed of her vast proportions, still lives, and on her narrowed territorial limits she contains ten times the population, the wealth and the intelligence which she possessed three quarters of a century ago.

The two States, in 1807, came to an agreement as to the basis of a survey, the result of which, as will be seen, failed

to satisfy the Georgians. They again appealed to Congress, and that circumstance led to the preservation of all the facts in the Annals and in the House Journals. In the latter I find the case presented as follows:

“APRIL 26, 1810.

“Mr. Bibb of Georgia presented a representation of the Legislature of the State of Georgia relative to her claim to a certain tract of country west of the State of South Carolina, ceded to her by the United States in the year one thousand eight hundred and two, which tract of country is claimed by and in the possession of North Carolina, and soliciting the Government of the United States to appoint some person to run the dividing line between the States aforesaid, which was ordered to lie on the table.”

Nothing further was done with the memorial or “representation” at that session. But early in the next, or third, session of the Eleventh Congress, viz., on December 27, 1810, it was, on motion of Mr. Bibb,

“*Ordered*, That the representation of the State of Georgia in relation to their disputed boundary with North Carolina, presented on April 26th last, be referred to a select committee.

“Messrs. Bibb of Georgia, Macon of North Carolina, Calhoun of South Carolina, Stephenson of Virginia, and Ringgold of Maryland, were appointed the said committee.”

I have examined the Journals carefully, as well as the Annals, and find no report from this committee. The appli-

cation appears to have been abandoned by the Georgians as hopeless, as well it might have been, in view of the report made to the Legislature of that State by her commissioners appointed to run the line jointly with those of North Carolina.

The memorial recites that the State of Georgia, by her convention with the United States of April 24, 1802, for the cession of her western territory, having acquired a right to a certain tract of country which was west of South Carolina and separated the States of North Carolina and Georgia; and the commissioners of the United States having held out this territory as a strong and valuable part of the consideration offered, the State of Georgia sent her Surveyor-General to ascertain the extent and quality of the territory she had thus acquired. He ascertained the boundary to be at the points that had long been supposed by South Carolina and by all the precedent claims to this tract of country. Georgia then proceeded to extend her laws and government over the people there resident, and she then, with astonishment, first heard that her claims were to be resisted by North Carolina unless she would agree to sanction grants that had issued from the Government of that State, and which would swallow up the right of soil through the whole extent of country; the sanction of which would have overthrown her benevolent intentions to its resident inhabitants, and confirmed a system of speculation which it had been the effort of Georgia to weed out of the limits of her State.

The memorial states that Georgia, disappointed in her application to North Carolina, then addressed herself to Con-

gress; that her Representatives in Congress refrained from pressing the application, on the assurance given by the North Carolina Representatives that they would bring the matter to the attention of the State authorities. This agreement led to the appointment of commissioners on the part of the two States. The commissioners met and made "some observations" about the latitude of places. But these observations differed so widely from all the preconceived notions of the Georgians that the Legislature of that State refused to abide by the result.

Accordingly, another application was made to the State of North Carolina to appoint commissioners, that the doubts on the subject might be removed, and that if Georgia had no just claim to the territory in dispute, and for which she had given a valuable consideration, she might go to Congress with conclusive evidence of the fact and claim to be remunerated. The memorial proceeds to state that the State of North Carolina had refused to listen to this second proposal for a survey, after Georgia had refused to abide the result of the first.

The application to North Carolina, the memorial states, was reiterated, but was rejected; and hence "The Legislature of Georgia now see but one mode of calming the irritations that have arisen between the two States on this subject; they therefore apply to the Government of the United States to appoint a proper person to run the dividing line between the two States, through the whole extent, either at the expense of the Union, as Georgia believes she has a right to demand, or at the expense of the two States, if Congress should so insist."

A resolution is added, calling on the Senators and Representatives of the State in Congress to press the matter upon the attention of the General Government.

The reader would naturally infer from this statement that the work of the joint commission of the two States was the merest pleasure excursion, and that its results were without moral or legal obligation upon the parties who had agreed to abide by them. But the papers which accompany the memorial, or "representation," as the Legislature chooses to style it, presents the subject in a quite different light.

First, we have correspondence between the two Governors. It begins with a letter from Governor Jared Irwin of Georgia, dated Louisville, Georgia, December 10, 1806. He encloses sundry resolutions adopted by the Legislature of Georgia, and announces that that body had chosen Thomas P. Carnes, Thomas Flournoy and William Barnett as commissioners to ascertain the thirty-fifth degree of north latitude "and plainly to mark the dividing line between the States of North Carolina and Georgia."

Governor Nathaniel Alexander of North Carolina, under date of January 1, 1807, responds cordially to this letter from the Governor of Georgia, encloses him a copy of an act of the Legislature passed at the preceding session, assenting to the proposition of Georgia and appointing the commissioners. In view of the sparse population of the region to be surveyed, Governor Alexander suggests that the commissioners meet at Asheville, in Buncombe county, for the purpose of organizing and agreeing upon the plan of procedure. He announces



that Messrs. John Steele, John Moore, and James Welbourn had been appointed commissioners on the part of North Carolina.

Governor Irwin replies, under date of March 11th, that he had corresponded with the commissioners on the part of Georgia, and that the arrangements proposed by Governor Alexander were quite agreeable to them. The only modification proposed was that the meeting should take place on June 15th instead of April 20th.

In turn, Governor Alexander, on March 25th, acknowledges receipt of Governor Irwin's letter with pleasure, and says June 15th will suit the commissioners from North Carolina.

The gentlemen met at Asheville at the time specified and proceeded to organize for the work before them. The North Carolina commissioners had selected and were accompanied by the Rev. Dr. Joseph Caldwell, President of the University and a distinguished mathematician, as their scientific observer. The Georgia commissioners were accompanied by Mr. J. Meigs, also distinguished as a scientist, in the same capacity. They adopted formal articles of agreement as to the mode of procedure.

Article I declares that the territories of Georgia and North Carolina are, and of right ought to be, separated and bounded by the thirty-fifth parallel of north latitude, and for preventing in future all manner of discussions concerning jurisdiction, the underwritten commissioners will proceed forthwith to ascertain the said thirty-fifth degree of north latitude, and to run and mark the line accordingly, which line,

when ascertained and completed with joint concurrence, shall ever after be regarded as the line of separation and boundary between the two States.

Article II simply disclaims on the part of the Georgia commissioners the power to confirm land titles, in the event of the disputed territory falling on the south side of the line. That must be left to future settlement between the two States.

Article III recites that there having been great dissensions between the people resident in the neighboring counties of Buncombe and Walton, and the said dissensions having produced many riots, routs, affrays, assaults, batteries, trespasses, woundings and imprisonments, as well on one side as the other, and it being of primary importance that peace and tranquility should be restored and all animosity and ill-will be forever buried between people who from their local situations will in all probability be constrained to continue in the vicinity of each other, and as the several outrages committed on both sides proceeded more (as the undersigned are impressed) from a mistaken zeal to support the government to which they thought themselves constitutionally bound than from a wish to injure their neighbors or disturb the public peace, the undersigned agree to recommend in the most earnest manner to the Legislatures of their respective States to pass laws of amnesty, forgiveness and oblivion for all such offenses (under the degree of capital) as may have been committed within the said counties of Buncombe and Walton, respectively, subsequent to December 10, 1803, and which



shall have arisen from and had relation to the disputes which existed concerning the jurisdiction of the two States.

These articles are formally signed June 18, 1807, with the mark of the seals (L. S.) by five of the six commissioners and witnessed by James Call, William Robertson, Joseph Caldwell and J. Meigs. The name of Mr. Flournoy of the Georgia commission fails to appear in the proceedings.

The report of the observations, or survey, is given by the Georgia commissioners. Doubtless a similar report was made by the North Carolina commissioners to the Governor or Legislature of that State. But the former is perfectly fair and is all the more satisfactory as coming from the losing side. It is dated July 25, 1807, and signed by Messrs. Carnes and Barnett.

After reciting some of the facts which have been stated above, they say that the proposition of the North Carolina commissioners to make some arrangement for securing the rights of North Carolina patentees of lands that might be found on the south of the dividing line showed that they expected that result, and this accounts for the disclaimer of authority on the part of the Georgia commissioners contained in Article II of the agreement to settle such questions.

The commissioners, all arrangements having been perfected, left Asheville about June 20th for the disputed territory, and made their first observation at the house of Mr. Justice, which they supposed to be upon or near the dividing line of thirty-five degrees. But they say: "Taking the mean difference, it is found that Justice's is on latitude north 35°,

22', 32". In other words, "instead of Justice's being on the line which divides the two States, it was twenty-two miles within old Buncombe." The report continues: "We take leave to state that when the report of this first observation made at Justice's was received our astonishment and disappointment were great in the extreme. We who had been taught to believe from preceding calculations, and those made under the authority of our government, and by a person whose public station obliged us to believe that a scientific fault could not be attributed to him, had the most abundant reason to be astonished and mortified at the result of their first attempt, which made a difference and varied from the preceding observations twenty miles or upwards. The case was the more perplexing and unaccountable when we reflected that all the observations, both by the Surveyor-General of this State and the present artists, were made by the same kind of instruments and such as have become proverbial for their verity and accuracy. We were, however, accompanied by an artist appointed by the Government, whose talents and integrity we had no reason to doubt, and of course were under the necessity of suspending our astonishment and proceeding on the duty assigned us."

On June 22d the commissioners say they proceeded about fifteen miles west, and there, at the mouths of Davidson's and Little rivers, "where Mr. Sturges, the Georgia Surveyor-General, ascertained the thirty-fifth degree of north latitude to be," where another careful observation was made by Messrs.

Meigs and Caldwell. At this place the observation of Mr. Meigs was less favorable to the Georgia claim than that of Mr. Caldwell, although there was substantial agreement between them.

Mr. Caldwell reported  $35^{\circ}, 17', 6'', 93'''$ .

Mr. Meigs reported  $35^{\circ}, 18', 10'', 22'''$ .

Upon this the Georgia commissioners remark that "After finding, from the foregoing observation, that we were upwards of seventeen minutes north of the desired point, we agree to proceed to Cæsar's Head, a place on the Blue Ridge about twelve horizontal miles directly south and in the vicinity of Dowthet's Gap." In this vicinity three observations were taken: the first, on June 24th, resulted as follows:

Mr. Meigs' observation showed  $35^{\circ}, 11', 1'', 0'''$ .

Mr. Caldwell's observation showed  $35^{\circ}, 9', 15'', 21'''$ .

The second on the 26th:

By Mr. Meigs,  $35^{\circ}, 6', 20'', 24'''$ .

By Mr. Caldwell,  $35^{\circ}, 7', 21'', 11'''$ .

And on June 28th, which was the last observation, Georgia makes the latitude  $35^{\circ}, 02', 57'', 56'''$ .

North Carolina,  $35^{\circ}, 04', 54'', 04'''$ .

The commissioners say: "This last observation, on the 28th, was made under unfavorable circumstances, as the clouds obscured the sun, about the time he was on the meridian, in such a degree that only one imperfect glimpse could be obtained."

These Georgia commissioners then refer to the supplementary articles signed by them conjointly with those from North Carolina.

Article I of this document is as follows: "The commissioners of Georgia, for and on the part of their State, acknowledge and admit, which acknowledgment and admission are founded on the aforesaid astronomical observations, that the State of Georgia hath no claim to the soil or jurisdiction of any part of the territory northwest of the ridge of mountains which divide the eastern from the western waters, commonly called the Blue Ridge, and east or south of the present temporary boundary line between the white people and the Indians.

"And that they will consequently recommend to the Legislature of the State of Georgia to repeal, at the next ensuing session, the act to establish the county of Walton, and to abrogate and to annul all executive, ministerial or other proceedings for the organization thereof."

Article II of this supplemental agreement gives the pledge of the North Carolina commissioners that they, in turn, will exert their influence to dissuade the authorities of Buncombe from proceeding in the arrest of parties for the breaches of the peace in the disputed territory until the Legislature shall have had time to act in the premises.

This paper is signed by the five commissioners and witnessed by "J. Meigs, Joseph Caldwell, William Robertson and Amos Justice."

Next follow the reports of the astronomical observers, signed jointly by them, from which the Georgia commissioners made up their report to Governor Irwin. They need not be repeated here.

December 28, 1808, Governor Irwin of Georgia writes to Governor Stone of North Carolina, informing him that the Legislature of Georgia urgently requested the appointment, on the part of North Carolina, of a new commission to meet one already appointed by Georgia for the purpose of ascertaining the thirty-fifth parallel of latitude.

Governor Stone replies under date of March 21, 1809, expressing regret that he could not do so at an earlier date. He informs him that his (Governor Irwin's) previous communications on the same subject had been laid before the Legislature, and that that body considered the subject of difference between the two States as solemnly adjusted. "Indeed, it does not readily occur on what basis the adjustment is to rest, if not upon that where it now stands—the plighted faith of two States to abide by the determination of commissioners mutually chosen for the purpose of making the adjustment those commissioners actually made. I cannot, therefore, consistently with my sense of duty, make the appointment urged in your letter of December last."

Before this letter of Governor Stone reached Governor Irwin the latter wrote again, March 16th, urging the matter, to which Governor Stone politely replied, reiterating what he had already said.

The Legislature of North Carolina, December 17, 1807, adopted and ratified by an act of that date the joint report of the commissioners of the two States, and on the following day, December 18th, it passed an act of amnesty for offenders within the disputed territory, as recommended by the commissioners.

And this was the case which the Georgia Legislature sent up by way of appeal to Congress. It is not surprising, after being referred to a committee of which a Georgia member was made chairman, it was never heard of again.

The Legislature of Georgia, on December 5, 1807, put forth an earnest protest against the decision arrived at by their own commissioners. They declare that the very slight discrepancies in the observations of Messrs. Meigs and Caldwell "ought to have raised in their minds rational doubts as to the accuracy of the instruments," etc.

The Legislature further declares, by resolution, some facts which are not sustained by the report of their commissioners, viz., that the commissioners from the State, in their "zealous solicitude," made repeated efforts to induce the North Carolina commissioners to join them in further surveys. On the contrary, the Georgia commissioners, as has been shown above, "sorrowfully" admitted their disappointment in finding that the claims set up by their State were without foundation.

But it is gratifying to know that the Georgians finally acquiesced in the report of the commissioners. Indeed, there is reason to believe that they at length became convinced that their claim of jurisdiction over the disputed territory was



without foundation, for when in the year 1819 some of their citizens who had set up claims to land in the extemporized county of Walton appealed to the Legislature for redress their claims were summarily rejected. The petition was referred to what was called "the Joint Committee on the State of the Republic," which reported "that they have had under their consideration the petition of sundry citizens of what was formerly Walton county, in this State, and the accompanying documents, and are of opinion that it would be unreasonable and improper for the State of Georgia to compensate the said petitioners for their alleged losses of land and other property."

There can be no doubt that the Georgians were fully persuaded of the justice of their claim of jurisdiction over the disputed territory. And when they called in the astronomers to interrogate the heavenly bodies, like Balak, the son of Zippor, king of the Moabites, who sent the messengers, with the rewards of divination, to Balaam, the son of Beor, to curse the Israelites, they confidently anticipated a favorable answer. But as the prophet of Moab, to do him justice, albeit less gifted with spiritual insight than the ass he rode, gave an honest report of what the Lord revealed to him, so did the astronomers truly state what they learned from the sun at noon and from the stars in their courses by night. And as Balak, the son of Zippor, was dissatisfied with the first answer and with the second answer reported by Balaam from the Lord, so were the Georgia commissioners with the answers reported by the astronomers after communing with the heav-

only hosts. Altar after altar was reared upon every hill-top, yet the same answer came.

But here the parallel ceases. The Georgians have been wiser than the people of Moab. Within a generation they have submitted to the inevitable, they bowed to the decrees of fate, and peace reigned.









North Carolina Booklet III  
no. 9

DATE

ISSUED TO

Feb 11/63

Thas Stem

Oct 1963

E.H.H.

GAYLORD 40