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UNIVERSITY OF LOUISVILLE

THE KENTUCKY_TENNESSEE BOUNDARY LINE

A Dissertation

Submitted to the Faculty

Of the Graduate School of the College of Liberal Arts

In Partial Fulfillment of the

Requirements for the Degree

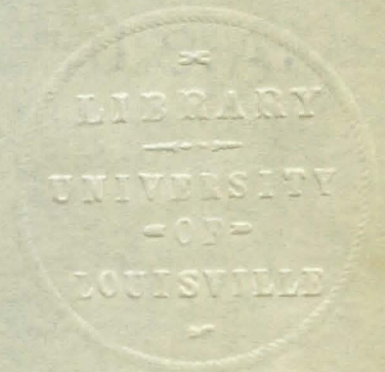
Of Master of Arts

DEPARTMENT OF HISTORY

By

Charles Hugh Hardesty

1928



9 June '18 ESS

To Professor R. S. Cotterill

14733

Preface

This dissertation is arranged in three parts. First is a bibliography of the material used in the study with a roster of the officials of each state that may have jurisdiction over any thing pertaining to the boundary line. Second is an account of the various efforts made by each of the states concerned to establish and confirm the line. Chapter one relates the efforts of the English Government to establish the line between Virginia and North Carolina. Chapter two is an account of the two states to establish the line, from the time they declared themselves free of English Government until they ceded their jurisdiction over the land that became Kentucky and Tennessee. Chapters three and four relate the many efforts of Kentucky and Tennessee to establish a boundary line. Chapter five is simply an account of the cost to the two states of the final survey made by the Joint Commission of the two states.

Part III is a compilation of the documentary sources of the United States and the several states concerned, arranged in chronological order.

Part I

A bibliography with a roster of the
officials of the two states.

The following list of books and publications was used in the preparation of this paper.

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VI

The following list of books was used by Dr. Garrett in the preparation of his paper given before the The Tennessee Historical Society March 18 1884.

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Thomas Jeffersons Works.

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@Wheeler's History of North Carolina.

Ramsay's History of South Carolina

@Marshall's History of Kentucky

@Ramsay's Annals of Tennessee.

@Haywood's History of Tennessee.

Ridpath's History of the United States.

Charters and Constitutions of the United States.

~~Ben Perley Moore~~ Perley Moore.

@Statutes, Journals, Revisals, etc., Virginia, North Carolina, Tennessee, and Kentucky.

@Manuscript Report of the Joint Commission of Tennessee and Kentucky.

@ Also used in the preparation of this paper.

Governor	Lieut. Gov.	Secretary State.
1792 Isaac Shelby		James Brown
1796 James Garrard		Harry Toulmin
1800 James Garrard	Alexander S. Bullitt	Harry Toulmin
1804 Christopher Greenup	John Caldwell	John Rowan
1808 Charles Scott	Gabriel Slaughter	Jesse Bledsoe
1812 Isaac Shelby	Richard Hickman	Martin D. Hardin
1816 George Madison	Gabriel Slaughter	Charles S. Todd
Slaughter assumed duties Oct. 21 1816.		John Pope
		Oliver g. Waggoner
1820 John Adair	William T. Barry	Joseph Cabel Breckin- ridge,
		Thomas B. Monroe
1824 Joseph Desha	Robert B. McAfee	William T. Barry
		James C. Pickett
1828 Thomas B. Metcalfe	John Breathitt	George Robertson
		John J. Crittenden
1832 John Breathitt	James T. Morehead	John J. Crittenden
Died Feb. 21 34.	Assumed duties Feb. 22, 34	William Ousley
		Austin P. Cox
1836 James Clark	Charles A. Wickliffe	James M. Bullick
Died Sept. 27, 36	Assumed duties Oct. 5, 36	
1840 Robert P. Letcher	Manlius P. Thomson	James Harlan
1844 William Ousley	Archibald Dixon	Ben Hardin
		George B. Kinkead
1848 John J. Crittenden	John Helm	William D. Reed
resigned July 31, 1850,		John J. Finnell
1851 Lazarus W. Powell	John B. Thompson	James P. Metcalfe
1855 Charles		
Charles S. Morehead	James G. Hardy	Mason Brown
1859 Beriah McGoffin	Linn Boyd	Thomas B. Monroe
	Died Dec. 17 1859	

Officials of Tennessee

Governor

1790
William Blount

1796
John Sevier

1801
Archibald Roane

1803
John Sevier

1809
Willie Blount

1815
Joseph McMinn

1821
William Carroll

1827
Samuel Houston
Resigned April 1829

William Hall Speaker Senate till Oct.
1829

William Carroll

1835
Newton Cannon

1839⁵ A. Polk

James K. Polk

1841
James C. Jones

1845
Aaron V. Brown

1847
Neil S. Brown

1849
William Trousdale

1851
William Campbell

1853
Andrew Johnson

1857
Isham Harris

Secretary of State

1792
Daniel Smith

1796
William Maclin

1807
Robert Houston

1811
W. G. Blount

1815
William Alexander, died 1818

1818
Daniel Graham appointed
resigned 1830

1830
T. H. Fletcher

1832
Samuel G. Smith

1835
Luke Lea

1839
John S. Young

1847
W. B. A. Ramsey

1855
F. N. W. Burton

1859
J. E. R. Ray

Part II

A history of the running and marking of the
Boundary Line between Kentucky and Tennessee.

OXFORD BOND

The Kentucky-Tennessee Boundary Line dispute was passed on to the new states when Virginia and North Carolina ceded their claims to the territory that became Kentucky and Tennessee, and for that reason we look at the dispute they had before we can understand the points over which Kentucky and Tennessee contended for so many years.

The first definite boundary line between Virginia and North Carolina came with the charter of North Carolina granted by King Charles II in 1665. The first charter of North Carolina called for a northern boundary of thirty six degrees, but King Charles granted the new charter in 1665 (1) it read "Know ye, that we--- are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified---- all that Province, territory, or tract of land situate, lying and being within our dominions of America aforesaid, extending north and eastward as far as the north end of Charahake river or gulet, upon a streight westerly line to Wyanoake Creek, which lies within or about the degrees of thirty-six, and thirty minutes northern latitude, and so west in a direct line as far as the South-seas." This made the northern boundary line of North Carolina a line extended west from Caratuck Inlet which was as stated about thirty-six degrees thirty minutes. So long as no settlements were made near the boundary no trouble grew out of the true position of the boundary line. Such a condition could not be held long with the rapid expansion in all directions of the colonies.

The first effort to establish and mark the boundary line was made in 1710 (2) when it was found the Colonists were disputing as to whether they owed allegiance to the Royal Province of Virginia or the Proprietary Government of North Carolina. Commissioners were appointed from the two Governments to settle the dispute but were never able to agree upon a starting point by a difference of some fifteen miles. Unable to do any-

thing they separated, the Royal Commissioners from Virginia made a report to Queen Anne in which they brought some serious charges against the Commissioners of North Carolina(3) A similar charge was brought by the Virginia Council on March 1, 1710. (4) in which they make the claim that the Carolina Commissioners were personally interested in the land and consequently would not make a fair and honest survey of the land.

The next Commission of Virginia dated December 14, 1727(5) was composed of Sir William Byrd, Richard Fitz William, and William Dandridge Esquires who were to meet the Proprietary Commissioners of North Carolina(6) composed of Sir Richard Everard, Governor, Christopher Gale, Esquire, Chief Justice, John Lovick, Esqr. Secretary, Edward Moseley Esqr, Surveyor General, and William Little Esqr. Attorney General. This Commission met the Virginia Commission on March 6, 1728(7) and after some disputes agreed upon a starting place on the north shore of Carrituck Inlet. A cedar post was set to mark the starting point and its latitude determined as 36° 31'. They ran a due west course as they supposed by allowing a 3 degree variation of the needle. (8) They passed through the Dismal Swamp and Colonel Byrd says in his book entitled "The History of the Dividing Line" we gained immortal reputation by being the first of mankind that ever ventured through the great Dismal. (9) Colonel Byrd's account of this survey gives us our first real understanding of the dispute, written in the humor of this famous Virginian, even so dry a subject, proves to be very interesting and readable. This Joint Commission ran the line to Buzzard Creek(10) about one hundred sixty-nine miles, where the North Carolina gentlemen left them on October 5, 1728, protesting the line not be continued farther. Colonel Byrd and Mr Dandridge continued the line some seventy-two miles to Peter's Creek a tributary of the Dan River, where the termination was marked on a Red Oak

3

October 26, 1728. Most of this line it can be seen from the latitude given at the start was at least a mile above 36 30'. The genial but not tempered Colonel Byrd shows his indignation at the people of the border desiring that their lands be in North Carolina, in the following "We constantly found the Borderers laid it to heart if their land was taken into Virginia. They chose much rather to belong to Carolina, where they pay no tribute to God or Caesar" (11) Colonel Byrd takes a parting shot at the Carolina Commissioners and Mr. Fitz-William when he relates, "They stuck to us as long as our good liquor lasted, and were so kind as to drink our good journey to the mountains in the last bottle we had left." (12) Another explanation of the North Carolina Commission's withdrawal is given in the following lines, "These Gentlemen had a still stronger reason for hurrying back to Williamsburg, which was that the General Court might ^{not} lose an able judge nor himself a double salary." (13)

Colonel Byrd and his party had surveyed and marked the line some 241 miles and 30 poles to Peter's Creek and as he expresses it, "within the shadow of the Chariky Mountains where we set up our pillars like Hercules and returned home". (14) In concluding his narrative Col. Byrd attempts to justify his action in continuing the line in these words, "Nor can we by any means reproach ourselves of having put the Crown to any exorbitant expense in this difficult affair, the whole charge from beginning to end amounting to no more than 1000 L. But let no one in this painful Expedition complain of the scantiness of his pay so long as His Majesty has been graciously pleased to add to our Reward the Honour of his Royal approbation, and to declare, notwithstanding the Desertion of the Carolina Commissioners, that the line by us run shall hereafter stand as the true Boundary betwixt the Governments of Virginia and North Carolina." (15)

The second successful attempt to locate the boundary line between Virginia and North Carolina was in 1749 when the line was extended

from Peter's Creek to Steep Rock Creek, a distance of eighty-eight miles, making in all a distance of 329 miles that the line had been surveyed from the coast. (16) The most interesting thing about this Joint Commission was that it was the only one of the four appointed by Virginia and North Carolina that did not end in a dispute. Peter Jefferson, father of Thomas Jefferson, Joshua Fry, Professor of Mathematics in Mary and William College were the Commissioners from Virginia, while Daniel Weldon and William Churton represented North Carolina. North Carolina had by this time become a Royal Province so we have the two Commissions receiving their authority from the same source. This concludes the efforts of the English Government to locate and mark a boundary line between the Royal Provinces of Virginia and North Carolina.

References

- 1 Document 21 pp 77 Documentary Source Book, MacDonald.
- 2 pp 22. Northern Boundary Tennessee, Garrett
- 3 2 22 ibid.
- 4 ibid 22
- 5 1 ibid 23
- 6 ibid 23
- 7 ibid 24
- 8
- 9
- 10
- 11
- 12 ibid 25
- 13
- 14
- 15
- 16

Chapter 11

Three years after the signing of the Declaration of Independence and while the Colonies were still fighting for the independence they had declared, Virginia and North Carolina find they must extend this line to the westward, to avert any dispute over lands that may ensue from the rapid expansion which must follow the ceasing of hostilities. Virginia and North Carolina both had promised lands to their soldiers who had seen service in the Revolution. Virginia began the negotiation in October 1778⁽¹⁷⁾ by requesting a joint Commission of the two states to extend the line to the Tennessee River. A reciprocal bill⁽¹⁸⁾ was passed by the General Assembly of North Carolina. Doctor Thomas Walker, the surveyor, and James Madison, probably a cousin of the statesman, were appointed from Virginia. James Madison did not serve, and Major Daniel Smith, foremost mathematician of the time was promoted from the position of surveyor to that of Commissioner on the part of Virginia. The North Carolina Commission⁽¹⁹⁾ was composed of Colonel Richard Henderson, Colonel John Williams, Major William Baily Smith, James Kerr and Orandatus Davis, any three of whom might serve. The first three names listed composed the Commission from North Carolina. The Virginia Commissioners met on the fifteenth of August 1779 and began their work in preparation for running and marking the line. They were joined near the beginning place, where Jefferson and Fry left off at Steep Rock Creek, by the Commissioners from North Carolina, September the first. It was the eighth of the month before the latitude of the place was agreed upon and the surveyors set to work.⁽²⁰⁾ The following week the Carolina Gentlemen were of the opinion that the line was too far south. The two Commissions took some time to talk with the Indians at the Long Island of the Holston before they settled the disputed latitude. October 11th they began to measure off a north course.

Colonel Henderson and Doctor Walker continued the line west while Major Daniel Smith and Colonel John Williams ran the line back east. The two groups observed for some tdays and the Virginia Commission concluded the origional line and not the new line was correct. This line had been run had been run sixty-nine miles with the mutual consent of the two Commissions. The Carolina Commission would not consent to extend the origional ^{line} farther west nor would the the Virginia Commission consent to move north to the new line. (21) The North Carolina Commission withdrew at this time and protested a continuation of the old line by the Virginia Commission. Doctor Walker and Major Smith continued the line to the Tennessee River, with a gap of land left unsurveyed, in what later became Southern Kentucky. This strip had no trees to mark and was devoid of forage for their pack horses. This was the line that later became the famous "Walker Line".

Having completed this line to the banks of the Tennessee, Walker and Smith began their journey home. They traveled only a short distance until they met Colonel Henderson, who delivered to them a letter from Thomas Jefferson, Governor of Virginia, directing them to go to the falls of the Ohio, secure a guard from Colonel George Rogers Clark, and descend the Ohio and Mississippi Rivers to a termination of the line and mark it so no nation could tresspass unknowingly on the soil of Virginia. This duty was accomplished on May 11 1780. The Commissioners from ^{Virginia} made a report to the House of Delegates, and accompanied it with a plat of the line they had surveyed and marked. (22) Later when Kentucky and Tennessee tried to settle the boundary line dispute, Major Smith writes a letter (24) explaining their work of that hard winter. Colonel Henderson, after the withdrawal of the North Carolina Commission, reports to Doctor Walker and Major Smith that he is certain North Carolina will sanction what the Virginia Commission has done,

however it was ten years before either state accepted the line as run and marked by Doctor Walker and Major Smith. (appendices 9 10 11)

December 18 1789 Virginia granted Kentucky the privilege of becoming an independent state. The requirements of the Compact were met and Kentucky became an independent state June 1 1792. While Kentucky was undergoing the process of becoming a new state, North Carolina was perfecting her plans to cede her western territory to the United States. North Carolina relinquished her claims to the United States February 25 1790, which it seems would eliminate North Carolina from the controversy. The eleventh of the following December North Carolina confirmed Walker's line as the boundary line between her and Virginia. (25) It was not until December 7 1791 that Virginia confirmed Walker's line as her southern boundary. (26) This certainly was intended to settle the boundary question between the sovereign state of Virginia and North Carolina, for neither state mentioned their western lands that had been ceded. The Compact with Kentucky was for the land known as Kentucky County with a southern boundary of 36 30' and the deed of cession from North Carolina gave as its northern boundary 36 30'. This brings the dispute between Virginia and North Carolina to an end with a definitely established boundary line.

The Territory South of the River Ohio and the State of Kentucky are now independent of the mother states, and have as their chartered boundaries 36 30' for a dividing line. The location of this boundary line was not established and marked on the land, nor would either the Second or Third Congresses establish Walker's line as the boundary. (27) There is no definite position established upon the land, the jurisdiction of Virginia and North Carolina is ended, so the dispute must be settled by those who come into jurisdiction at a

later date. Kentucky and Tennessee beginning their existence as new states write into their constitutions 36 30 ' as a boundary line.

17 appendix 1

18 ibid 3

19 Laws of North Carolina vol 24 pp 223.

20 Appendix 20 Smiths Journal Wed 8th Sept.

21 ibid 25

22 ibid no 5 pp 8

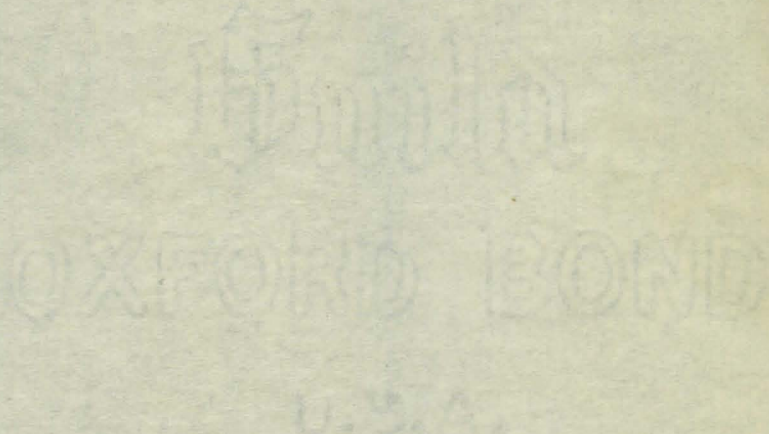
23 ibid no 6 pp 9

24 ibid no 8 pp 41

25 ibid no 9 pp 45

26 ibid no 11 pp 47

27 ibid nos 16,17,pp 51,52..



© Doctor Thomas Walker was born in King and Queen's County Virginia January 25 1715. Nothing is known of his early life. In 1741 he was married to Mrs. Nicholas Merriwether (Mildred Thornton). Through this marriage he received 15000 acres of land. This estate was located east of Charlottesville where he built the well known home called Castle Hill. His wife was a second cousin of George Washington, and the mother of their twelve children all of whom grew into prominence in their community and state. Dr. Walker was the chairman of the Virginia Commission to extend the line to the west for he having spent some time in the backwoods country in 1750-51, was better prepared for the undertaking than those without experience.

General Daniel Smith

General Daniel Smith was born Stafford County Virginia October 24 1748 and was educated at the College of William and Mary. He became a surveyor and in 1773 was made Deputy Surveyor of Augusta County, Virginia. In 1774 he mapped the headwaters of the tributaries of the Tennessee River, then called the Holston. In 1779 he was appointed surveyor to run the line between Virginia and North Carolina, but instead was promoted to the position of Commissioner in the room of James Madison. This work was so well done that the next year he was recommended as a Commissioner to settle and liquidate claims in the west by Doctor Walker. In 1788 he was made a Brigadier General in the Miro District, and two years later Secretary of the Territory South of the Ohio. We find him retiring to his estate in 1794 and building Rock Castle a widely known show spot of Sumner County. He was a member of the Constitutional Convention in 1796, and twice elected to the Senate of the United States. (1798, 1805) He died at Rock Castle in 1818.

Colonel Richard Henderson

Richard Henderson (1734-1785) was born in Hanover County, Virginia and moved to Granville County, North Carolina in 1762. He studied law and was admitted to the bar, in 1769, being appointed associate justice of the Superior Court. After the Declaration he was reelected to the office but was not able to take office because of his part in the Transylvania Company. Losing this great grant of land by the annulment of Virginia Henderson was rewarded with a smaller grant in the western part of Kentucky. After a short residence in Nashville, Tenn. where he practiced law, Henderson returned to North Carolina where he engaged in farming on a large scale.

Major William Bailey Smith

William Bailey Smith (--- 1818?) was an early pioneer of Kentucky was probably born in Virginia and moved to North Carolina. His first noteworthy work was on the Commission to run and mark the boundary line. He enlisted a battalion to accompany Colonel George Rogers Clark but his outfit deserted when they reached Louisville and learned where they were to be taken. Smith brought the first boatload of food to the settlers in the French Licks of Tennessee. Settled in the western part of Kentucky near the Henderson grant where he died.

Colonel John Williams

No biographical sketch was found of Colonel Williams. He was a member of the North Carolina Commission and was a participant in the political life of North Carolina after the Commission was dismissed.

Chapter III

The first of June 1796 Tennessee was admitted to the Union, so we have the two states on an equal status, both sovereign states and capable of determining a boundary line between themselves. Kentucky was the first to take up the question of placing a mark upon the land to establish the position of the boundary of the two states in her act approved December 14, 1801. ⁽²⁸⁾ This act called for two Commissioners to meet Commissioners from the State of Tennessee for the purpose of determining the position of the boundary line between the two states. This act guaranteed the rights of Tennessee and North Carolina should the the new line reach in to what was then thought to be Tennessee, provided the General Assembly of Tennessee would pass a reciprocal act. This provision however was never met, the twenty-second day of December 1802, the General Assembly of Kentucky ⁽²⁹⁾ repealed the act. The next move was made by the State of Tennessee ⁽³⁰⁾ on November 3, 1803 in an act empowering a Commission to settle the boundary between the two states. To this the state of Kentucky made no response by act of the General Assembly. It was nine years before either state enacted another bill on the question of the boundary line. Tennessee passed ^a resolution authorising Commissioners ⁽³¹⁾ "run and mark the boundary line according to its true position." Kentucky passed a reciprocal act February 4 1812. ⁽³²⁾ No line was run and marked on the authority of these acts of the two General Assemblies. Here the words "True position" were dropped from the language of the law makers of Tennessee, for on October 21, 1812 they passed an act to confirm and establish "Walker's Line" as the boundary line between Kentucky and Tennessee. ⁽³³⁾

This was contrary to the constitutional limits of the two states for both had made 36 30' the boundary line in the beginning. Both states had exercised jurisdiction to "Walker's Line" because it was

supposed to have been run on the parallel of thirty-six degrees thirty minutes, and no other line had been run to correct or supersede it. In all of the controversy thus far neither state had made any claim to lands beyond the constitutional limits 36 30'. Kentucky had validated all land grants down to 36 30, but had not extended jurisdiction beyond "Walker's Line", likewise Tennessee had validated all grants and claims up to 36 30' and had extended jurisdiction to "Walker's Line". This line had been treated as an imaginary or temporary line by both states until the true position would be located. The General Assembly of Kentucky did not take kindly to this act of Tennessee, for in their reciprocal measure of February 10, 1816, ⁽³⁴⁾ they confirmed only that part of "Walker's Line" that had been run and marked and not an extension of the line to cover any gaps that might exist. The gaps were to be extended along the "true position" and connected with "Walker's Line" by a line run directly North or South as the situation may require. Kentucky may have known by this time that the establishment of "Walker's Line" would transfer some two million acres of her land to Tennessee, and if that be true the General Assembly of Kentucky considered it beyond their jurisdiction to make such a transfer without the consent of the people to be transferred.

This act of the General Assembly temporarily extended the jurisdiction of Kentucky, to "Walker's Line" until such time as the true line could be ascertained. It also guaranteed and claims or grants of land by Tennessee or North Carolina, that might fall into Kentucky. These provisions were never accepted by the State of Tennessee. The General Assembly of Tennessee again on November 24, 1817 ⁽³⁵⁾ passed an act establishing and confirming "Walker's Line" as the boundary line and applied to Kentucky to jointly request a surveyor to be selected by the United States, whose duty it would be to ascertain the

termination of "Walker's Line" on the Mississippi and extend the boundary line to that termination. Kentucky could do nothing but protest this act of Tennessee forsaking her Constitutional limits and attempting to confiscate some two million acres of Kentucky soil. Tennessee would accede to nothing save "Walker's Line".

The General Assembly of Kentucky by this time had given up all hopes of conciliation and adjustment by joint commission. Every act concerning the boundary line was repealed January 18, 1818 (30) and the next day they appealed to the Congress of the United States (37) to settle the question or to make some law whereby the question could be amicably settled. Congress did nothing further than to give some fatherly advice to compromise their dispute and live peaceably with each other.

Immediately after the Chickasaw Treaty, Kentucky requested from Tennessee a joint commission (38) of the two states to run and mark the dividing line west of the Tennessee River according to the constitutional limits of the two states. The Governor of Tennessee (39) replied it was beyond his jurisdiction to appoint commissioners for this purpose and protested Kentucky executing that part of the act which provided for running and marking the line if The State of Tennessee should for any reason fail to cooperate in extending the boundary line. Tennessee did fail to cooperate in running and marking this line and the Governor of Kentucky appointed Robert Alexander and Luke Munsell (40) Commissioners to run and mark the boundary lines. This piece of work was completed and reported to the Governor of July 26, 1819.

The General Assembly of Tennessee on November 23 1819 passed an act to send two commissioners to treat with the General Assembly of Kentucky relative to the establishment of a boundary line between the two states. (41) The State of Tennessee selected as her Commissioners

(3)

Felix Grundy and William L. Brown two prominent lawyers of the state. Grundy and Brown "well aware of the high responsibility they had undertaken, and of the important consequences which were to ensue from their conduct, and aware also, of the splendid talents which it was well known the State of Kentucky would put in array against them, they set forward, arrived at the place where the Legislature of Kentucky were in session, presented themselves and made known their Commission. They opened and conducted the negotiation with ability and succeeded in making a convention." (42) Kentucky selected for her Commission (#) John Crittenden and John Rowan, two very able lawyers of the state. The Joint Commission instead of sitting as a body followed the suggestion of Rowan, in that the Commissioners from each state retired to separate rooms and put their proposals in the form of a written message. Thus we have a written report of the negotiation affecting this covenant. After some days of negotiation the Gentlemen from Kentucky were divided in their opinion, and unable to reach any sort of agreement. The Commissioners from Tennessee appealed to the Governor of Kentucky and the Congress of the United States for some hope of a way of adjustment. Crittenden (43) and Rowan (44) wrote separate reports to the Governor, each stating his stand upon the question and each refused to accede to the terms of the other. Hopelessly divided on the issue John Rowan tendered his resignation to the Governor and Robert Trimble (#) was appointed in his room. It is very evident that he was of the same opinion as Crittenden for within twenty-four hours of his appointment the signed agreement was handed to the Governor. (45)

This agreement was a compromise in which neither state lost anything over which they had actually exercised jurisdiction. East of the Tennessee River, "Walker's Line" was established as the boundary line, below which Kentucky had never exercised jurisdiction. West of the Tennessee River, Alexander and Munsell's line was to be the

boundary line. Tennessee had not exercised jurisdiction north of this line, for her act of November 27 authorizing the surveyor to seize the land up to an extension of "Walher's Line" ⁽⁴⁶⁾ was not to take affect, unless the Joint Commission failed to make an agreement.

This agreement of the Joint Commission, with a few minor changes, ⁽⁴⁷⁾ has continued to be the dividing line of Kentucky and Tennessee.

- 28 appendix 18
 29 ibid 19
 30 ibid 20
 31 ibid 21
 32 ibid 21
 33 ibid 22
 34 ibid 25
 35 ibid 26
 36 ibid 27
 37 ibid 28
 38 ibid 29
 39 ibid 30
 40 ibid 32
 41 ibid 31
 42 Haywood, History Tennessee pp25
 43 appendix 42
 44 ibid 43
 45 ibid 31
 46 ibid 44
 47 ibid 45.

Felix Grundy

@ Felix Grundy was born in Berkeley County Virginia, September 11, 1777. He moved to Kentucky at an early age where he grew up under some of the hardships of pioneer life. His mother wanted him to be a doctor, but in the academy of Doctor Priestly at Bardstown, he soon proved that he had more of a legal than a medical turn of mind. He gained his mother's consent to study law, and was admitted to the bar in 1797. Two years later he was one of the delegates to revise the Constitution of Kentucky. He served in the General Assembly in 1806, but having a desire to practice law and get away from politics he moved to Tennessee in 1807. Tennessee sent him to Congress in 1811 where he remained two terms. He was very active in the prosecution of the war of 1812, that he inculcated the animosity of the Federalists, who declared the war the work of Madison, Grundy and the Devil. He was elected to the Senate in 1829, to succeed John H. Eaton. He was reelected to this office in 1833. Van Buren gave him the post of Attorney-General in his cabinet in 1838, but he resigned the next year to return to the Senate, which office he held at the time of his death December 19 1840. Felix Grundy was perhaps greater in the department of criminal law than any other, for one of his contemporaries says of 165 cases he defended for capital punishment on one was finally condemned and executed.

William L. Brown

Judge William L. Brown was born near Old Cherew South Carolina August 9 1789. Little is known of his early life and his migration to Tennessee. He entered Transylvania College, Lexington Kentucky, in November 1811. After one years study he returned to Tennessee to be admitted to the bar. Judge Brown moved to Clarksville in 1814, and was appointed Solicitor-General by Governor Willie Blount. He was elected Judge of the Supreme Court in 1822, but resigned the next year. Judge Brown died at Rose Cliff, near Nashville, February 28, 1830.

John J. Crittenden

#

John J. Crittenden was born September 10 1786, and received his early education in the schools of his native state, Kentucky after which he went to Virginia where his education was completed in Washington Academy and the College of William and Mary. He studied law with the Honorable George M. Bibb and began the practice of law in Russellville Logan County, Kentucky. He was elected to the Lower House of the General Assembly in 1811 and returned consecutively until 1817, when he was elected Speaker of the House. During the session he was elected to the United States Senate. Crittenden moved to Frankfort in 1819, and was elected by the people of Franklin County, to the General Assembly for three consecutive terms, beginning in 1825. It was during these years he took such an active part in the New and Old Court wrangle. The Assembly of 1835 elected him to the Senate again, but his overwhelming law practice soon forced him to resign. He was elected to Senate again in 1843 to fill the vacancy caused by the resignation of Henry Clay, but resigned it to become Chief Executive of his state. The Governorship he resigned to take the post of Attorney-General in the Filmore cabinet. This post he resigned to serve a full term in the United States Senate. Crittenden was elected to the House of Representatives in June 1861, and retained that office until his death which occurred at Louisville Kentucky, July 25 1863.

John Rowan

John Rowan was born in Pennsylvania in 1773. At an early age he migrated to Kentucky with his parents. Rowan entered the school of Doctor Priestly at the age of seventeen and was admitted to the bar in 1795. Rowan showed a peculiar code of ethics in refusing to deal in land claims, a practice that was making many Kentucky lawyers wealthy. He was appointed Secretary of State of Kentucky in 1804. Something of Rowan's popularity in Kentucky may be seen from his election

to the House of Representatives, in Congress, from a district of which he was not a resident. The next office of note was from 1819 to 1821 as Judge of the Court of Appeals. This office he resigned. Rowan and Henry Clay were appointed in 1823 to represent Kentucky in her fight to justify her occupying claimant laws. The following year he was elected to the United States Senate. Rowan was one of the organizers and first president of the Kentucky Historical Society which was organized in 1838. The next year we find him on his last great public mission as Commissioner to adjust the claims of the Citizens of the United States against Mexico. Rowan's home, Federal Hill at Bardstown has become a National Shrine, as "My Old Kentucky Home" immortalized by Stephen Collins Foster. He died July 13, 1843.

Robert Trimble

Robert Trimble was born in Berkeley County Virginia and moved to Kentucky with his family at three years of age. Little is known of his early life, except that he taught for a few years, after which he was admitted to the bar in 1803. Bourbon County sent him to the General Assembly the same year. He was appointed second Judge of the Court of Appeals. Robert Trimble did not have a turn for politics for in 1810 he declined the appointment of Chief Justice of Court of Appeals, and on two occasions refused nomination to the United States Senate. He became District Attorney for Kentucky in 1813, and was elevated to the office of Judge of the Kentucky District in 1816. Ten years later President John Quincy Adams promoted him to the bench of the Supreme Court of the United States. He died August 25 1828 in the fifty-second year of his life.

and were solemnly settled. These minor adjustments consisted of straightening and marking the line where it had been obliterated, was completed to the satisfaction of both parties by December 1843.

The boundary line had been established but that part of it extending from Cumberland Mountain to the mouth of Obed's River had never been run and marked. William Steele, the surveyor for Alexander and Munsell, from Kentucky and Absolom Looney from Tennessee were appointed Commissioners to run and mark this part of the line. This work of running and marking the gap in the line was completed and a report (48) with an expense account attached, was given to the Governors of the two states July 9, 1821. The General Assembly of Kentucky confirmed the report as her southern boundary April 29, 1821, and the General Assembly of Tennessee likewise confirmed the report of the (49) Commissioners as her northern boundary November 13, 1821.

No other controversy arose concerning the position of the boundary line until 1829, when Bright from Tennessee, and Munsell from Kentucky were Commissioned to ascertain the line along the southern borders of Allen, Simpson, and Trigg Counties, of Kentucky. (50) Governor Metcalfe reports this executed in 1830.

December 20, 1831 (51) Tennessee passes an Act to establish the existence and locality of Mathew's Line. When this line was run and its locality has not been ascertained in the research for this paper. There is no contemporary evidence in the Acts of the General Assembly of Kentucky, nor of the Acts of the General Assembly of Tennessee that such a line was ever run and marked. The boundary line as run and marked by the separate groups of Commissioners was confirmed by the two states and Kentucky and Tennessee were at peace with each other, with the exception of a few minor adjustments, (52) that came up from time to time and were amicably settled. These minor adjustments, (53) consisted of straightening and marking the line where it had been obliterated, was completed to the satisfaction of both states by December 1845.

Part III

The Documentary Sources used in the preparation of this
study of The Kentucky-Tennessee Boundary Line

with

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Appendix 1

Be it enacted by the General Assembly, That two commissioners shall be appointed by joint ballot of both houses of assembly, who shall have authority to meet with others to be appointed on the part of the said state of North Carolina, and proceed to extend and mark the line between this commonwealth and the state of North Carolina, beginning where Joshua Fry and Peter Jefferson, commissioners from Virginia, together with others from North Carolina, formerly appointed to run the said line, ended their work, and if that be found to be truly in the latitude of thirty-six degrees thirty minutes north, then to run due west to Tenase river, or if it be found not truly in the said latitude, then to run from the said place due north or south into the said latitude, and thence due west to the Tenasee river, correcting the said course at the due intervals by astronomical observations. If either of the commissioners so to be appointed shall decline or be unable to go through the duties of this appointment, the governor and council shall appoint some other to act in his stead; The said commissioners shall nominate such skillful surveyor to execute their directions, and such other attendents, as shall be necessary, and shall endeavor to procure the most accurate instruments, which, if injured in the said service, shall be made good at the publick expense or wholly paid for, at the election of the proprietors; if borrowed from an individual or such other person or persons, as shall have authority to make such election, if borrowed from some seminary of learning. Each commissioner shall be allowed for his trouble herein fifty shillings per day, for every day he shall attend, each surveyor, with the chain carriers and other attendents, shall be allowed such sums as the commissioners shall certify they respectfully ought to receive, and be paid by the treasurer of this commonwealth out of any

publick money in his hands, together with the allowance to the commissioners as aforesaid; and the said commissioners and are hereby directed to make report of their proceedings to the general assembly.

And whereas, from the hostile disposition of the Indian Nations, it may be unsafe for the commissioners and their attendants to proceed on the business hereby directed, without a sufficient guard to protect them. Be it further enacted, That the governour, with the advice of the council, shall on application of the commissioners so to be appointed, direct and order a sufficient number of officers and men to be raised for that purpose, by voluntary enlistment, or if that cannot be done, then to be furnished from the militias of such counties as shall be convenient, to attend the said commissioners as a guard and for their safe conduct in the prosecution of their business by this act directed shall order them a sufficient number of tents and camp utensils necessary provisions during the time they shall be employed for the purpose aforesaid; which, commissary shall previous to his entering on the execution of his office, give bond with sufficient security for the faithful performance of his duty, and shall receive for his services such allowance as is given to other commissaries of this commonwealth.

October 1778
Henning, Laws of Virginia, vol 9 pp565

Appendix 2

In the House of Delegates

Tuesday, the 15th June 1779

Resolved, That it be proposed to the Assembly of the State of North Carolina that they pass an act saving to any proprietors of Lands heretofore Considered as a part of this State, but which may, on the extension of the Boundary line, fall into the limits of North Carolina, their several rights and Titles, whether founded on patents issued in

this State or on legal surveys of any Sworn Surveyor; and, also, that they give the pre-emption to actual Settlers of the Lands so improved and claimed by them at such Composition money as the Assembly of North Carolina have heretofore Established. This proposition is made to North Carolina because, upon running the Cherokee boundary subsequent to the treaty of Lochaber, it was agreed that a due west course from Sleep rock to the intersection of the Holston river, and down the same, should be a Temporary Boundary until the Line should be ascertained according to Charter which sanctified the Settlement of the County under the jurisdiction of this State, and because it may prevent strife & contention that may otherwise ensue. The Assembly of Virginia wish the advantage of this Proposition to be reciprocal, and will on their part, secure the like rights to any Citizen of North Carolina who shall on the extension of the said line, fall into Virginia.

Resolved, That the Governor transmit a Copy of the foregoing resolution to the Governor, the Speaker of the Senate, and the Speaker of the House of Delegates of North Carolina. Agreed

Agreed by the Senate

Will Drew, C.S.

Teste:

John Beckley, C.H.C.

A Copy-Beckley, C.H.D.

Appendix 3

An Act for extending the Boundary Line between this State and the Commonwealth of Virginia.

I Whereas, the Inhabitants of this State, and those of the Commonwealth of Virginia, have settled themselves further Westwardly than the Boundary between the said two States hath hitherto been extended, and it becomes expedient in order to prevent disputes among such settlers that the same should be now further extended and marked.

II Be it therefore Enacted by the General Assembly of the State of

North Carolina, and it is hereby Enacted by the Authority of the same, that Orandatus Davis, John Williams, Caswell James Kerr, William Bailey Smith and Richard Henderson, or any three of them be, and they are hereby appointed Commissioners with full power and authority to meet with other Commissioners from the Common Wealth of Virginia, and to proceed to extend and mark the line between that Commonwealth and this State, beginning where Joshua Fry and Peter, Commissioners on the part of Virginia, together with Daniel Burton and William Churton from North Carolina formerly appointed to run the said line, ended their work and if that be found to be truly in the Latitude of thirty-six degrees thirty minutes North then to run from thence due West to Tennessee or the Ohio River or if it be found not truly in the said Latitude, then to run from the said place, due North or due South into the said Latitude, and thence due West to the said Tennessee or Ohio River, correcting the said Course at due Intervals by Astronomical observation, if either of the Commissioners by this Act appointed shall decline, or be unable to go thro' the duties of his appointment the Governor and Council shall appoint some other to Act in his stead.

The said Commissioners shall nominate such skilful surveyor to execute their directions and such other attendants as shall be necessary, and shall endeavor to procure the most Accurate Instruments, which if injured in the said service shall be made good at the public expence, or wholly paid for at the election of the proprietor if borrowed from an individual, or of such other person or persons as shall have authority to make such Election, if borrowed from any Seminary of Learning, each Commissioner shall be allowed for his trouble herein ten dollars for every day he shall attend, and the surveyor with the Chain Carriers, and other attendants, shall be allowed such Sums as the Commissioners shall certify they respectfully ought to receive, and be paid by

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either Treasurers of this State out of any public Monies in their hands, together with allowance to the Commissioners as aforesaid. And the said Commissioners are hereby directed to make report of their proceedings to the General Assembly. And whereas from the hostile disposition of the Indian Nations it may be unsafe for the Commissioners and their Attendants to proceed on the business hereby directed without a sufficient Guard to protect them.

III Be it therefore further Enacted by the Authority aforesaid, That the Governor with the advice of the Council shall, on application of the Commissioners, direct and order a sufficient number of officers and men to be raised for that purpose by Voluntary Enlistment, or if that cannot be done then to be furnished from the Militia of such Counties as shall be convenient to attend the said Commissioners as a Guard and for their safe conduct in the prosecution of the Business by this Act directed, shall order them a sufficient Number of Tents and Camp Utensils and shall appoint a Commissary to furnish the necessary provisions during the time they shall be employed for the purpose aforesaid.

S.R.N.C. Vol 24 pp 223-224.

Appendix 4

Richard Henderson and others (Boundary Commissioners) to Gov. Caswell.

From MS. Records in Office of Secretary of State.

Cumberland Gap. 17th November, 1779.

Sir.

The great expense in preparation for Extending the boundary line between this State and the Commonwealth of Virginia, and the trouble we have been obliged to give your Excellency on that occasion, might have induced a reasonable hope that the business by this time was nearly completed. It would afford us great pleasure if that was the case. So far has our attempt failed of success that we are doubtful very little, if any, benefit will be derived to our State from the

attempt of the Commissioners to perform the duty enjoined by the General Assembly. We met the Gentr. appointed from Virginia and began the extension to the Westward on the Seventh of September, and after many inevitable delays for various reasons, we, on the first of November, had carried it on Sixty-seven miles and some Chains, by the unanimous consent of the Commissioners, which brought us to the foot of Powel's Mountain, when the Gentlemen from Virginia alledged that the line was, by their observation, too far North ; that the error was from the beginning, and that they would not agree to report it as a boundary. On our part we could not agree to an alteration to the South, when by repeated tryal we were fully persuaded the line was right, excepting a few seconds to the North. Under these circumstances their proposals of moving two Miles and ten seconds to the south was inadmissable.

With this state of the case, your Excellency would naturally suppose all proceedings would stop till the difference in opinion could by some means, be reconciled. The Gentlemen on the other side observed a different line of conduct, without an offer of that kind. They informed us that they cou'd not agree to report the line as it stood, and would make an ofset of that distance. Mentioned, and mark a line at that distance from the one Extended, as well back as forward, and leave the matter to be decided thereafter by artists from both States. Remonstrances against such a proceeding were ineffectual; they immediately proceeded, and went on with their line to the East and West at the same time by different Surveyors. As the Land Office for each State was open as far as Cumberland Mountain, we ventured to extend the line due West from the End of that run by unanomous consent to this place, as it was not far and could be done without much Accumilation of Expencc, and not without some hope of reconciling the difference of opinion. With respect to an accomodation we were great-

ly deceived; the Commissioners were Resolved to go on without regard to our opinion or protest against the measure, and we hope to be excused by the General Assembly for continuing the Guard, &c., a few days extending the line to the top of this Mountain, making in the whole a line of One Hundred Miles in length, Sixty-seven of which was as before observed, done by the entire consent and approbation of Doctor Thomas Walker & Major Daniel Smith, the Virginia Commissioners.

When all hopes of agreeing as to the true latitude were lost, and the partial line run by those Gentlemen carried on, with an express declaration of persisting in the measure, we thought ourselves, bound to dismiss the Escort, we stop our proceeding and report the case to the General Assembly. We wish to add, on this subject, that we have the utmost confidence that the line line run by us is as nearly in the Latitude of Thirty-six Degrees and Thirty minutes North as 'tis possible to place it with the Instruments in our possession, and that we have procured the best in our power; we have also at times had access to the Quadrant made use of by the Virginians, by which, as well as ours, we are confirmed in the opinion. The difference of Two Minutes and Ten seconds of Latitude in making observations with the same Instruments cannot be accounted for; but the fact is so, and we have only to lament being concerned in this business. We accept this without ~~###~~ the service expected. The very great expence of this effort would have made us yield to anything but a surrender of our integrity, to have established a boundary, and of course prevented the necessity of sending others to perform what we have failed to do as we are about to separate, perhaps not to meet again till next spring or summer, though it advisable to join in a report to your Excellency of this abortive undertaking. We shall, at all times, separately or together, be willing and ready to give any further or other information as to the particulars of our transaction, and

ly deceived; the Commissioners were Resolved to go on without regard to our opinion or protest against the measure, and we hope to be excused by the General Assembly for continuing the Guard, &c., a few days extending the line to the top of this Mountain, making in the whole a line of One Hundred Miles in length, Sixty-seven of which was as before observed, done by the entire consent and approbation of Doctor Thomas Walker & Major Daniel Smith, the Virginia Commissioners.

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furnish a Drought of our Line.

We, Sir, are, with great respect,

Your Excellency's most Obedt. and very Hbl. Servts.

Rich'd Henderson

John Williams

William Bailey Smith.

His Excellency Richard Caswell, Esqr., &c.

P.S. Here with you'll receive sundry Copies of Letters, a letter from the Virginia Commissioners, as also their requisition for fifty men, all of which your Excellency will please lay before the Gen. Assembly.

The Colonial and State Records of North Carolina.
Vol 14 pp 353-355

Appendix 5

WmsBurg, Jan'y 29th 1780

Sir-

As we propose this spring to take possession of and fortify some post as near the mouth of Ohio as the ground will admit, it becomes very important for us to know the exact latitude thereabouts I take it for granted that your present Line will be stopped before you get there by unpurchased Lands. We therefore wish extremely that one of you would take a trip to the mouth of the Ohio with your instruments immediately upon finishing your present work. I suppose it will be best for you to go to the falls of the Ohio where Col. Clarke has orders to furnish you with Assistants, an escort and all necessaries. You will first find the point at which our Line strikes the Mississippi or Ohio, and fix it by some lasting immovable natural mark if there happen to be any on the spot, or if not, there by its course or distance from some such natural mark, noting such course as corrected from the errors of Variation, and the distance reduced to horizontal measure the reason of requiring this accuracy

In fixing the point where our Line stikes is, that in future, with common instruments it will be easy to find it which may perhaps be of importance. When you have found this point if it be on the Mississippi run from thence along up the river to the mouth of Ohio, and by protraction fix the point of the forks, or if it be on the Ohio, run up that river to where good Clifts for fortification shall make in and as you go along note the high grounds, points or Clifts on the river which appear to you capable of Works of defence and at the same time to command a view of the river. This done I would ask the favor of you to return one plat of your work to Col. Clarke and another for me. Col. Clarke has in his eye a particular Cliff on the Mississippi which he expects is the nearest good ground for fortification. This he will discribe to you, and you will please to note it particularly. I am in hopes that it will suit one of you to undertake this business. We think to have the fort begun, which cannot be till we are assured that the ground we shall pitch on is within our own Country. The dissapointment will therefore be of the greatest moment should you decline the Service.

I am Gent' with greatest Respect Your most obedt Humble Servt.

Messrs. Thomas Walker & Daniel Smith.

Fp 392 George Rogers Clarke Papers, James Illinois Historical Collection

Draper Mss 50 (J6-A.L.)

From Thos Jefferson, Gov;Va.

Appendix 6

1780 Feb.25

Report of Commissioners

To the Honourable the Speaker and Gentlemen of the House of Delegates.

In obedience to an Act of Assembly entitled, " An act for extending the boundary line between Virginia and North Carolina.

We the subscribers proceeded to run the said Line,-- The Gentlemen from North Carolina did not meet us so soon as had been agreed; and after they came, many accidents happened which protracted the Business. The place where Messrs. Fry and Jefferson ended their line on Steep Rock Creek, could not be found, owing, we suppose to so much of the Timber thereabout being since dead. We proceeded to observation in order to fix upon the spot on Steep Rock Creek where we should begin. On Monday 6th September 1779 having agreed with the Carolina Gentlemen in Observation; the following Memorandums were entered on their Journal as well as ours, as proper preliminaries agreed upon necessary for fixing this line, viz; "That the Sun's Meridian Altitude was this day Fifty nine degrees fifty-two minutes,-- that this place of Observation was one Minute and twenty-five seconds North of the proper latitude, or one Mile two hundred poles and a half-- That at Steep Rock we were in superficial measure 329 Miles West of Carrituck Inlet;- That there should be an Abatement of twelve Miles for mountaineous and uneven ground, or that we were 317 Miles or five degrees forty two Minutes West of Carrituck Inlet, that a degree of Longitude in this Latitude was 4823 geographic Miles or of Statute Miles 55 and 1083 yards. That Carrituck Inlet was in $75^{\circ} 30'$ West Longitude, this being the average of three different accounts, and of course that the Longitude we were then in was $81^{\circ} 12'$ West of London." We measured off the one Mile and $20\frac{1}{2}$ poles and a due South course, and the beginning of the line was thus fixed to the satisfaction of all. We should not have troubled you with these particulars, but for some subsequent events which make us think it our duty. After running the line as far as Carter's Valley 45 Miles West of Steep Rock Creek the Carolina Gentlemen conceived the Line was farther South than it ought to be, and on trial, it was found that the Variation of the Needle had altered a little, which

must have happened very lately, and was owing, we believe, to our being just then near some Iron Ore; because on observing the sun's Meridian Altitude the line was not to far south. As the Carolina Gentlemen, by their Observations, made out otherwise, they proposed that the Surveyors, on each side, should observe and fix the Latitude. This was agreed to by one of us, influenced by a knowledge of a small Change of the variation and was not dissented to by the other, as most of the Observations on the part of Virginia had been made by him. But quite contrary to our expectations, they agreed we were more than two Miles to far South of the proper Latitude, which distance was measured off directly North, and the line ran Eastward from that place by two of the Carolina Gentlemen and one of us, while from the same place it was continued Westwardly, superintended by the others for the sake of expediting the business.

The instruments proper for ascertaining the Latitude, were mostly taken back on the eastern part of the line, in order that those who superintend it might be farther satisfied; but after going back more than twenty miles, and observing every day on this line, his judgment was unalterably fixed that this line was wrong although the Carolina Gentlemen could not seem to be of this opinion, and he returned and overtook his Colleague on the Western part of the Line on Black Water Creek or thereabouts, to whom he imparted his sentiments, proposing that he also should observe for some days-which he did. The result was that we concluded our first right, and we brought it up accordingly from Carter's Valley where it had been left and continued on with it to the Westward.

It was once after this proposed by us, and agreed to by the Carolina Gentlemen, that as we differed so much in Observation we would each run his own line, encamp as near together as we could and let future observers, hereafter to be appointed, determine which

was right; which might be done at a small expense. But this they afterwards declined altho' they carried their line as far as Cumberland Mountain. We continued however as far as the Clear fork, being 123 $\frac{1}{4}$ Miles from Steep Rock Creek, marking a Poplar and two Hackberry trees with the Initials of our names and with November 22d 1779 and had serious thoughts of going no further. But when we considered that, perhaps, three fourths of the whole expense was already incurred, that a number of People were to the Westward, who imagined they were in North Carolina, while we thought they were on the Lands reserved for our Officers and Soldiers;- These and some more of the like considerations, made us think it more conducive to the good of the State in general that we should keep on, than that we should return. But as the Season was far advanced, and the Country before us, as far as it was known, was very Mountainous and barren, not yielding a sufficient quantity of Cane for our pack Horses, which for some time had been their principal support; these among other reasons, made us judge it best to leave off running the line here, and go farther to the Westward, into a better Country, where by reason of many People being about to settle, it might be of importance to run the line speedily. The map will show our rout to a place on Cumberland River, where we built Canoes to carry our Luggage and rest the Pack Horses, which were to much reduced to do service that way. And here to add to the number of our difficulties and misfortunes we were froze up more than forty days in a River never known to be frozen before. We went by Water from this place until we got into the proper Latitude (as we judge one hundred and nine miles West of the Clear Fork) and began the line on two Beech trees marked with our names and Feb'y 25 1780, on the West Bank of Cumberland River, a Creek coming in about a Mile above us on the West side and another one some what smaller about half a Mile below us on the East side. From this place we extended

the line across the Heads of Green River, and Red River, through a Country called the Barrens from there being little or no timber in it, in many places: crossed the Cumberland again at 131 Miles, where there is a clift on the North East side, and a bottom about three quarters of a mile broad the other side, and at the end of one hundred and forty miles one quarter and eight poles from the two Beech trees, on the twenty third day of March found ourselves on the Bank of the Tennessee River, and of course had run the line as far Westward as we were authorized to do, notwithstanding the Hardships and difficulties we had to contend with, -One of us kept through the woods with the Surveyor, while the other went down by water, by which means a tolerable Map of the Cumberland River is taken; a fine River being navigable at least 700 Miles from the mouth upwards. When we had returned homewards about 160 Miles we met with orders from his Excellency, the Governor to do another piece of service, which we suppose he has made you acquainted with.

We have also since seen Co. Henderson one of the North Carolina Commissioners, who with another of his Colleagues has been examining our line, and he has repeatedly given us much reason to believe their State will accept the line as we ran it.

Thomas Walker

From a paper, filed in the clerk's office of the House of Delegates among the Governor's Communications, 1780.

Henning's Laws of Virginia, Vol 9 pp 562

Appendix 7

Journal of General Daniel Smith, Aug 1779 to July 1780. Running line between North Carolina and Virginia--Tennessee and Kentucky. Title by Draper.

Draper M.S. 46 J. 18

Saturday, Augt. 14th 1779. Having for a few days been making ready to go out with the Commissioners of the Line between this (State) and

North Carolina as a Surveyor of the same according to my former agreement with Dor. Walker, this day I sat off and reached the Elk Garden 26 The Elk-Garden was a fort on Cedar Creek which flows in to the Clinch.

Sunday 15th. Got to Dysorts where I met with Dor. Walker who acquainted me that I was appointed a Commissioner in the room of Mr. Jas. Madison.²⁷

27. Probably the Jas. Madison who was later a bishop. He was a cousin of the statesman and president.

Monday 16th. Got my Ball & Socket mended at Andw. Kinkennon's.

Tuesday 17th. Went to Court, and lodged at Mr. Willoughby's.

Wednesday 18th. Went to John Key's on the Laurel Fork,²⁸ being the nearest house to our place of beginning that we knew of. 28 a branch of the south fork of the Holston.

Thursday 19th. Rain last night, and to-day--Rais'd the River so that we could not travel till M.

Monday 23rd. Moved to a Camp on Col. Donelson's Line 29. about 7 Miles west of the White topp'd mountain ³⁰. 29 Col. Donelson ran eastern boundary line Cherokee Treaty of Lochaber 30. Haywood, pp 54 claims Va., had a Cherokee Treaty (1772) for boundary running west from White Top Mt. on 36,30' no contemporary evidence.

Tuesday 24th. Having from some accounts of late together with Col. Fry's and Jefferson's map of the line, got an opinion that Col. Donelson did not begin where Fry & Jefferson left off today I went towards Donekon's beginning to endeavor to trace up the old line taking with me Jas. Michie one of the Surveyors. When I got within about a mile of the same found the old line and began to trace it up. lay in the Mountains which divide New River waters from Holston.

Wednesday 25th. got back to camp.

Thursday 26th. this morning the distance Col Donelson's line was

south of the old one was measured along a line making a right angle with the old one--52 poles. The course of the old line by compass not allowing for Variation was W. 88 30' W. the distance was measured along a course S. 1^o 30' W. This day we moved to Tooley's river and encamp'd just above the little flag, meadow, south of the line about a mile.

Friday 27th. Moved to a Waste Cabin on Steep Rock Cr. 31 about three quarters of a mile North of the place where the line would strike out. The creek to which Fry and Jefferson had carried the line.

Saturday 28th. This morning Mr. Michie came to camp with out ever having seen the line since he parted from us yesterday altho' he had carefully continued the same course.

Sunday 29th. a Number of us went and searched about the creek near the place Mr. Michie struck it for the line and could not find it, altho' the place seemed by the Indian Camp &c. to be the place where the old line struck it.

Monday 30th. this evening went to the top of a mountain, eastward to adjust the Quadrant and take the Variation of the needle-- it look'd likely for rain, and I came back to camp. Rain all night.

Tuesday 31st. lay still waiting for the Carolina Commissioners.

Wednesday 1st Sept. This morning Major W^m Bailey Smith a Commissioner from Carolina came to our Camp, and this evening Col. John William and Col. Richard Henderson the other Commissioners joined.

Thursday 2d. Sept. Proposed to the Carolina Gent. to go back to where we knew the old line was and trace it up. They said they would give us an answer next morning.

Friday. 3d. They told us that as to keep in Latitude 36'30'' (sic) was the main object, thought it better to go and search for the line, there take the Latitude if we found it, if right to run the west line at that place, if we could not find it, it would be best to get to

3 Smith's Journal.

some mountain proper for Observation and by that run from the place of observation North or South till we were right, this was agreed to. Saturday 4th. Went to the Top of a Mountain south westerly from our camp about 6 miles.

Sunday 5th. Observed by my instrument the Sun's meridian altitude to be $60^{\circ} 14'$ after making the proper deduction &c for refraction, Declination &c. the latitude we were in was $36^{\circ} 31' 25''$.

Monday 6th. Today the Sun's Meridian altitude was by my Instrument $59^{\circ} 52'$, which made the latitude exactly the same with yesterday their instrument likewise agreed with ours, therefore we were agreed we were $1' 25''$ North of the line which when we reduced into superficial measure we made 1 Mile 201 poles and on half. we agreed that we were here in longitude $81^{\circ} 12'$ West of London. That Cape Henry was $75^{\circ} 27' 20''$ West of London, that Curratuck Inlet was $75^{\circ} 30'$ West of London. That in superficial measure we were at steep rock creek 329 miles west of Curratuck Inlet, we made an abatement for Mountainous grounds and uneven measure of 12 miles to this place or that we were 317 miles West of Curratuck Inlet and this place to be $55^{\circ} 42'$ a degree of longitude in this Latitude 48.23 Ge: miles or of S tatute miles 55 & 1083 yards³². This evening by a magnetic line $52^{\circ} 30'$ E. the above distance of 1 mile and $201\frac{1}{2}$ poles was measured. 32. substantially repeated in Va. Com. report

Tuesday 7th. 14 poles more than the 1 mile & $201\frac{1}{2}$ po. was measured on the South line from that place we began the marked line by running N. 88 E on their Compass to steep rock Cr. 2 po. thence from the place we first began to measure on their Compass S 88 W (blank in Ms.) po to the top of a spur. here Col Henderson and my Self went to them having settled the Bar; at 3 degrees E on my Compass & $2\frac{1}{2}$ on theirs, and directed the surveyors to make this allowance. Vid. plat of Steep Rock Cr. for the place of Begg. 33

33 This may refer to some special plat but more probable this and a later reference to a "plat" are to be considered as referring to the map.

Wednesday 8th. The latitude being settled, and the Surveyors set properly to (work) it was thought I might go home for a few days without Injury to the Service, and I accordingly sat off. Lay this night at Mr. Lagans-- lost my Horse, but got home on Thursday on a Borrowed one which I returned on Saturday. Stay'd at Home till Monday 13th; Sat off in the rain, lay at T. Price's Tuesday 14th North fork (High) but got across it and lay at Mr. Tinley's . Wednesday 15th, got to the Surveyors about one O'clock where I was informed the Carolina Gentlemen had conceived an opinion we were too far to the south of the true Latitude. Much cloudy weather this week. After many Observations, we concluded we were right and I sat off Wednesday 22d. for the Island³⁴ where I had reason to believe Dor. Walker was waiting with as much impatience with a Party of the Cherokee Indians as I had been the last week. Lay at Cornelius Cormacks, Thursday 23d. lay at Col. Shelby's who promised to go to the Island with me next day. 24th Sept Friday., Got to the Island Met with Capt Mosten in my way there at Major Bledsoes 35 .At the Island Dor. Walker informed me that this day he & Major W. Smith had given the Indian the following Talk. Blank page in M.S.

34. The Long Island of Holston famous as the place for "Peacetalks" with the Cherokee.

35. Anthony Bledsoe 1733, 1788, 71-78 member of Va. Assembly. Settled at Bledsoe's Lick upon the Cumberland in 1784.

Saturday Sept 25th The Old Tassell 36 replied as follows.

Now I am come to the place appointed by my beloved Men to listen to the Talks of the beloved Men of Virginia-- Here are both the Commiss. I speak to (meaning the Commiss of both States) now are on the beloved

seats you shall hear what I have to say. Those on the beloved seats where we've held the good Talks and saved the lives of so many of our people on both sides, this now three days (meaning years) since these good talks were first held. When we first came from Chota 37 the way was very dark and troublesome but it was his and bad people that occasioned it to be so, and caused trouble between us like wading thro' blood it was when I open'd the Way, and the Doors of Peace and brightened the Chain of friendship between us and our elder brothers. I am the man that opened the Doors of Peace when they were fast shut that caused the light to shine from each one to the other, and ours and our elder brothers people to remain in peace. I've only been talking of the Peace between us and our friend and elder brother that sits here (meaning Col. Shelby) 38 who was one of the appointed Commissioners at that time, as they both must remember well that everything which passed before that being bad was thrown away not to be brought into remembrance anymore, in so much that where the dead men lay they were buried so deep that large trees had grown out of their graves-- That the beloved Man of Virginia and him of Chota talked together stretc'd the chain of friendship from Virga. to Chota, and appointed Commissioners that if any rust should get thereon they and the beloved men of Chota might brighten it so that as their children came to any knowledge of things it might be a guide to them and had in remembrance for ages yet to come, and as for my own part I will always be assisting in keeping this chain bright. I speak to the Commissioners of both States--I often times talk from home that the Governor of N.C. may hear me, but I believe what I say never reaches his Ears. I as often speak to the Gov. of Virginia who I believe hears, and I hope both will hear what I've now said.

A string to the Com. of both States.

You spoke to me yesterday concerning the dividing line between you

which you left me to consider on till to day. I do not know how for you mean to extend it. My hunting grounds and my Lands reaches to Cumberland river-- You have your livings at your Doors, tis not the Case with me, I am oblinded to slave hard and go a great way to get a support for myself and children, my hunting grounds extends to the Cumberland River, quite to the mouth of it on the south side, which is but a little place to support so great a number of people as are in my nation. I mention my people as I expect some of them are on their way for Cumberland there to make their Hunt. I am uneasy to get home to prevent any more from going, for if the line is extended thro' that Country you must fall in with some of them--moreover if it should pass thro' there and cut off any part of our huntg grounds 'twill make me begin to think of what I was told some years ago by the Kings people i.e, if our elder brothers here overcome them, they would at last take all our hunting grounds and bring us to nothing. But I hope this will not be the case, and that our elder brothers will have more compassion for us. Last Spring Hanging Man was sent by the great Warrior of Chota and talked with Col. Shelby and Major Martin concerning goods, which I understand by what he told me on his return they would use their best endeavors to supply us with-- now you see the necessity we are in you see we are almost naked, and 'tis only by holding our elder brothers by the hand. We hope you will consider us and try to send us a supply as soon as possible. I speak this to both States. Our concerns with N.C. has always been respecting Lands, we have never seen any supplies from them yet, but I hope the concerns of Lands will soon be at an end, then we expect they will consider us and send us some Cloathing as well as the other States-- They by their Commissioners moved the beloved seats from over the river to this place, here they kindled the beloved fire, and reserved the wood, the grass and the earth of this Island for our purpose, to hold good talks upon with our elder brothers, now I hear

there is some man lays claim to it, altho' the beloved men of the two States have reserved it for us. I speak to the Com. of both States 'tis 3 days since we held the good talks at this Place, and then with the Comm: of N.C. we fixed a boundary between us and their people which was to begin on this river where the Virga. line did and run thence by the Chimney Top to the mouth of Camp Cr. on Monachucka. Mr. English is settled over that line on a good place which we are not much offended at as we believe him to be a good man, but a great many others are settled for beyond him which must of course known they are over the line. Car: has gained a great deal of ground of us for which we have never rec'd any satisfaction no not even so much as trade. The great men in Car: seem to hold everything very fast in their hands, they are always getting what they can, and lets nothing go, neither guns, goods nor ammunition.

A String to both Commissioners.

36. The Old Tassell, or Anyetaeh, of Toquoe, was one of the signs on the part of overhill Ch. of the treaty known as Avery's Treaty, made at the Long Island of Holston July 20, 1777, During the troubles of State of Franklin he was killed under circumstances of great cruelty-- This in 1788.

37.

A "city of refuge" of the Cherokees on Tellico River five miles above old Fort London.

38 Evan Shelby. 1750-1826 This reference to Treaty of Holston in 1776. Sunday 26th. Col. Henderson made a speech which they did not seem to like very well.

Monday 27th Sept. We spoke to them as follows:

Brothers, Chiefs and Warriors of the Cherokee Nation.

We are very glad to meet you our brothers and friends at this place, where we before have had so many good talks to smoke the pipe of peace

together and keep that chain of friendship clear from every speck of rust which we ourselves and we hope our children for ages yet to come shall feel the good effects of.

But it gives us some concern to find that our intention in running the dividing line should be look'd upon by you as a matter that will be to your prejudice, as we have no intention of doing anything with you our brothers, but what will have a tendency to brighten the great chain of friendship which we have fast hold of much less to do anything which is a real injury to you. As we did not conceive that this line would be any wise prejudicial to you so our only reason for acquainting you there with was lest reports by evil minded persons should be carried to you misrepresenting the matter as the best intentions have sometimes been so construed. Now brothers we beg of you to listen well to what we are going to say. You told us the other day that our living was at our doors, but you had far to go and slave hard to support your people, we would recommend it to you to live as do and only hunt for meat and skins to make your moccasins, raise corn and cattle horses and hogs and sell them to cloath your wives and Children which you will find much surer and easier than your present manner of life.

We are sorry to see and hear your people are so naked, the great men of Virga. ordered Clothes for you from the Illinois which we expected would soon be here, but we are told the people of Chickamogga and Chickasows will not let them come up this river, therefore we shall write to the great men by Your Shelby and your brother Martin 39 will speak to them to send you goods from Virga, we are sorry the goods are not here to give you some clothes to return to your towns with but the fault is in your enemies therefore hope you will not blame us as we are not in fault.

You told us you hoped Virga. would not take away your Land, we can

Assure you Virga. will not take any Land you have a right to. Your beloved Island on which we now stand Virga. had secured to you by law if it fallen in that State, and we make no doubt as it falls into Carolina but the great men there will reserve it for you. Hold fast the chain of friendship with Virga. and the Virginians will never let it slip out of their hands. The people over the water we believe will soon make peace with us and then we shall be able to give you a plentiful trade.

As a Token &c. we give you this String of Wampum, 39 Joseph Martin Indian, agent of Virginia.

Tuesday 28th Sept. moved to the Camp at the Millstone Quarry about 200 Yds in Virga.

Wednesday 29th took Latitude we believe the line is about half a mile too far North, corroborated by another Observ.

Thursday 30th. lay still waiting for the Car:40 who were not ready with their Provisions. 40 Carolinians.

Friday 1st. Oct. Rain--but sat off in it to go to the Carolinians, only got to the Surveyors Camp on the S.E. side of the north fork of Holston.

Saturday 2d. Octr. Being conscious from what information we had obtained that a Sufficient Guard could not be had on the Virga. Side, for the pay allowed by Law, because the Carolinians gave at least seventimes as much pay, and being further informed that if we would make a requisition of men from the Caro: Com: they would furnish them, and put them under the Virga. Commander only leaving the matter to the two Assemblies to settle, this day we made the demands of fifty men on the said Terms. Moved down Carter's Valley 41 and encamp'd about 2 m. east of a fort. 41 North of the Holston and west of the north fork of that river.

Sunday 3d Oct. lay still. Monday 4th do.

By Observations at this Camp made till Sunday 10th it was made out by Mr. Burton and Mr. Guthrie 42 we were 2' 10" to far south, and

Monday 11th, we began to measure off the distance on a north Course. We had also observ'd that the Var: was lessened which possibly might have caused the error. Tuesday 12th Rain--lay all night on a branch of Possum Cr.--Wednesday 13th began to run back the East Course in Company with Col. Williams while Dor. Walker and Col. Henderson run on West.--lay on a spring branch 2 miles & about a Quarter East of the termination of the N. line. 42 The North Carolina surveyors.

Thursday 14th. got to where the Kentucky Waggon Road (43) cross'd the North fork of Holston, did not find the Surveyor to-night.

43 The Wilderness Road.

Friday 13th Went to the Block House--The Surveyor came there about 1 o'Clock, then went to a branch about $1\frac{1}{2}$ miles eastwardly from Block House & lay all night.

Saturday 16th. While the Line kept on took the Latetude on a knob about $\frac{1}{2}$ m. south of the Line. The Double alt. of Sun $89^{\circ} 0' 30''$ got to Abm. Bledsoes 44

44

Brother of Anthony.

Sunday 17th. Observ'd again at Abm. Bledsoes, here we were in Lat. $36^{\circ} 31' 40''$ N.

Monday 18th Observed in Robts. Millpond dble Alt. $87^{\circ} 36'$ Major Smiths was $87^{\circ} 42'$. This Place is 600 or 700 Yds in Carolina by the first line and my observation nearly proved the sd. line right.

19th. on a knob about $\frac{1}{2}$ mile South of the new line observ'd again dble. Alt. $86^{\circ} 46'$ Major Smith's $87^{\circ} 12'$.

20th in a Plantation about $\frac{1}{2}$ mile North of the line observ'd again dble Alt. $86^{\circ} 3' 30''$ Major Smith's $86^{\circ} 14'$. Went to Major Bledsoe's

21st took the Lat. here Dble alt $85^{\circ} 25'$.

22nd Measured the Distance the two lines were apart, it was 838 po.

23d Rain all day, lay still.

24th. took the Lat. again-- Dble, Alt. $83^{\circ}17'$. here I was about $\frac{1}{2}$ mile North of the first Line. All these Observations made out that the new line was wrong and that old one was nearly right. And I came to this Conclusion, that either I did not see as others usually do, or that the first line was right. I found there was no dependence to be placed in Major Smith's Observations, who as will appear above frequently made us from 4 to 8 or 9 miles off the Line. I resolved therefore to go back to Mr. Walker let him take the Lat. If his Observ. made the new line right I would be convinced I did not see like other people. If on the contrary they should agree with mine I would be for correcting the line. Got this night to Abm. Bledsoes.

Monday. 23th Went by Col. Henderson's Camp in Carters Valley, delivered him his Quadrant which had been entrusted to my Care, and which I had forgot to mention, I had discovered at Major Bledsoe's to make the Sun's Alt. less than ours. told him I could not make an observation to prove the last line right, on the Contrary, they always proved the first to be so. This he said he was surprised at. Lay at John Doonys.

Tuesday. 26th Overtook Dor. Walker on the North fork of Clinch, told him my Sentiments

Wednesday 27th Dor. Walker to the Lat. we were 50 scoats (seconds) in Virga. altho considerably south of the Line. lost Horses, could not travel till

Thursday 28th got to a Lick on Black Water.

Friday 29th Saturday 20th(30th) and Sunday 31st. all these days Dor. Walker observd and his observations made us at least 42 seconds in Virga. this was the lowest observ. the highest $1'20''$ altho' near a mile south of the line. wrote to Col. Henderson who had not yett join-ed us that we were satisfied the first line was right and that if his observ. had been the same with ours to have it brought up. 54

Monday 1st. Novem. this afternoon Col. Henderson came to us.

12

Tuesday 2d. Dor. Walker & Col. Henderson went to the top of the Knob and observed.

Wednesday 3d Nov. Dor. Walker observed with their Instrument on the line which he made 4 miles to far north.

Thursday 4th, Sent off Mr. Michie to bring up the first line.

Mr. Burton observed with their Instrument and nearly agreed with Dor. Walker.

Friday 5th. Mr. Burton & Mr. Guthrie observed as they did in Carters Valley, look'd at Mr. Go. Instrument, and found what I suspected that the reflection sun was too low. began to measure of the Distance southwardly to keep on the line.

Saturday 6th. finished measuring the line to the South, and started Capt. Burton from the 69 mile we agreed to meet him near Cum: Gap⁴⁵ then cross'd Powells Mount⁴⁶ went by our Camp and lay at the Car.

45 Cumberland Gap. 46 Powell's Mountain and Powell's River, the ridge and the tributary of the Clinch just east of Cumberland Mountain Henderson's Letter to Governor Caswell, Introduced here.

Sunday. 7th. Went back to our Camp on bus⁴⁷ returned & lay on Powell's River. 47(Business)

Monday 8th. Col. Henderson proposed sending his Brother's or Capt. Hardin Co. we told him any that would do the duty we would be satisfied with lay about 3 miles west of Martins.

Tuesday 9th. Got to a branch about 2 miles E. of Cum: Gap.

Wednesday-- Made us a large Sextant to observe with.

Thursday 11th lay still. Surveyors not come yet. Capt. Hardin's Company Joind us.

Friday 12th. Mr. Michie came to us. Our observ. at this place were that we were 2 miles in Virga. Capt. Burton came to us this evening.

Saturday 13th. Got Mr. Anderson to act as surveyor, moved over

Cum. Mount. lay on flat Cr.

Sunday 14th. Lay still. Sent Capt. Bledsoe⁴⁸ to explore the Country.

48 Isaac Bledsoe brother of Anthony and Abram.

Monday 15th Lat. $36^{\circ}32'50''$ N. Capt. Bledsoe return'd, from his account concluded it best to go along the Kentucky road, march'd about 4 miles lay on flat Cr. Capt. Anderson came to us in the night, not having met with the Escort sent him in consequence of some Hunters having fallen in with and killed some Indians.

Tuesday 16th. While we were on our march received an extraordinary Letter from the N. Carolina Commissioners, with drawing Capt. Hardin's Company from our Service and discharging him.-- lay in the south edge of the bottom just below the ford of the Cumberland.

Wednesday 17th. Nov. Lay here till after 12. Took Lat. which was $36^{\circ}41'58''$ --march'd on to a small Cr. about S.W.

Thursday. 18th. March'd about S.W. 7 or 8 miles along a broken Valley at the foot of Stone mountain. encamped on a Coms Cr.

Friday 19th. Held on our Course up to the Cr. & about at the head of it, fell on two other Branches which we kept up and out at their heads. lay on a Cr. that Ran directly into the clear fork about 4 or 5 miles from the mouth thereof.

Saturday 20th. Got to the clear fork⁴⁹ and encamp'd on the N.E. bank just below the mouth of a small gut, about a mile above the mouth of the Cr. we came down, a rocky clift being about $\frac{1}{4}$ mile above us (on the other side of the river) which faced to the north.

49. One of the headwaters of the Cumberland.

Sunday 21st. This morning a party of Cherokee Indians and a White man of the name of Springstone came to us, about 1 or 2 o'clock Capt. Anderson and his party all came safe to us.

Monday 22d. Novr. Here a very mutinous spirit began to appear among the Guard owing to our continuing the line thro' such a mountainous

desart and we thought it most Prudent to run the line to the Clear Fork, then turn to the North into the Kentucky road and down the North side of Cumberland to the Valuable Country and there proceed on with it. We began to pursue this plan the line strikes the clear fork about $\frac{1}{2}$ mile above the mouth of the little Cr. in a cane broke on a Poplar & 2 Hackberry trees marked with the initial letters of several names measuring from Steep Rock Cr. $123\frac{1}{2}$ miles⁵⁰ this day after quitting the line went by the Indian Camp and got three of them to go along with us, lay on the E. side the river 7 or 8 m. Took the Lat. where the line strikes river tis $36^{\circ}30''$

50. Once after words proposed to and agreed by N. C. com. that each run his own line.

Tuesday 23d. Cross'd the river traveled about 5 or six miles lay on W. Side.

Wednesday 24th. Kept down river cross'd Cum: below the mo: of clear fork. lay in bottom on N. Side. Cloudy and a little rain 5 or 6 miles.

Thursday 25th. Cloudy. travelled across from the river to Indian Cr. then up the Cr. N. Easterly about 6 or 7 m. Snow to night.

Friday 26th. lay still, all day took lat. tis $36^{\circ}47'16''$.

Saturday 27th Nov. 1779. Removed from Indian Cr. N. E. ward 5 or 6 mile and encamp'd on Lynn Camp Cr. a branch of Laurel River ⁵¹ Cloudy and like for rain to night.

⁵¹ The next tributary of the Cumberland, considerable north of Clear Fork.

Sunday 28th. Misty and some rain with thick Clouds. today Capt. Craig's Company were told that in consequence of what had been promised them heretofore (especially at Clear fork) we now were ready to discharge part of them, or all a ove 15 Which at length they furnish'd us. rain to night.

Monday 29th. Rainy lay still. Major Bledsoe was settling his Accounts.

Tuesday 30th. To day Capt. Craig and sundry of his men, and also the

15

Surgeon left us--Rainy.

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Wednesday 1st. Decr. Cloudy travelled N.E. about 5 miles encamp'd on another branch of Lynn Camp Cr.--

Thursday 2d. Decr. Windy and showers of Snow latter part of the day cloudy. Billy Camden got lost and lay out all night.

Firday 3d. While I went up to the Kentucky road looking the lost man Mr. Walker took the Lat. of this Camp tis $36^{\circ}55'$. Billy Camden came in. We prepared to make an early start tomorrow morning.

Saturday 4th. Moved into the Kentucky road and along it to Laurel River encamp'd about a mile above the road. Snow to-night.

Sunday 5th. Snowing lay still. Monday 6th Cloudy lay still.

Tuesday 7th March'd to the first Creek of Rockcastle⁵²

52. A still more northern branch of the Cumberland River.

Col. Henderson was encamp'd we were told about a half a mile below us.

Wednesday 8th. This morning Col. Henderson paid us a visit. moved near Rock Castle encamp'd on a Cr. which we called Bever Cr.

Thursday 9th. Cross'd Rock Castle & left the Kentucky road, encamp'd on the river about 4 mile below where the Kentucky road leaves it. a Hard wind to-night.

Friday 10th. lay still, waiting for Major Bledsoe to come up, who had been left where we saw Col. Henderson, looking lost Horses, took the latitude of this Place 'tis $37^{\circ}13'$ not sure the Inst. right adjusted. To night Major Bledsoe came up.

Saturday 11th. Travelled about 8 miles, tho perhaps not more than 5 on a right line, our general course about West. lay near the head of a branch of Rock Castle at a small Canebreak. Rain to night.

Sunday 12th. Much rain to day. all day lay still.

Monday 13th. Cloudy and some showers of snow. After 12 O'Clock the creek not suiting our course from this Camp we travelled along a ridge nearly West till we came to a Branch of Buck Cr.³³ which we kept down

16

till after the Sunk, this evening we fell on a Trace that we suppose led to the french Lick, encamp'd on it. A cold night, our days march 6 m. 53 A stream west of Rock Castle. Smith's route was now turning towards the west.

Tuesday 14th Decr. A Very cold day but clear, travelled along the Trace N. Westerly about 2 m to buck Cr. which too highto ford lay at it all day. an excessive cold night.⁵⁴

54 This winter was long remembered for its extreme cold.

Wednesday 15th. Cold and Cloudy. Travelled up Buck Cr. about 1 mile on the E. side by which we missed two crossings of the Cr. then we cross'd it and travelled along the Trace a little to the S outward of west, crossed another fork of Buck Cr. at a lick, up a branch and out at the head thereof, then down a branch of Pittman's Cr. encamp'd at the first Cane thereon. A little snow to-night. 8 m to day.

Thursday 16th. went down the Cr. by myself about $2\frac{1}{2}$ m. found Pittman's and several other families encamp'd there, went back to camp lay still all day.

Friday 17th. Went down Pittman's cr. cross'd it several times, then at last left it and travelled across to Fishing Cr: which we struck about 5 m. above the mouth. lay on a small branch at the mouth. Misty all day. 12 m to day.

Saturday 18th. lay still, went down Cr. to find the river (Cumberland) I did not go for enough, killd a buffaloe & return'd. Mr. Michie took Lat. 'tis $36^{\circ}38'$

Sunday 19th. march'd down the cr. nearly South about 5 m. to the river then about W.S.W., 1 m. down the river, and encamp'd, Lat of this place on an accurate obsr. $36^{\circ}34'42''$. Dble. Alt. ver.ob. $59^{\circ}19'$.

Monday 20th. Major Bledsoe went to look for Trees to build Canoes and go down by water in pursuance of a resolution which we took at Laurel River, having return'd and found them. next day Tuesday 21st. we march'd

down the river about 5 miles to the Place.

Wednesday 22d. Set about the Canoes, Mr. Michie took Lat. 'tis $36^{\circ}51'31''$

Thursday 23d. I took the Lat. Meridian dble. alt. $59^{\circ}22'$ ver. ob: Lat. $36^{\circ}53'31''$

Friday 24th. Do--Do-- $59^{\circ}25'$ rather cloudy $36^{\circ}53'16''$

Saturday 25th. Christmas Day. Do. Do. $59^{\circ}27'$ ver. ob. $36^{\circ}53'16''$.

Sunday 26th. No work on canoes these days.

Monday 27th. Working on Canoes. Cloudy & misty or little rain.

Tuesday 28th. Do Do.

Wednesday 29th. Saw the Sun a little tho not enough to take a good observation.

Thursday 30th Cloudy & a little Snow.

Friday 31st. Clear & Cool. Mr. Walker took Lat. ver: ob. dble. alt. $60^{\circ}3'$ Lat. $36.53.58$. discoursed a little with W^m Young who just came from Ky.

Saturday. Jany 1st 1780 Launched one of the Canoes. Jerry Pearce came over from Prices & lay with us to night. Snow to night.

Sunday 2d Thro. scarcity of me at went down by water a hunting with 2 others. Cloudy & some snow. Killed Turkeys at night to live on. lay 4 m. below Station Camp 36 (36 name in Haywood. pp 92)

Monday 3d. went about 3 miles lower & killed 6 Buffaloes. late before we got them butcher'd; clear & very cold night.

Tuesday 4th. moved up the river with two of our Buffaloes. The ice was so bad coming down the river we could only reach our Sunday night camp where we lay with Oba Terrel.

Wednesday 5th. got back to Station Camp. but some how by accident got the britch of my gun broke off.

Thursday 6th cold to such a degree the river froze over, and continued froze over till Sunday 9th. Jany. 1780 when Major Bledsoe crossed over on it to go to prices. In this time I fixed up my gun Barr in on other stock & lock.

Thursday. 13th. Went down the river a hunting in order that less provision might serve at our Station Camp as there was no appearance of a thaw. I, M. & F.W. went with me, lay at Oba's camp.

Friday 14th. lay on the Riv. 9 m. below Station camp to go to the nearest way killed two buffaloes.

Saturday 15th. killed another buffalo. Monday 17th went alone back to Station Camp. Thursday 20th, returned to I.M. & F.W.

Friday 21st. moved down the river 6 m. lower killed 5 buffaloes.

Thursday 27th. went back to Station Camp. no appearance of a thaw yet stay'd here till

Monday 31st Mr. Sharp went down the riv. with me.

Monday 7th Feby. Snow a little last night & to day.

Wednesday the weather had moderated a little

Thursday 10th Feby. An appearance of a thaw coming on. We went to Station camp, Rain to night a little.

Saturday 12th. Riv. rose much. Sunday 13th. This morning the Ice broke and we launch'd our Canoe.

Monday 14th launched another Canoes.

Tuesday 15th launched the other and sat off down the river lay about 1 m. above our first encampment. vid. plat. of viv.

Wednesday 16th. at 39 m. dist. by water from Canoe Camp passed by the mouth of a large Cr. on the S. Side at 57 m. encamp'd at the foot of a large bottom on N. side where the riv. run E. just above the mouth of a small cr, where there was cattle left & Mr. Sharp lay from us.

Thursday 17th. at 72 m. passed by a curious nat. bridge on N. Side at 76 m. encamp'd on N. Side in a large bottom.

Friday 18th. at the mouth of Brushy Cr. found a note of Capt. Bledsoe's who had gone along with the horses. the Lat of this place $36^{\circ}42'46''$ and 91 m. distant at 106 m. pass'd by the mouth of a cr. on N. Side another

note from I. B. ⁵⁷ at 117 m. another cr; on N. side with fresh Blazes where we encamp'd.

57. Isaac Bledsoe.

Saturday 19th. at 132 m. Stopp'd on S. Side and look Lat. which was $36^{\circ}34'51''$. at 147 m. a Cr: on N. Side at 149 m. encamped on N. Side.

Sunday 20th went up the bottom, supposing we were in Carolina, to the mo. of the last cr. and took Lat. it was $36^{\circ}30'49''$ Dble. alt. $85^{\circ}12'$ measured some (down) 298 po. to the supposed Line To day Major Bledsoe went in search of his brother.

Monday 21st. Major Bledsoe returned with his brother. Rain Tuesday 22d A wet kind of Snow, all day. Wednesday 23d Some Snow. hunted this afternoon for Turkies.

Thursday 24th. Clear & Cold, went to the place of Observation Dble. alt. $88^{\circ}9'$.

Friday 25th. Went again to the place of observation, and as our observations had never varied more than 19 seconds fix'd the line.-- to begin at a Beech on the top of the bank. The line crosses the river nearly at right angles (35 S.W.S.W.) bottom on both sides the river. mark'd our name and the date on the two Beeches, and also marked on the Eastern bank an east course from the Beech. Our names on two Maple-like trees and their Initials on a box elder, having done this the Surveyor ran the line West to the top of the first hill & A. creek comes in on the N.W. side about a mile above the line and a smaller one on S.E side about $\frac{1}{2}$ mile in Carolina⁵⁸

58 Reference to where they established the line.

Saturday 26th Feby. To day Mr. Walker sat off with his Party and Canoes to secure provisions &c. while I went with Mr. Michie On the line. We were to meet at the French Lick or in its neighborhood, at least I was to do so with the Quadrant, and Mr. Michie is to run from where I shall leave him to where the line crosses cumberland again. Run 2 m & 240 po. to a cr; at the Mouth of which we had taken the Lat: the line keeps

near by us the cr. crossing it. (Blank in ~~Map~~) times at 3 m. $\frac{1}{4}$ encamp'd in Cr: bottom. about $\frac{3}{4}$ m. above a north fork of it.

Sunday 27th, at mid-day today took Lat. line right at $7\frac{1}{2}$ m. the top of the dividing of the waters between cumberland & Green River. Vid. map line-- at $14\frac{1}{4}$ m. encamp'd on a small br. running S. into a Cr. of Green R.⁵⁹

59. Probably a branch of Barren River, which runs into Green River. The latter empties into Ohio opposite Evansville Indiana.

Monday 28th. at 16 m--6 po. Came to the Cr. again, and being entirely without meat and having fasted some time went a hunting--killed two large Bull Buffaloes.

Tuesday 29th. Ran about 6 m. to day. Rain in the Afternoon. Quit the line at 22 m.-- a few ch. and went down a branch that ran about N. 70 W. encamped on a cr: at the Mo. of sd. branch. rain.

Wednesday 1st March. It did not clear up till near ten O'Clock, then fair, took Lat. found the line very right. Dble. Alt. $92^{\circ}40$ at 23 m. 60 po. cross'd cr: we camp'd on, cross'd a steep hill, at 23 m. 104 po. another cr. running near north--cross'd another hill, at 24 m. 34 po. another cr: these creeks we suppose come together and run into the one we came down first, at 27 m. 152 po. left line and went to the north about $\frac{1}{2}$ m: and camp'd on a Cr.

Thursday 2d March. at 28 m. 60 po. cross'd another cr; running N. then across some very briery ridges at 34 m. 40 po. another cr. running to N. on which we encamp'd.

Friday 3d. at 38 m. 240 po. a Cr: on which we encamp'd--Newton's cr: Hunted to-day but could kill nothing.

Saturday 4th. at 46 m. 212 came to a cr. on which we encamped ,2 Buffaloes kill'd to day poor.

Sunday 5th. Rain this morning a little, in the afternoon a good deal, lay still.

Monday 6th. Our meat being very lean & it being an unlikely day, Capt. Bledsoe hunted--I staid at Camp in order if fair to take an Observation, which I did tis $30^{\circ}30'15''$ Dble Alt $96^{\circ}30'$. As this observ was good I depend much on it. I discovered also as I thought that too little variation was allowed. Mem: observe to night-- Twas Cloudy about 9 o'Clock, and hard rain afterwards till near day but when the Pole Star was in the most western part of his orbit it appeared there was, by taking his bearing, to be full six degrees, var.

Tuesday 7th. Run to day magnetically S. 84 W. at 50 M. 178 P. crossed a creek running N. W. on which we killd a Buff. at 51 $\frac{1}{4}$ m. got into the edge of the Barrens, at 55 m. 242 po. a large cr. running near N. about 10 W. on which we encamp'd Took the Variation to night at Sunset by her amplitude and also by the Pole Star when on the meridian. I find it 70 Degrees E.

Wednesday March 8th. at 64 m. 294 po. a Cr. whose gen: course seems N.W. tho' just where we cross'd it N.E. on the W. Side of which we encampd-- Went hunting found the Cumberland Road⁶⁰ about $\frac{1}{2}$ mile to the West.

60 The road to the French Lick on the Cumberland River.

Thursday 9th at 66 m. 14 po. cross'd the Cumberland road running W.S.W at 73 m 231 po. a cr. on which we encamp'd. Took Lat. to day. $36^{\circ}29'52''$ Dble. alt. 98.51.

March 10th. Oblidged to stop to hunt. Capt Bledsoe killed nothing but 2 Deer, took Lat. line very right. Dble. Alt. $99^{\circ}39'30''$

Saturday 11th. Today I sat off to the French Lick to meet Mr. Walker. Got into the Cumberland road and lay thereon on a small cr; of Red River 61-25 miles today.

61. Sulphur Fork, a branch of Red River rises E. by road.

Sunday 12, Got to Gaspor's Lick⁶² Snow. Monday 13th lay still.

62 Gaspor or Gaspor Mansco & his explorations. Haywood pp 88.

Tuesday 14th. Got to the French Lick

63. The site of Nashville. No mention of James Robertson and settlers.

Wednesday 15th. Sat off to meet Mr. Michie. Lat. at Eatons $36^{\circ}7''$ ⁶⁴
at 30 m. lay on N. side on a high Point-- Lost Tomhawk.

64 Easton's Station on the other side of the Cumberland.

Thursday 16th. at $20\frac{1}{2}$ m. pass'd by the mouth of Harpers ⁶⁵River in all
 $32\frac{1}{2}$ m. Ind. town.

65 Harpeth River. Haywood also spells it Harpers.

Friday 17th. only $11\frac{1}{4}$ m. to day, Ind town.

Saturday 18th at $11\frac{1}{4}$ took Lat. $30^{\circ}21'22''$ at $12\frac{1}{4}$ ms. of red river in
all 36 m. lay on high bottom just below where (our dog wounded) stricken
out in Ms) met Show to day.

Sunday 19th. at $17\frac{1}{2}$ m. took Lat $36^{\circ}19'25''$ at a pond 1 m. above Sharp's
cr. at $23\frac{1}{4}$ Island, at 31 m. lay in rich bottom N. side.

Monday 20th. at $9\frac{1}{2}$ met with the Surveyor ⁶⁶line to far South owing to
change of the Variation. met Carvin to-day

66. Who had been carrying the line across country while Smith visited
the French Lick.

Tuesday 21st. Observed again found as yesterday run the offset.

Wednesday 22d. After observing again to-day, and finding the line right
Sat off for the Tenasa. ⁶⁷

67. Smith of course had crossed the Cumberland.

Thursday 23d at about 10 O'Clock joyfully surprized with the sight of
the Tenasa 140 m. $\frac{1}{4}$ from the Cumberland at our crossing it in Feby.

Turnd back and got to the Cumberland that night. These River are but
 $9\frac{1}{4}$ miles apart, tho so far from their mouths. ⁶⁸

68. Another reference to their report of line across heads of G. & R.
rivers.

Friday 24th. got 5 or 6 m. up the river. Dan Frozier & Jerry Sears went
up by land with the Horses.

Saturday 25th. got to the mouth of Sharpes Cr. Set a Sail to-day
little wind.

Sunday 26th. Easter Sunday. wind agt. us. 27th Monday, fair wind part of the day, flowy. 28th Tuesday, wind agt. us, pass'd the mouth of Red River.

29 Wednesday wind agt. us. 30th Thursday no wind. 31st. Friday, got to Harpers Riv⁶⁹

69 Col. John Donelson met Henderson's party on this date near this place. Ramsey Anvals 202.

Apl. 1st. Saturday got to Tomhawk Camp (p) Apl. 2 Sunday got to Amos Eaton's

Apl.3. Monday Rain. Tuesday 4th Rain. Wednesday 5th sold four horses 3 Kettles some Tents &c. settled some accts. 6th Thursday hunted horses. 7th Friday. Horses not all found.--Received a letter from the governor to go to the Falls of Ohio on particular business. Col. Henderson brought this letter.⁷⁰ Letter in Clarks papers. 392-393-393. Ibid 386.

8th. Saturday, This morning began to recruit a guard to go to the falls. Sunday 9th 10th Col. Henderson informed 'twas his opinion Carolina would establish the line we had run, 11th Tuesday little success in the recruiting way ⁷¹(71 Ref to having since seen Col. Henderson)

Wednesday 12th. moved to Gaspar Mancoes lick. Thursday 13th. two horses lost, hunted for them all day in rain. Just before we left Eaton's we rec'd of Major Bledsoe £ 454.7. but on counting it again at a leisure hour found we had made an error in counting one of the parcels, we had counted a 35 for a fifty-five dollar bill-- and that the other parcel was £2. 16 s more than 200 which it had been countede for, so that we had recd. no more than 451 £3. of which I used 11 Dollars to pay for the making a hunting Shirt and also pd. Gaspor Mansco his charge of 30 Dollars for Diet at his house while the Horses were hunting. At Gaspar's recd. also £. 45 of Major Bledsoes for other Articles he had sold. re-collected afterwards that the £ 216 was (paid) me by Major Bledsoe for expence which I had paid on the Back Line.

Saturday 15th Apl. crossed the line lay on the N. fork of the Red. Riv.

Sunday 16th. at 12 m. come to Skeggs Cr. kept down it crossing it sev. times. encamped near the mouth course N. 30 E. abt. 27 or 28 m. in the whole.

Monday 17th: cross'd Skegg's cr. and big barren Riv. this morning then to rocky Spring course N.E. Abt. 13 or 14 m. then N. 10 E. (left Trace) 4 m. and encamp'd on N. Side Green Riv. 72

72. Now on his way north to falls present Louisville.

Tuesday 18th. Moved about 10 m. on a course about N. 10 E. encamp'd on a cr. we called Raccoon Cr.

Wednesday 19th. down Raccoon Cr. $2\frac{1}{2}$ m. across a hill 1 m. to a large Cr. supposed to be the rolling fork of Salt River held on our course and in about 4 m. more came to the sd. cr. again it ran so crooked encamp'd on the E. Side. Course about N. 30 E. $7\frac{1}{2}$ m. today in the whole.

Thursday 20th. to-day cross'd riv. up a cr. N. 20 E. 1 m. to fork up W. fork W. N. W. 1 m. along a valley N. 10 E. 3 m. to riv. W. 1 m. N. 20 W. 20 m--reduced to a straight N. 10 W. $6\frac{1}{2}$ m on W. Side.

Friday 21st. cross'd cr. twice today at 5 m. it seem'd to bear so much to E. we expected not to cross it again, in all reduced to straight N. 8 E. $11\frac{1}{2}$ m. lay at a pond, barrens all day. continued to where I cut my foot.

Saturday 22d. N. 3 E. 10 m. (at 7m a small cr. running to N.W. at 8 m a dry one with a Spring N. W.) to a Buffaloe road, along the Buffaloe road N. 55 E. 3 m. lay on a cr. along this Buffaloe road we saw Horse tracks which is the first marks we had seen of any human being having been in these desarts from the day we left rocky Spring.

Sunday 23d. Apl. Cut my foot accidentally this morning, travelled N. 18 E. 12 m. N. 80 E. $\frac{1}{2}$ m. N. 1 m to a Lick. N to E $1\frac{1}{2}$ m thro some knobs to Salt Riv. on which we encamp'd after beginning a raft. It forks about $\frac{1}{2}$ m. Above us.--Back Water from the Ohio seems to come here.

Monday 24th. Rafted across the River., then N. 70 E. $1\frac{1}{2}$ into a Buffaloe

25

road at foot of the hill which bore to left, we kept it about N. E. 5½ m. to Bullets Wick. then North ¼ m. encamp'd on a Cr.

Tuesday 25th. N. E. abt. 7 m. into the Trace leading to the Falls along it about North 12 m. to the Falls, where we were told Col. Clark had left that place 14th Inst. to go to the Iron Banks, 73 One Capt. Miller of his corps offer'd to carry us down to him as he was just going there and with him we agreed to go. Rain, Thunder & Lightning this Afternoon-- we got very wet, found Smith Hansborough here.

73 Abandoned French Fort 5 m below Mouth Ohio on Miss. River.

Wednesday 26th. Settled with Mr. Sharpe who fell in our debt. £ 9 16 s which we paid--he had a bag afterwards. Pd Edwin Garnet his acct. £ 25 4 s--Also Jeremiah Sears the same. Also W^m West. the same also Lewis Riland the same. Also let Jno. Jenkins have 35 Dollars and Hugh Hays 60 Dollars. pd for my own use 10 Dollars to Mr. Sharpe for a Knife and 142 Dollars to Smith Hansborough in exchange of Guns. then embarked. Cloudy & Misty.

If Paper was plenty I would attempt a discription of our uncomfortable situation--with a Xoutippe of a Landlady, something petruchio of Shakespear or Mabal for a Landlord their Dirty children, leaky boat Drunkenness &c. but I am by no means equal to the task.⁷⁴

74. Clark's

Thursday 27th at day I suppose we were about 15 m. below the mouth of Salt River. To day I recollected the excess of the 200 £ parcel, was owing to Major Bledsoe's having paid me 9 Dollars for expense I had paid on the back line. drifted all night, we thought we discover'd an Indian fire on their Shore to-night.

Thursday 27th. Nothing remarkable, drifted chiefly or rowed but little saw several fires on shore to night which we suppose must be caused either by the woods being on fire or by the Indian drifted all night. Friday 28th. rowed & drifted nothing remarkable but scarcity of provision, foot painful.

Saturday 29th. this afternoon passed the mouth of Green River wrote a note to Col. Henderson. Sunday 30th. Strong wind agt. us till afternoon lay still till wind abated, then started. we lay at Yellow Banks last night.

Monday 1st. May-wind agt. us--hunting parties detained us on an Island opposite to the mouth of Wabash Riv. till near sun down, then started down & row'd all night.

Tuesday 2d May. Very sick, come by the mouth of Cum: abt 8 o'clock this evening.

Wednesday 3d. This morning at break of day opposite to the old fort Massee 75 this afternoon at 5 o'clock got to the mouth of the Ohio. then down the Mississippi about 5 m. to Col. Clarkes encampment, who we saw this evening and had some conversation with respecting our business.

75. on Ohio below mouth of Tenn.

Thursday 4th & Friday 5th. Staid at the Intended Town⁷⁶.

76. F.T. Jefferson, Clark and Todd agreed on occupation post begun Apr. 1780 evacuated June 8 1781. lack of supplies

Saturday 6th. Went down to the Iron Bank, encamp'd on the Spawsh shore a little below--rather hazy.

Sunday 7th. Cloudy, rain last night. Monday 8th, clear in the morning but cloudy at noon, run some lines to enable us to know the width of riv.

Tuesday 9th May. cloudy, but being convinced we were north of the line moved to the S. end of the Island--abt 5 m.

Wednesday 10th observed. Thursday 11th agreed with Yesterdays observ. we were 3'19" in Virginia--from this point of the Island we ran east to the main land where I marked a buckeye elm & sugar tree then South 3 m. 265 po. thence West 106 po. to riv. 96 po of which we mark'd. new land is forming here, nothing to mark but cotton trees.--moved up the riv. till abt. 1 m. below Wt. Clift.--a cr. abt $\frac{1}{4}$ m. above wt. clift.

lay in the wet without fire.

Friday 12th. got up to Col. Clarke.

Saturday 13th embark'd again for Koskoskios²⁷.

Koskosia.

Thursday 18th arrived at Koskoskios and remained there (which place we made Lat. 37 39' N.) till

Monday 5th June, not well night of 5th June. left this place to go homewards, arrived at Camp Jefferson

Wednesday 7th June a few minutes after the Indians had murdered 3 men near the town. 2 others were missing supposed to be made prisoners and it appeared that had killed another last Monday from his bloody clothes being found in the Indian Canoes. people much distressed for want of provisions and in confusion.

Saturday 10th. June. Col. Clark with 2 men sat off to go by land to the falls of Ohio.

Wednesday 14th June. embarked to go to the falls of Ohio with no more provision than one quart of unsound corn per day for ten days.

Tuesday 4th July arrived at the falls.

Thursday 6th. Sent for our horses and went as far as Col. Floyds, who lent us 195 - 15 of which Jenkins used in Swap of guns and is to be charged with--

Monday 10th July. got to Horrodsburg⁷⁸ continued on by that place to Willson's Station.

Tuesday 11th July got up to Logan's--overtook Col. Henderson on the road

12th Staid all Day at Logan's

Thursday 13th July. left Logan's and got 2 m. S. E. of Chas. English's

Friday night 14th: July lay on the most easterly waters of Skegg's cr: before we came to rock Castle.

Saturday night 13th July. lay on Laurel Riv. Waters.

Sunday night 16th July lay on Richland cr.

Monday night 17th July lay cross'd Cumberland lay on Clear Cr.

Tuesday 18th July cross'd Cum: mountain & lay abt 2 m. east of the Gap.
to night the Indians stole 7 of our horses.

Wednesday 19th July followed after our horses and retook them.

Thursday 20th July got to Trading Cr.

Friday 21st. to Crismans Spring--Settled and pd. Hugh Hays 830 & 270
Dollars.

Saturday 22d July--parted with Mr. Walker--lay between the stock Cr.
& the Rye Cave⁷⁹.

79 on Clinch near Smiths home.

Sunday 23d lay at David Guess Old place.

Monday 24th. lay at Chas. Hays's

Tuesday 25th. got home. 7th Aug. Monday in the morning early.

(Here the Journal breaks off).

Appendix 8

Sumner County, Dec. 8 1815

Sir--You have asked me all the information I can give you respecting the line run in 1779 and 1780, by Dr. Walker and myself, between the state of Virginia and North Carolina: I have no unwillingness to communicate the same. We began at or very near the place where Messrs. Fry and Jefferson left off theirs in the year 1748 or 1749 on steep rock creek a branch of Holston river; I say at or very near the place because close to the creek, whatever marks they made had become obliterated by the encamping of hunters or other persons at the place--I did myself, follow their old line from the top of the next mountain east of the creek, distant I think, 8 or 10 miles, to within a mile and a half of the creek. The commissioners from North Carolina were Col. Richard Henderson, Col. John Williams and Major William Baily Smith,--We were all agreed that the place of beginning was right and that we set out on the proper course and as far as I know continued of that opinion

until we arrived in Carter's Valley, on the west side of the North Fork of Holston. Then the North Carolina gentlemen expressed a belief that we were in an error. And shortly after (from what cause I cannot be positive) left us and run another line as I suppose, some what more than two miles north of ours, and which they first assented to.

As much the greater part of the expense of marking this line had, accrued, and as it appeared to us very material that the southern boundary of the Virginia military donation land should be ascertained, because the country on the Cumberland river about the place called the French Lick, was rapidly filling up with settlers, we concluded to continue the line as we thought right. When we had extended it to the clear fork of Cumberland river, the winter sat in so cold, & the country we had to pass through was mountaineous and barren, that we believed subsistence could not be procured for ourselves and pack horses. We therefore left the tract of country and traveled down the Cumberland River to a place, a little below the mouth of Fishing creek, where we built canoes in the very bad weather to transport our baggage; after the winter moderated a little we descended the river to the proper latitude, a little above the mouth of Obed's river. From this place, while Dr. Walker went down the river with the baggage; accompanied by our surveyor, I continued on the line, and after giving the surveyor proper directions at the trace leading from Kentucky to the French Lick, I parted with him to meet Dr. Walker as we had appointed at the said lick. Then we proceeded down the river and met the surveyor on its banks about two miles south of the true line, owing as we believed to a change in the variation of the needle, caused by large quantities of iron ore in the neighborhood. We went into the proper latitude, and continued west to the Tennessee river, then returned back to Cumberland where we had left it, and continued the line east, intending to pursue

that course until it should touch the line run by our surveyor at the place I parted with him. But finding the country one vast extent of open barren, not furnishing trees to mark, we relinquished the line and commenced our journey home.

On our arrival at French Lick we received a letter from the Governor Galvez was then conquering the Natchez country and the adjacent parts from the British, to go to the Falls of Ohio to Col. Clark, and apply to him for a guard; descend the Ohio and Mississippi rivers to the proper latitude and there make marks and give all the publicity we could to the claims of Virginia that far south. This duty we performed and then returned home. On our way, we fell in with Col. Henderson, who told us more than once that North Carolina would sanction what we had done, -Whether he made report to that state, and to what purport, we have not been informed. Our report, Dr. Walker handed to the legislature of Virginia, which I understand was properly received and deemed quite satisfactory. This was in the height of the revolutionary war Great Britain, when business of this kind was deemed of far less consequence than, by every exertion to repel the enemy from the country. This enemy came afterwards to Richmond and as I have understood destroyed many of the public papers and records.

I cannot but observe, that through Holston part of the country, it has been supposed by many, we had run the line to far to the southward, and from a magnanimous spirit of accomodation, Virginia relinquished her claim to about a mile of Territory. Through the Cumberland country we have been suspected of running the line to far to the northward. Why such suspicions should arise, I know not. Our only desire I well know was to run the line in the proper latitude.

I am sir,

With great respect, &c.

Daniel Smith

A copy of General Daniel Smith's letter appeared in the Nashville

Gazette, March 1 1820.

Tenn. the Vol. State.

Appendix 9

1790 Report

Of the Committee of the Legislature of North Carolina, on Walker's Line at their Session at Fayetteville, Which Began on the 2d of November and Ended on 22d of December, 1789.

Mr. Person, from the committee to whom was referred the letter from his Excellency, the Governor of Virginia, on the subject of establishing the boundaries between this State and Virginia, reported that it is proposed on the part of Virginia that the line be established as the boundary between us. Should this proposed not be acceptable to this State, they will appoint commissioners to meet any persons who may be appointed on the part of North Carolina empowered to confer on the propriety of establishing Walker's or Henderson's line, and to report to the Legislatures of their respective States their proceedings. On examining the manner in which those lines were run by the commissioners in the year 1780, they find that the commissioners began and extended the line together about forty miles, when some difference to place, and the commissioners on the part of this State run a parallel line two miles north of the other line, for about half the distance, and extended the line no farther. Mr. Walker and the other commissioners from Virginia extended the line to the Tennessee River, marked its termination on the Mississippi by observations, leaving the line from the Tennessee to that place unsurveyed. As the difference between said line would only be two miles. running most of the distance through a mountainous, barren country, and as they have great reason to believe, from the information of General Smith, that the commonly called Walker's line is the true line, your committee are of the opinion that the object is not worth the expense of sending commissioners to confer on the propriety of establishing Henderson's line in preference to that of any

other, and do recommend that a law be passed confirming and establishing the line usually called Walker's line as the boundary between this State and the State of Virginia, with a reservation in favor of the oldest grants from either State in deciding the rights of individual claimants in the tract of country between the two lines commonly called Henderson's and Walker's lines.
Haywood 497.

Report

State of North Carolina

In the House of Commons, December 11 1790

The committee to whom the letter from the Governor of Virginia on the boundary line between this and the State of Virginia was referred report that it is the opinion of your committee that the boundary line between the States of North Carolina and Virginia be confirmed agreeable to report of a committee, concurred with by both Houses last session of Assembly, and that a law be passed confirming the line commonly called Walker's line as the boundary between the States of North Carolina and Virginia, reserving the right of the oldest patents, grants, or entries made in either of the States.

All of which is submitted.

Thomas Person, Chairman

In House of Commons, 11 December 1790.

Read and concurred with,

S. Cabarrus S.H.C.

In Senate, 11th December, 1790

Read and concurred with,

William Lenoir, S.S.

Haywood 498

Appendix 10

1792

Richmond, October 24 1792

Sir:

For many sessions past has the General Assembly of this Commonwealth turned their attention toward the establishment of the boundary line between North Carolina and this State.

In the course of last year the Executive received from the Governor of North Carolina the enclosed proceedings of the Legislature of that State, and communicated the same to the General Assembly.

In consequence whereof an act was passed, entitled, "An act concerning the southern boundary of this State," and duly promulgated, a copy of which I herewith forward.

This Commonwealth was governed, on this occasion, solely by a proper solicitude to prevent the possibility of subsequent difficulties which might arise from the want of an acknowledged boundary between the two States.

The acquisition in territory or people was too small an object to engage the attention of a community whose conduct, as a member of the American confederacy, has been signally marked by her gifts and her cessions.

We could never conceive, on the present occasion opposition from any quarter to the complete execution of a law deemed essential to the peace and quiet of two States.

But a copy of Governor Blount's letter, herewith transmitted shows that he considered himself bound, by his duty as an officer of the United States, to disregard the law establishing Walker's line as the southern boundary of this Commonwealth.

Thus, sir, not only is the object of the General Assembly defeated, but the citizens living between the real line and the pretended line are subjected to unmerited sufferings, of which they justly complain.

You will find among the papers a copy of a letter from Mr. Martin, whose information on this subject I believe to be worthy of full credit, and which goes to do away the ground of the opinion entertained by Governor Blount.

I would enter more particularly into the explanation of this business, but really I conceive it by no means necessary, as the transaction

speaks for itself, and the accompanying papers declare the sense of Virginia and North Carolina, and manifest the oposition made to the law of this Commonwealth, as well as the reasons for such oposition.

Let me entreat you to lay the same before the President of the United States, and to favor me with the Presidents decision as soon as may be convenient.

I have the honor to be sir, with sentiments of the highest respect, your obedient, humble servant,

HENRY

The Secretary of State, Philadelphia

American State Papers,
Vol 37 pp 54

Appendix 11

An act concerning the Southern Boundary of this State passed December 7 1791

Whereas official information hath been received by the General Assembly the Legislature of the State of North Carolina have resolved to establish the line commonly called Walker's line as the boundary between North Carolina and this Commonwealth, and it is judged expedent to confirm and establish the Said line on the part of this State.

Be it therefore enacted by the General Assembly, That the line commonly called and ~~known called~~ and known by the name of Walker's line shall be, and the same is hereby declared to be, the boundary line of this State.

Sec. 2. And be it further enacted, That in all courts of law and equity within this Commonwealth, the claim for lands lying between the line commonly called Walker's line and the line commonly called Henderson's line, shall be decided in favor of the oldest title, whether derived from this Commonwealth or the State of North Carolina.
American State Papers, vol 37 pp 56

Appendix 12

Sir:

Agreeably to your request I have made every inquiry respecting the lines called Walker's and Henderson's, which are the subject of dispute between this State and North Carolina, but my knowledge of that country might not be sufficient to lead to accurate information; but I can find no person that can render me any assistance. As far as my knowledge serves, I can inform you that from steep rock to Cumberland mountain, where Henderson stopped, is one hundred miles. Walker proceeded as far as the Mississippi. The width between the two lines, as far as Henderson proceeded, is between two and three miles. I think there are about one hundred families living between the lines, the greater part of whom are desirous of continuing in Virginia. About one-fourth are content to remain in statu quo, as they are exempt from paying tax.

The lower station in Powell's Valley, is between the two lines; they consider themselves under the protection of Virginia. The Virginia law is adhered to there; and all titles to lands are from the Government of Virginia.

You will find that when the cession was made from North Carolina to Congress, reference was had to General Smith, without mentioning who General Smith was. At the time the line was run, he was esteemed the best mathematician, and therefore appointed to assist in the extension of the line. At the passage of the bill in North Carolina for the cession he was a member of Assembly, and called on for information. I was also a member at that time. The decision respecting the lines, as I understood the matter being one of the committee, took place at the passage, or rising of the Assembly.

The cession to Congress was on certain stipulations, which could not take place before the pleasure of Congress was known, which was

some months after.

I have business in Powell's Valley, which will call me there in February next, if necessary, after that time I can give you a full account of the families, their names, militia, &c.

I have the honor to be, your excellency's obedient servant

Washington County Va. and made a dep. JOSEPH MARTIN Constable Edward

His Excellency Henry Lee, Esquire, Governor of Virginia.

American State Papers. Four shillings covering costs and fine for
Vol 37 pp 54.

Appendix 13

August 8 1792

Dear Sir: to twenty-four shillings, for which he received a receipt

I have received a few lines from you, wherein you request a copy of Governor _____'s orders to me, respecting the jurisdiction and claims we have to the lands and people between the lines.

Some time ago I write you, in full, my sentiments on the subject, agreeable to the cession act; at which time I had no special order respecting the people between the lines, and I wrote to the Governor to know how I should act. He sent me orders in these words: "That I was to pay no respect to the claims or to the jurisdiction that Virginia had to the land between the lines, but to punish offenders against our laws, so residing as elsewhere".

From your friend

GILBERT CHRISTIAN

To Colonel Arthur Campbell

American State Papers

Vol. 37 pp 54

Appendix 14

On June 18 1792 Gilbert Christian, Justice of the Peace for Sullivan County issued warrants for the arrest of the following Can Baily,

Charles Wolf, James Anderson, and James Campbell all members of Captain Bosherses Company. They had been absent from muster in Sullivan county on June 15 1792, and these warrants were issued on the proceedings of Courts Martial of June 16 1792.

September 6 1792 Charles Wolf came before Robert Preston J.P. of Washington County Va. and made a deposition that Constable Edward Devise of Sullivan county N.C. served this warrant on him Aug. 4 1792 and that he paid four shillings covering costs and fine for which he received a fine.

On same date James Campbell made deposition that Devise had served a warrant on him 18 July last and that he had paid fine and costs amounting to twenty-four shillings, for which he received a receipt which he handed over to Colonel Arthur Campbell, the county Lieut. for Washington County, Va.

Appendix 15

A.S.P. Vol 37 pp 55

Extract from Governor Blount's letter to the Governor of Virginia.

September 2 1792

I have also to acknowledge the receipt of your letter on the subject of the boundary line between the Commonwealth of Virginia and this Territory, enclosing an act concerning the same, and your proclamation for the promulgation thereof.

Whether Henderson's line is right in preference to Walker's, or the contrary, or whether either is right, I conceive is yet to be determined; but North Carolina having exercised jurisdiction to Henderson's line from the time it was run, without any objection on the part of the State of Virginia, to the time the State of North Carolina passed the act of cession, and after, to the dissolution of the Government of North Carolina, as to the part ceded, and the

organization of the territorial Government thereon (a term of more than ten years,) I conceived my duty as Governor also to extend the jurisdiction of the territorial Government to Henderson's line: and still believing it to be my duty the law of Virginia and your proclamation notwithstanding. I shall continue to exercise jurisdiction to that line until I shall receive instructions to the contrary from the federal Government.

It is observable that the act of Virginia, declaring Walker's line to be the southern boundaey, is founded upon a resolution of the Legislature of North Carolina, establishing that line as the boundary between Virginia and that State and not upon the principle that that line is precisely where it ought to be; and no doubt that resolution and your act effectually fix that as the line between North Carolina and Virginia; but it is equally clear that, on no resolution or act of North Carolina, passed after Congress accepted the cession of that State, which is unquestionably the case with the resolution on which your act is founded, can be so construed as to bind the United States to consider that line as the boundary between Virginia and this Territory.

Appendix 16

1792--Nov. 9

2nd Congress 2nd Session.

Boundary between Virginia and the Territory South of the Ohio.
Communicated to Congress November 9 1792.

Gentlemen of the Senate and of the House of Representatives;

I now lay before you a letter from the Secretary of State, covering the copy of one from the Governor of Virginia, with the several papers therein referred to, on the subject of the boundary between that State and the territory of the United States south of the Ohio. It will remain with the Legislature to take such measures as it shall think best for settling the said boundary with that State, and, at the same time, if

it thinks proper, for extending the settlement to the State of Kentucky, between which and the same territory the boundary is as yet undetermined.

Geo. Washington

American State Papers, vol 37 pp 54

Appendix 17

1794 Dec 8.

3rd Congress 2nd Session

Boundary between Virginia and the Territory South of the River Ohio. Communicated to the House of Representatives, December 8 1794.

Mr. Preston, from the committee to whom was referred the petition of sundry citizens of the United States residing between the lines commonly called Walker's and Henderson's lines, praying the former may be established as the dividing line between the State of Virginia and the territory south of the river, Ohio reported the following resolution;

Resolved, That a law should pass establishing Walker's line as the southern boundary between the State of Virginia and the territory of the United States south of the river Ohio, reserving to the said inhabitants their claims to lands lying between said lines, according to the laws of the State under which they claim.

American State Papers vol 37 pp 113

Appendix 18

1801

An Act concerning the boundary line of this State and the State of Tennessee. Approved December 14 1801.

Whereas doubts have arisen with respect to the position of the boundary line, or some part there of between this State and the State of Tennessee, therefore

Be it enacted by the General Assembly, That the Governor of this State be authorised and requested, as soon as he is informed that

commissioners are appointed on the part of the State of Tennessee, to appoint two commissioners to meet such commissioners, and with them to settle and remove all doubts upon the subject aforesaid, by running and marking the said line, or as much thereof as may not extend within the lands reserved by Congress to any Indian tribe, agreeable to the chartered limits of the State of Virginia and North Carolina; and the commissioners so appointed shall have power to employ a surveyor, and as many hands as may be necessary to carry the same into effect, at the joint expense of both States. The commissioners so appointed on behalf of this State shall receive for their services and expenses three dollars per day for every day they may be actually employed in going to, continuing, and returning from said; and shall make report to the Governor of their proceedings as soon as the same is completed; and also certify how many hands were employed, and for what purpose, and what is due to said hands from this State; which report and certificate the Governor shall lay before the next Assembly. And if the proceedings of the said Commissioners shall be approved by this State and the State of Tennessee, the line so run and marked shall be the line forever between the said States, unless altered by mutual consent. If any lands claimed under titles derived from the State of Tennessee shall be found on running the said line as before mentioned, to be within the limits of this commonwealth, all such claims shall, as soon as a reciprocal law shall be passed by the Legislature of the State of Tennessee, on behalf of persons claiming lands lying in the said State, under titles derived from this State be as valid as if they were derived from this commonwealth. And the Auditor, on the order of the Governor, shall issue a warrant to the said commissioners for any sum not exceeding one hundred and fifty dollars, to enable them to provide for the execution of the business assigned them by this act, and the Treasurer the same accordingly,

out of any money in the treasury. The Governor of this State shall transmit a copy of this act to the Governor of the State of Tennessee as soon as possible, who is requested to lay the same before the next Legislature which shall be held for said State.

American State Papers vol 38 page 492.

Appendix 19

1802

An Act to repeal an act entitled "An Act concerning the boundary line between this State and the State of Tennessee, Ap. Dec. 22 1802.

Where as it appears to this present General Assembly that the act passed at the last session entitled, "An Act concerning the boundary line between this State and the State of Tennessee is defective, in as much as it provided that the boundary line between the said States shall be run agreeably to the chartered limits of the States of Virginia and North Carolina, and it does not appear to us that any charter ever was granted describing the limits of the last mentioned States, respectively: therefore,

Sec. 1 Be it enacted by the General Assembly, That the said recited act shall be and the same is hereby, repealed.

Sec. 2 An be it further enacted, That the Executive of this State shall, as soon as, possible, send a copy of this act to the Governor of the State of Tennessee.

American States Papers, Vol 38 pp. 492

Appendix 20

1803

Acts of Tennessee

An Act to ascertain and establish the true boundary line between this state and the state of Kentucky. November 3. Whereas doubts exist relative to the position of the boundary line between this state and

and the state of Kentucky--Therefore it is expedient that the line between the states aforesaid should be ascertained and established:

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the governor of this state be authorized and required, as soon as he is informed that a commissioner or commissioners are appointed on the part of the state of Kentucky, to appoint one commissioner, who shall also be a mathematician, to meet such commissioner or commissioners, and with him or them to settle and remove all doubts upon the subject aforesaid, by running and marking the line between the states aforesaid, agreeable the chartered limits of the state of Virginia and North Carolina; and the commissioner so appointed shall have power to employ a surveyor and two markers to extend and indentify the aforesaid line.

Sec. 2. Be it enacted, That the commissioner, so appointed shall receive the sum of four dollars, per. day, for every day necessarily engaged in running said line, and the like sum for every twenty-five miles traveling to the place where the line is to commence and returning from the place where the line terminates. And the surveyor shall receive the sum of two dollars and fifty cents for each and every day he shall attend in running said line, and the like sum for every twenty-five miles in traveling to and from the same. And each marker employed as aforesaid, shall receive the sum of one dollar and twenty-five cents for each and every days attendance and the like sum for every twenty-five miles traveling to and from the line aforesaid.-And it shall be the duty of the commissioner aforesaid, to make report of the proceedings to the governor as soon as said line is completed, and certify to the governor the number of days they shall have been employed in running said line, and the miles they shall have travelled in going to and returning from the same, and also the attendance and travelling of the surveyor so employed as aforesaid, and likewise the attendance and

and travelling of the makers employed as aforesaid, which certificate shall be sworn to and subscribed before some judge or justice of the peace and certify by him, which report and certificate the governor shall lay before the next general assembly; and if the proceedings aforesaid shall be approved by this state, and also by the state of Kentucky, the line so run and marked shall be the line forever between the said states, unless altered by mutual consent.

Sec.3. Be it enacted, That if any lands claimed under title derived from the state of Kentucky shall be found, on running the said line, to lie within the limits of this state, all such claims shall, so soon as a similar and reciprocal law shall be passed by the legislature of the state of Kentucky on behalf of persons claiming lands lying within the said state, under titles derived from this state or the state of No. Carolina since the year one thousand seven hundred and seventy-seven, be as valid as if it derived from this or the state of North Carolina since the year one thousand seven hundred and seventy-seven.

Sec. 4. Be it enacted, That the sum of three hundred dollars is hereby appropriated for the purpose of carrying into effect the extension of the aforesaid line, which shall be paid into the hands of the commissioner appointed as aforesaid, upon a warrant drawn by the governor on the treasury.

Sec.5. Be it enacted, That the governor as soon as may be shall transmit a copy of this act to the executive of the state of Kentucky, with a request that he lay the same before the general assembly of state at their next meeting.

James Stuart, Speaker Hous representatives
James White, Speaker Senate.

An Act to provide for the ascertainment of the boundary line between this State and the State of Tennessee. Ap.Feb. 4 1812.

Whereas it is desirable to have the boundary line between this State and the State of Tennessee run and marked according to its true position and whereas the General Assembly of the State of Tennessee have passed a resolution at their last session authorizing the Executive thereof to appoint two commissioners to cause to be run and marked the boundary line between this State and the State of Tennessee; wherefore,

Sec. 1 Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor of this State be, and he is hereby, authorized to appoint two fit persons as commissioners, who shall be, and they are hereby, authorized to meet the commissioners to be appointed on the part of the State of Tennessee under the resolution aforesaid, and then proceed to run and mark said line according to its true position, as it is established by the charter of King Charles II, and recognised by the twenty-fifth section of the declaration of rights in the constitution of the State of North Carolina and also recognised by the thirty-second section of the declaration of rights in the constitution of Tennessee, beginning on the top of Cumberland mountain, at thirty-six degrees and thirty minutes north latitude, when accurately taken, and from thence to run west a right line in thirty-six degrees and thirty minutes north latitude, so far as not to run into the lands claimed by the Indians.

Sec.2. Be it further enacted, That the said commissioners empowered to employ a surveyor at three dollars and fifty cents per day, and chain carriers and markers at one dollar per day each, and cause the said line to be run and marked between this State and the State of Tennessee, agreeably to the provisions of this act.

Sec. 3 Be it further enacted, That the commissioners so to be appointed on behalf of this State are authorized to confer with the com-

missioners on behalf of the State of Tennessee as to the most advisable plan for quieting the titles to land which may be claimed by the citizens of either State between the boundary line and the line commonly called "Walker's line".

Sec. 4 Be it further enacted, That if the commissioners on the part of the State of Tennessee shall fail or refuse to act and proceed with the commissioners to be appointed on the part of this State, or if the Executive of said State of Tennessee should not appoint such commissioners, nevertheless the commissioners so to be appointed on the part of this State may proceed (unless forbidden by the Executive of the State of Tennessee,) upon proper observations of the true point and direction of thirty-six degrees and thirty minutes north latitude, to cause the said boundary line to be run and marked so far as not to run into lands at present claimed by the Indians.

Sec. 5 And be it further enacted, That said commissioners shall, for the time they shall be necessarily employed in said service, each receive the sum of five and a half dollars per day, and that upon the Governor's certificate of their appointments as commissioners, and of their being ready to proceed to the discharge of these duties herein prescribed, they shall be entitled to draw a sum from the treasury of this State, (for which the auditor is hereby required to issue his warrant on the treasurer,) not exceeding six hundred dollars, for the payment in part for a surveyor, chain-carriers, markers, and furnishing the requisite provisions; which latter shall be furnished at the expense of the State.

Sec. 6 And be it further enacted, That it shall be the duty of the commissioners to report their proceedings together with an account of the necessary expenses of said services, to the next session of the Legislature.

1812

Acts Tennessee, Chap. 58.

An Act to confirm and establish Walker's line as the boundary this State and the state of Kentucky. October 21.

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee, That the line commonly called and known by the name of Walker's line shall be and the same is hereby declared to be the boundary line of this state so far as the same has been run and marked under the direction of Walker, and where it has not been run and marked the governor of this state is hereby authorized to appoint two persons commissioners on the part of this state, to act with commissioners to be appointed by the authority of the state of Kentucky, finally to adjust and establish such part on said line as has not been run and marked, paying due regard in running thereof to those established, and notorious points in said lines at which the latitude has been taken and places marked by said Walker.

Sec. 2. Be it enacted, That said commissioners shall appoint one or more surveyors and markers who shall plainly mark the line at all places where the same has not been done. Each commissioner shall be allowed the sum of four dollars per day, and each surveyor three dollars, and each marker the sum of one dollar for each day he shall be engaged in said service to be paid out of any monies in the treasury not otherwise appropriated, to be drawn on the warrant of the governor who is hereby authorized to draw warrants for the same. Said commissioners shall make report of their proceedings to the executive of this state so soon as they shall have accomplished the same.

Sec. 3. Be it enacted, That the governor of this state shall be requested to transmitt a copy of this act to the executive of the state of Kentucky.

John Cocke

Speaker of the House of Representatives.

Thomas Henderson

Speaker of the Senate

1812-13

An Act concerning the boundary between this State and the State of Tennessee. Approved, February 3 1813.

Whereas it appears from the communications made by the governor to this legislature, at the commencement of this session, that the legislature of the state of Tennessee, by an act of their last session, have indicated a disposition to depart from the proposition formerly made by their government to this, of proceeding by the agency of commissioners, mutually appointed on the part of each and acting in concert together, to ascertain by correct and scientific observation the true line of separation between the respective states, agreeably to their chartered limits. And whereas, it is deemed by this legislature, that the true interests, and sound policy of this state, as well as that of Tennessee require an explicit declaration of the views and ulterior determination of each other on this point, so important to the cultivation of harmony, and a proper understanding between the governments, as well as citizens of two contiguous and friendly states. Wherefore,

Sec. 1 Be it enacted by the General Assembly, That the governor of this commonwealth be requested to communicate to the executive and legislature of said state, the final determination of the government of this commonwealth, in relation to the ascertainment of the said boundary line, to be in conformity with that evinced by the government of Tennessee, in their proposition to ascertain the true boundary line between the said states agreeably to their chartered limits, as first alluded to in the preamble of this act; and to solicit in the most respectful terms from the said government, a recognition of this principle, and a correspondent determination on their part, with the adoption of the necessary measures for carrying the same into complete operation, and further expressing to the said government, in case of their final rejection of this overture, the disagreeable necessity imposed upon the government of Kentucky, of having the long contested question

finally settled by a resort to the means pointed out by the constitution of the United States, for the decision of such controversies.

Acts of 1812-13 pp 93

Chapter LXXXIV.

Appendix 24

1815.

Acts Tennessee, Chap. 191.

An Act to establish & confirm the boundary line between the state of Kentucky and this state. November 17.

Whereas some difficulty has existed between the state of Kentucky and this state respecting the boundary between them, and whereas it is essential to the harmony & interest of both states, that the line commonly called Walker's line here tofore considered, and acted on, as the boundary between them, should be established as the boundary between the two states, therefore

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the line commonly called Walker's line be, and the same is hereby established and confirmed as the true boundary between the state of Kentucky and this state.

Sec. 2. Be it enacted, That all entries & grants which may have been made or issued for land on the south side of said line, at any time before the first day of November one thousand eight hundred and fifteen, either under the authority of the state of Kentucky or of this state be, and the same are hereby established & confirmed to the claimants under such entries & grants, and where entries may have been made under the authority of the state of Kentucky, grants may be issued thereon by said state in the same manner as if the land lay within said state of Kentucky, provided such entries and grants would have been valid by the laws of the state under which they were made or obtained.

Sec. 3. Be it enacted, That the governor shall, and he is hereby

empowered to appoint some suitable person a commissioner to attend the general assembly of the said state of Kentucky, at their next session, and present to them a certified copy of this act, and request them to pass an act confirming the said line, and confirming the titles obtained under the authority of this state or Kentucky, for land on the North side of said line, according to the priority of their dates, as provided for by this act, and to appoint a commissioner on the part of said state to act with the commissioner on the part of this state, in running and marking said line. And if the legislature of said state shall, pass such an act, then the commissioner on the part of this state shall have power to act with the commissioner on the part of Kentucky, in running and marking said line, or such part there of as they may deem necessary to run and mark, and shall have power to appoint one surveyor and as many chain carriers and markers as may be necessary.

Sec 4. Be it enacted, That the commissioner on the part of this state shall be allowed five dollars per day, the surveyor four dollars per day, and each chain carrier and maker one dollar per day for each day they may respectively be engaged in the business prescribed by this act, to be paid by either of the treasurers of this state, the commissioner on the certificate of the governor of his appointment, and the number of days he may have been engaged, and the surveyor, chain carriers and markers, on the certificate of the commissioner of their employment and the number of days they may have been respectively engaged in said business.

Sec. 5. Be it enacted, That if the legislature of Kentucky shall refuse to pass such an act as above stated, this act shall cease to be in force from and after the time of such refusal, except so much thereof as provides for the payment of said commissioner.

James Fentress
Speaker of the House of Representatives

Edward Ward
Speaker of the Senate

Appendix 25

1815-16

An Act to settle the Boundary Line between this State and the State of Tennessee. Approved, February 10 1816.

Whereas, a dispute exists as to the true position of the boundary line, between this State and the state of Tennessee, which has produced many attempts at accomodation hitherto unsuccessful; and the state of Tennessee, by an act of its legislature, passed on the seventeenth day of November, in the year one thousand eight hundred and fifteen, has appointed a commissioner to wait on the constituted authorities of this state, and adopt the principles for adjusting the said boundary line; and although this state cannot meet every proposition contained in the said recited act, and pass one on the part of this state in all respects similar: because, first, the establishment of Walker's line (as it is usually called) would not determine the whole extent of boundary between the two states; and secondly, because this legislature is forbidden by our own Constitution, to form any compact with a sister state, or do anything within the perview legislative authority, which might take from individuals a right of property in lands near the contemplated line, without previously paying the claimants a compensation therefor. Yet, the legislature of this state, being willing to keep open the door of accomodation and adjustment, and feeling desirous that mutual harmony between the two states should not be molested by a territorial controversy, do propose the following terms:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the line usually called Walker's line, so far as it was origionally run and marked, to wit; From a point near the mouth of Obed's river, to the Tennessee River, be the true jurisdictional

line between this state and the state of Tennessee. And as to the residue of the line between the two states, the following shall be adopted as the true position thereof: At the eastern extremity of Walker's line, near the mouth of Obed's river aforesaid, a line shall be at right angles either north or south, as the case may require, till it reaches the true chartered limits of the two states, in the latitude of thirty-six degrees and thirty minutes north, and from that point the line shall be extended to the east, still keeping the same latitude, till reaches the eastern boundary of this state. And at the west extremity of Walker's line, to wit: At the Tennessee river, a line shall be extended up or down said river, (as the case may require) till it reaches the true chartered latitude of thirty-six degrees and thirty minutes north; and from that point, the line shall be extended due west, still keeping the same latitude, till it reaches the river Mississippi. And the line so pointed out by this act, shall be, and remain the true jurisdictional line, between this state and the state of Tennessee; provided the following articles, conditions and stipulations hereby adopted on behalf of this state, are acceded to on the part of the state of Tennessee, to wit;

FIRST. The line so pointed out shall be marked or remarked and well cleared, at the joint expence of each state by two commissioners, attended with proper surveyors, chain-men, makers and laborers. And one of said commissioners shall be appointed by each state. And in running that part of the line (called Walker's line) the commissioners shall be governed by the old markers, if they can be found, or the most notorious places of the line, as now acknowledged, still making the line as straight as can be practicable, if the old line shall be found to be crooked.

SECOND. The true chartered limits between the two states, shall be run on that part now supplied by Walker's line and marked in numerous

places, so that hereafter, it may be found with ease and convenience, and may furnish evidence of the situation of claims when they shall be adjusted as hereafter directed.

~~Third~~. If the true chartered limits in that part of the line supplied by Walker's line, shall turn out to be north of Walker's line and encroach on what is now under the jurisdiction of Kentucky, and any fair connected titles to land derived under the laws of the states of North Carolina or Tennessee, completed by patent from the proper authority, shall appear between Walker's line and the true chartered line, and shall interfere with any title or cover any occupant, holding title under the laws of this state or the state of Virginia, the claimants, at their option, may relinquish such claim, and be entitled to compensation for the value thereof, from the state of Kentucky, ascertained in a manner pointed out by this act; or such claimants may take any remedy to recover the land, which may be most proper for their case. And if, on the contrary, the true chartered limits shall be south of Walker's line, and include a portion of the land now under the jurisdiction of the state of Tennessee, and any fair connected titles to land derived under the laws of the states of Virginia or Kentucky, completed by patent from the proper authority shall appear between Walker's line and the true chartered line, and shall interfere with any title, or cover any occupant holding title under the laws of the states of North Carolina or Tennessee, the claimants at their option, may relinquish such claim, and be entitled to compensation for the value thereof, from the state of Tennessee, ascertained in a manner pointed out by a stipulation between the two states; or such claimants may take any remedy to recover the land which may be most proper for their case.

Fourth. If any claimant holding title under one state, shall not elect to take compensation for the land, according to the next preceding

article, and shall by any suit in law or equity, recover the land from any occupant holding title under the laws of the other state, he shall be compelled, in a mode pointed out by the laws governing such court, where the recovery may be had, to compensate the occupant for his improvements on the land, according to their intrinsic value, without any deduction for rents or waste: and for such compensation the occupant shall have a lien on the land so recovered; and shall not be disturbed in the possession thereof, till the compensation legally ascertained, shall be paid to such occupant.

FIFTH. If any claim for land shall fall between Walker's line and the true chartered limits and shall come under the jurisdiction by arrangement of the state from which title did not originate, and shall not be patented when the line is thus settled, and shall interfere with a title derived from the state to whom the jurisdiction shall be assigned by this compact, no patent shall ever issue therefor; and all patents issued contrary to this article shall be void.

SIXTH. If in the territory ceded by this compact, there shall exist any claim between Walker's line and the true chartered limits, which claim shall be regularly derived, under the laws of either state, or the parent states, and shall not interfere with any other claimant, but shall be on land vacant as to other claims; the same shall be, and is hereby ratified, and if not completed by patent, provision shall be made by the state into whose jurisdiction it may fall, to complete the title by the emanation of the grant.

SEVENTH. And whereas it is believed that many claims granted for actual settlement under the laws adopted by the state of Kentucky since its separation from Virginia, were granted contrary to the true intent and meaning of said laws, without any actual bona fide settlement; and some of them are laid out south of what is actually Walker's line; and it is also believed that many removed certificates under the laws of

the Commonwealth of Kentucky, originally granted for actual settlement, have been removed and located for speculative purposes, south of Walker's line: Now it is hereby declared, that such claims, where they interfere with any claims derived under the laws of North Carolina and Tennessee, south of Walker's line, are not aided by the provisions of this act; and that the owners of such claims shall not be entitled to any compensation under this compact, provided they fall within the ceded territory; nor shall the state of Tennessee be bound to allow patents to emanate for such claims, unless they are entered on land entirely vacant.

Eighth. If any claimant between Walker's line and the true chartered limits, shall choose to relinquish his claim, according to the first article of this compact, he may produce authenticated copies of his title papers to court of general jurisdiction of matters of law and equity in the state of Kentucky, which may hold its sessions nearest the lands so to be relinquished; and also to some court of the state of Tennessee, which may possess general jurisdiction of matters of law and equity, and which may hold its sessions nearest the lands so to be relinquished; and said courts shall appoint some discreet person to act as commissioner to value said lands, so to be relinquished, if the claim shall come within this act: and said commissioners shall proceed to appoint and associate with them, one other commissioner; and the three being duly sworn before some judge or justice of the peace will and truly to value the land so relinquished, according to the best of their skill and judgment, without partiality or favor to either party, and without regard to any improvements which may have been made thereon, shall proceed to value said lands, and certify the same under their hands and seals, and are producing said valuation to the court appointing the commissioner, in the state where the land lies; and also producing a certified copy of the relinquishment of said land, according to

the laws of that state where the land may then be; the court shall order the value thereof, so ascertained by commissioners, to be certified, and the same shall be paid out of the public treasury of the treasury of the state, in which the land may be situated.

Sec.2. Be it further enacted, That if the state of Tennessee shall pass a law at or before the next stated session of their legislature, similar in all respects to this act, the governor of this state shall proceed to appoint a fit person as commissioner, to run and ascertain the position of the lines directed to be run by this act; who shall receive for his services five dollars per day, during the time he shall necessarily employed in running the lines aforesaid, and five dollars per day, for every twenty-five miles he may necessarily travel in going to and returning from the lines aforesaid. The surveyor or surveyors, if any are employed on the part of this state, shall each receive for his or their services, five dollars for each day, he or they may be employed in running the lines aforesaid: And said commissioner shall take an oath, well and truly to execute all the duties assigned him by this act, to the best of his skill and judgment, and to render a true account thereof; and his services certified by the governor, shall be paid out of the public treasury, by virtue of a warrant from the Auditor of Public Accounts. Each laborer and chain carrier, employed on behalf of this state, shall receive as a compensation for his services, three dollars per day, to be paid by the commissioner, out of any funds which may be placed in his hands by the governor of this state, for that purpose: And the governor of this state shall have at his disposal, to be drawn from the treasury at his order, two thousand dollars, to be paid in contingent expences, for the purpose aforesaid. Each chain carrier shall be sworn by the or one of well and truly to carry the chain, and render a true account of the distance. But if the state of Tennessee shall refuse to pass an act,

similar in its provisions, this act shall cease to operate, and have no force and effect: nor shall any fact or Concession therein be binding or obligatory upon the state of Kentucky, in any future discussion of the said boundary line, whether that discussion be legislative or judicial.

Acts 1815-16 pp 624

Appendix 26

1817

An Act for adjusting the boundary line between this State and the State of Kentucky. Passed November 24 1817.

Whereas great injury may happen, as well to the citizens of the State of Kentucky, as to the citizens of this State, from suffering any part of the boundary line between the two States to remain unascertained and marked: therefore,

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee, That the line commonly called Walker's line, so far as the same has been run and marked, shall be considered and taken to be the true line between said States.

Sec. 2. Be it enacted, That so soon as the State of Kentucky shall pass a law agreeing thereto, a direct line from the eastern extremity of the line called Walker's line as marked at Cumberland river to Walker's line at a place called Cumberland Gap, shall be taken and considered the true line between the two States.

Sec. 3 Be it enacted, That this State will provided the State of Kentucky agree thereto, apply to the Executive of the United States to appoint a commissioner to ascertain the true point where the boundary line between this State and the State of Kentucky will strike the Tennessee river on the western bank thereof, and that from said point a line shall be run directly west to the west boundary line of the State of Tennessee, which shall be the line between the two States.

Sec. 4. Be it enacted, That the Governor of this State shall have full power and authority, whenever he shall receive information that the State of Kentucky has agreed to the appointment of Commissioners on behalf of this State, to superintend the running and marking the said lines.

Sec. 5. Be it enacted, That, when said lines shall have been run and marked, every grant which may have been issued by the State of Kentucky, and which may cover lands lying south of said line, shall be considered as good and valid as if such grants had been issued under the authority of the State of Tennessee: Provided, always, That this section shall not have any affect until the State of Kentucky shall have passed a law containing a similar provision to such grants as may have been issued by the State of Tennessee, and may cover lands lying north of the line.

Sec. 6 Be it enacted, That this State shall stand pledged to pay one-half of the expense of the commissioner who may be appointed by the Executive of the United States.

THOMAS WILLIAMSON

Speaker of the House of Repres.

EDWARD WARD

Speaker of the Senate

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Appendix 27

1818,

An Act to repeal all laws passed by this state relative to the Southern Boundary Line. Approved Jan. 30 1818.

1 Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws heretofore passed by the general assembly of this commonwealth relative to the boundary line between this state and the state of Tennessee, shall be and the same are hereby repealed,

2 Be it further enacted, That the southern boundary line of this state shall be and remain on a line running west from the top of Cumberland mountain to the Mississippi river, in thirty-six degrees and thirty minutes north latitude, any thing in any former law passed by this state to the contrary notwithstanding.

Appendix 28

1818 Passed House Jan 31. 1818 Mailed Congressmen in:

Resolutions relative to the Boundary Line between this State and the State of Tennessee.

To the Congress of the United States of America.

The memorial of the general assembly of the commonwealth of Kentucky, respectfully represents, that for many years past an unpleasant controversy has existed between this state and the state of Tennessee, relative to the boundary line between them. Many attempts have been made to settle the difference to the mutual satisfaction of both states, but hitherto all these attempts have been unavailing; and judging from the past, there remains very little ground of hope that the dispute will be adjusted by amicable arrangement and mutual concession. As far back as the year 1801, the legislature of Kentucky passed an act, the object of which was to ascertain and mark the true position of the boundary line between the two states, according to their chartered limits. This act was repealed at the next session of the general assembly of this commonwealth. In the year 1812 the subject was again taken up by the legislature of Kentucky, and an act passed authorising the appointment of commissioners, to co-operate with commissioners to be appointed on the part of the state of Tennessee, for the purpose of running and marking the boundary line between the two states according to its true position. This act was predicated on a resolution passed by the general assembly of the state of Tennessee, the provisions of which were promptly acceded to by this state. It

was at this period that the people of Kentucky contemplated a speedy termination of the difference between the two states. Both parties had assented to the same proposition, and public faith seemed to stand pledged to carry into effect the mutual agreement. But this fair prospect was soon darkened by the conduct of the state of Tennessee. The state of Kentucky saw with regret, that the state of Tennessee would not abide by the terms which she had at first proposed. She abandoned her own propositions, and by the departure defeated the adjustment of the existing difference. The consequence of this conduct on the part of the state of Tennessee, was the passage of an act by the general assembly of Kentucky, in the year 1813, requesting the governor of this state to communicate to the executive and legislature of the state of Tennessee the ultimate determination of our government on the subject of the boundary between the two states. By this act of 1813 our executive was requested to solicit from the government of the state of Tennessee, a recognition of the principles contained in the resolutions adopted by the state of Tennessee, in pursuance of which our act of assembly in 1812 had been passed, and the adoption of the necessary measures for carrying the same into complete operation; and further, to express to the government of Tennessee, in case of their final rejection of the overdue made by the act of 1813 that the disagreeable necessity of having the contested question of boundary settled by a resort to the means pointed out by the constitution of the United States for the decision of such controversies, would be imposed upon the government of Kentucky. The government of the state of Tennessee gave no official answer to the communications made in pursuance of the act of 1813. Her failure produced a memorial by the legislature of Kentucky to your body, asking the interference of congress as the last resort for settling the controversy, all other means having apparently failed, approved by the executive of this state February 1st 1814. During the

session of the general assembly of this state in the winter of 1815-16, the state of Tennessee sent a commissioner to our government authorised to renew the negotiations between the two states on the subject of boundary. He was heard at the bar of the house of representatives. The result was the passage of a law on our part, approved February 10th 1816, the provisions of which in the opinion of this legislature, are liberal, as it relates to the state of Tennessee. The people of this state waited with much anxiety for the meeting of the legislature of the state of Tennessee, after the passage of the act of 1816. It was hoped that the government of Tennessee would not hesitate to accede to all the propositions contained in our act of 1816; but in this we have been greatly dissappointed. It is true that the legislature of Tennessee took up the subject at their last session, and passed an act concerning it, but its provisions fall very short of those contained in our act of 1816, and are such as cannot meet with the approbation of this legislature. This assembly is constrained to regard the failure on the part of the state of Tennessee, to reciprocate the provisions of the act of 1816, as evincing a disposition to delay the settlement of the controversy, unless done upon terms degrading to the interests and rights of Kentucky. It therefore becomes the imperious duty of this assembly to appeal to your body as the arbiter, under the authority of the constitution of the United States, to point out the mode by which the contest unhappily existing shall be decided. The laws which the legislature of Kentucky has passed on the subject, and to which your is referred for more particular information, will prove that our state has not been wanting in exertions to have the difference amicably adjusted. It is conceded on all sides that the true line should run on a parallel of 36° 30' north latitude. The constitutions of the states of North Carolina and Tennessee both recognize that latitude as limiting their northern boundary; and in this they coincide with the charter of King

Charles II. It is presumed that no objection can be made to the establishment of the true line, unless it be on account of the effect it will probably have on individual rights to land lying between the said latitude and what is now called Walker's line, to which at present both states exercise jurisdiction. To obviate this objection, the legislation, of Kentucky will be governed by the most liberal principles. If the establishment of the true line should operate so as to give more territory to this state, whereby many persons now citizens of Tennessee, living on lands, titles to which they have derived by grant from the states of North Carolina or Tennessee, this legislature doth pledge the faith and character of Kentucky to ratify all such claims, wherever they do not interfere with claims founded on the land laws of the state of Virginia, or of this state; and where they do interfere, the occupant in all cases shall have the benefit of the laws in force in this state for the time being, made for the protection of occupying claimant, the statute of limitations excepted. The unsettled state of the line is calculate to have an effect in the formation of new counties which bind on it. To particularize all the evils to the state and especially to those individuals who have claims to land founded on the laws of Virginia and this state, lying within our chartered limits, and who are kept from the enjoyment of those rights by the present exercise of jurisdiction over their lands by the state of Tennessee would be unnecessary. Nothing short of the establishment of the line between this state and the state of Tennessee according to its true latitude, will now comport with the wishes of this legislature; and as it is a right appertaining to our state, which can only be enforced by the supreme court of the United States, acting under the wise provisions of the constitution of the United States, we ask of your body the passage of a law directing the proceedings in the supreme court by which one state having a subject of difference with another, may have the same

loyally decided. To efectuate this desirable object, this general assembly concur in the following resolutions, to wit;

Resolved by the General Assembly of the Commonwealth of Kentucky, That the foregoing memorial to congress be adopted as the earnest prayer of this legislature.

Resolved, That the acting governor of this state be, and be it hereby requested to transmit a copy of this memorial and resolutions and copies of all laws passed by the legislature of Kentucky, and all laws and resolutions passed by the legislature of Tennessee aluded to in the foregoing memorial, to each of our senators and representatives in congress, to be by them laid before that body.

Resolved, That our senators in congress are hereby instructed, and our representatives requested to use their exertions to effectuate the object of this memorial.

Resolved, That the acting governor be, and he is hereby also requested to transmit copies of this memorial and resolutions, and copies of all laws and resolutions passed by the legislatures of this state and Tennessee, to each of the senators and representatives of the state of Tennessee in the congress of the United States.

Resolved, That our senators and representatives in congress be, and they are hereby requested to report to the governor of this state the steps which they may take to effectuate the object of the foregoing memorial, and the result to be by the governor laid before the next general assembly.

Acts 1817-18 pp 576.

State of Kentucky
Sct.
Secretary's Office

The foregoing memorial and resolutions, and the several laws annexed thereto, are copies of all the proceedings and laws passed by the Legislature of this State, and of the last law passed by the Legislature

of the State of Tennessee, on the subject of the boundary line between those States.

Attest: JOHN ROBE, Secretary.

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Appendix 29

1819

An Act to run the Boundary Line between this State and the State of Tennessee, west of the Tennessee River. Approved Feb. 8 1819.

Whereas by the ratification of the treaty entered into by Isaac Shelby and Andrew Jackson, on the part of the United States, and the Chickasaw Indians, the Commonwealth of Kentucky has gained an important addition to her territory, adjoining the south boundary line below the Tennessee river; and whereas the line, between said river and the Mississippi river, has never been run and marked, and it is deemed highly important to have the said line run and marked between said rivers: Therefore

Sec. 1 Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the governor of this commonwealth, be, and he is hereby authorized and required to appoint two commissioners who shall run and mark the south boundary line of this state, between the Tennessee and Mississippi rivers, upon a parallel of thirty-six degrees and thirty minutes of north latitude.

Sec. 2. Be it further enacted, That said commissioners be, and they are hereby authorized to employ such surveyors, chain carriers and markers as they deem proper and necessary, to aid in running and marking said line, to whom the said commissioners shall make such compensation as may be agreed upon at the time they are employed.

Sec 3. Be it further enacted, That said commissioners shall severally

receive for their services six dollars for each day they may be engaged in the service of the commonwealth, in discharging the duties imposed on them by this act; and they shall make out their accounts against the commonwealth, verified by their own oaths; which accounts, when so made out, shall be paid by the auditor, by a warrant on the treasurer as in other cases.

Sec. 4 Be it further enacted, That the commissioners appointed under this act shall be, and they are hereby authorized to draw from the treasury two thousand dollars in advance to enable them with the more facility to discharge the duties imposed on them by this act; for which sum the auditor is hereby directed to give a warrant on the treasurer in favor of the commissioners upon being by the governor of their appointment.

Sec. 5 Be it further enacted, That the governor of this commonwealth be, and he is hereby requested to transmit a copy of this act to the executive of the state of Tennessee, and to request the executive of said state to appoint a like number of commissioners, to co-operate with those appointed by the governor of this state, in running the said line as aforesaid.

Sec. 6 Be it further enacted, That if the executive of the State of Tennessee should within two months notify the executive of this state, that the commissioners are appointed on the part of the state of Tennessee to co-operate with those appointed in virtue of this act, to run said line as aforesaid, it shall be the duty of the executive of this state to inform the commissioners appointed under this act, the names and places of residence of the commissioners appointed by the executive of Tennessee; which information, the governor of Tennessee is respectfully requested to give; and the commissioners appointed under this act shall correspond with the commissioners appointed by the executive of Tennessee, and shall fix on some convenient time and place, within four months from the passage of this act, for a meeting of the commissioners of both

sides; at which meeting such regulations shall be adapted as the commissioners may think proper, for effecting the object of running and marking said line as aforesaid.

Sec. 7 Be it further E nacted, That if the executive of Tennessee should refuse or fail to appoint commissioners to co-operate with those appointed under this act, or if the commissioners appointed by the executive of the state of Tennessee should refuse or fail to co-operate with those appointed under this act, in either case it shall be the duty of the commissioners appointed under this act to proceed and run and mark the said line as aforesaid, and shall report their proceedings to the executive of this state, to be by him laid before the next general assembly of this commonwealth.

Acts 1818-19 pp 719

Appendix 50

To his Excellency Joseph M'Ninn, Governor of the state of Tennessee.

Frankfort, April 14 1819

Sir: On the 12th day of February last, I addressed a letter to you by mail in compliance with an act of the legislature of Kentucky, passed at their last session; but not having received any answer to that communication, and being desirous to know your views on the subject, so far as they were requested, I take the liberty of addressing you again, presuming that my former communication has miscarried. I have the honor to enclose to your excellency a copy of the act which is entitled, "an act to run the boundary line between this state and the state of Tennessee and west of the Tennessee river," and also to inform you that pursuant to the said act, I have appointed Robert Alexander of this place, and general John Adair of Mercer county in this state, commissioners on the part of this commonwealth to run the said line according to the directions of said act.

I have in further compliance with the said act, to request your ex-

cellency to appoint two commissioners on the part of Tennessee to co-operate with those I have appointed on the part of this commonwealth in running the said line.

Your excellency will please to notify me as early as is convenient of the appointment of commissioners on your part, with their names and places of residence, if the authority vested in you, and opinion of your excellency, should accord with the views of the legislature of Kentucky.

I have the honor to be,

With high respect, your most obedient

(Signed) Gabl. Slaughter

Executive Office

Murfreesborough, Tennessee, 3d May 1819

Sir--By the mail this morning I had the honor to receive your excellency's communication of the 14th ultimo, covering a copy of a act of the general assembly of the commonwealth of Kentucky, on the subject of running the boundary line between that state and the state of Tennessee, west of the Tennessee river.

The objects had in view by the legislature in passing the acts are highly and equally interesting to the citizens of either state and had a session of the general assembly of the state of Tennessee intervened since it became necessary to act upon the subject, ample provision would doubtless have been made for an amicable and full adjustment of boundary, (at a time suited to the convenience of all concerned) at least to the extent now proposed by the commonwealth. But the general assembly not anticipating the event, I am left in a situation which compels me to protest for the present against all further progress in any measure which is connected with the settlement of limits on the line proposed.

Should the commissioners appointed by you, now go into the execution of the duties required of them, the interests of Tennessee may be materially affected in a transaction, where, from peculiar circumstances,

She has not had an opportunity of being heard. To obviate, therefore, any difficulty which might hereafter arise, to disturb the good understanding of the sister states, I would suggest to your excellency, that the delay of a little more than four months will put it in the power of Tennessee to say how far she will go in the execution of a measure, the design of which, must be, the prevention of all plausible pretext for mutual recrimination or complaint. The legislature of this state will be in session on the third Monday in September next, the subject can be immediately brought before them, and I persuade myself that they will, without delay, give an earnest of their sincere desire to do whatever may be reasonable and right.

It appears that towards the close of the last session of congress, an attempt was made to direct the president of the United States, to appoint an artist to ascertain and run the line now proposed to be run by the two states. The measure, I am authorized to believe, failed of success, more from the pressure of business of a general nature, than before congress, than from any opposition arising from principle or expediency; and it may be, that although an express legislative direction is wanting, the president of the United States might still on one joint application, appoint some artist to act alone, or in aid of such persons as might attend on the part of the respective States.

You will if you please, advise me of the determination of your excellency on the subject of postponement and application to the president.

I have the honor to be,

Very respectfully, your excellency's ob't. humble serv't,

Jos. M' Minn

Appendix 31

An Act to adjust the boundary line between this state and the state of Kentucky, November 23.

Whereas doubts have arisen as to the true line of boundary between this state and the state of Kentucky; for remedy whereof, and to preserve those friendly relations that ought to subsist between said states.

Sec. 1 Be it enacted by the General Assembly of the State of Tennessee, That two persons be appointed by joint ballot of both branches of this Legislature to attend the next ensuing Legislature of the state of Kentucky, as commissioners on the part of this state, for the purpose aforesaid, and the said persons are hereby authorized and empowered, to confer, and agree with the Legislature of Kentucky, or with such persons as they may appoint, as to what shall hereafter be considered the line of boundary and separation between the said states.

Sec2. Be it enacted, That whatever may be agreed on by the persons hereby empowered on the part of this state, shall be as valid and binding, as the same had been agreed to by the General Assembly of this State, and shall upon the ratification of the same by the Legislature of Kentucky, forever thereafter, be considered and held the true line of boundary and separation between the states of Tennessee and Kentucky.

Sec. 3. Be it enacted, That if said persons so as aforesaid empowered cannot arrive at any certain positive agreement, in relation to said line, and at an adjustment of every doubt and difficulty incident thereto, they are hereby authorized and empowered to any mode of adjustment which to them may appear right and proper.

Sec. 4. Be it enacted, That the state of Tennessee will not, until an adjustment can be had, permit any location or entries to be made north of a line run during the present year by commissionerson the part of Kentucky west of Tennessee River, nor in any manner perfect titles thereto; provided always, that the state of Kentucky, will by law enact, that no location or entry, shall be made south of where Walker's line

would run, if extended west of said river Tennessee to the Mississippi where the latitude was marked by the commissioners formerly appointed by the state of Virginia, and that she will in no wise perfect any title or titles south of said line.

Sec. 5. Be it enacted, That the fourth section of this act shall take effect and be in force, so soon as the Governor of this state shall be advised by the Governor of Kentucky, that by said State, a similiar law has been enacted.

Sec. 6. Be it enacted, That each of the commissioners by this act directed to be appointed, shall be entitled to receive the sum of seven dollars for each day he may be necessarily engaged in the duties of his appointment, and the same sum for every twenty-five miles he shall travel, to be paid by either of the Treasurie of this state, upon a statement of his account.

James Fentress

Speaker of the House of Representatives

R. Weakley

Speaker of the Senate.

1819

Acts Tennessee Chapter 55

November 27

Sec. 6. Be it enacted, That it shall be the duty of the commissioner, to be appointed under the provisions of an act passed at this General Assembly, entitled, "An act to adjust the boundary line between this state and the State of Kentucky", to apprise the Governor of this State of the result of their mission, and if it shall appear, that they have failed in arriving at an adjustment of the difference in any manner in that act recited, that it shall be the duty of the Governor forthwith to cause the northern boundary line of this State to run out and plainly marked, from the east bank of the Cumberland River on Walker's line, to the corner made by said Walker on the east bank of the river Mississippi; which line so run and marked, shall be the northern

boundary of the Twelfth and Thirteenth Districts of the surveyors west of the river Tennessee.

Appendix 32

Extract from Gov. Slaughter's Message Dec. 6 1819

Pursuant to a law of the last session, I invited the governor of the State of Tennessee, to appoint commissioners on the part of that state, to, co-operate with those appointed on the part of this commonwealth, to run and mark the boundary line between the two states, west of the Tennessee river.--This he declined, suggesting a want of authority, and requested a postponement until the legislature of Tennessee could act on the subject. The law being imperative, I deemed it my duty to proceed, and appointed Robert Alexander and Luke Munsell commissioners, who, with the aid of Col. William Steele and Richard Fox, surveyors, have performed the work-- and the intelligence, skill, and high standing of these gentlemen furnish a pledge of its accuracy. The report and all the papers relating to this subject, will in a few days be laid before you.

Message of the Governor, Journal of House of Representatives

The Commissioners appointed by virtue of an act of the last session of the general assembly entitled "an act to run the boundary line between this state and the state of Tennessee, west of the Tennessee river," Report that believing from the tenor of the above mentioned act, it was the wish of the legislature that the contemplated line should be run and marked as early as possible, they proceeded without delay to take the measures necessary for accomplishing it. A boat was hired for the conveyance of the instruments, a contract made for the subsistence of the persons to be engaged, and an agreement entered into with the surveyors for themselves and the chain carriers and markers, that were supposed necessary. For the purport of these the commissioners beg leave to refer to the account and vouchers which have been filed with

the auditor of public accounts, and which contain a statement of the monies disbursed in conformity with the agreement in question.

The boat set out from Frankfort on the 6th of June and arrived at the mouth of the Tennessee on the 19th. It was thought desirable to procure for the information of the legislature and yourself, a correct survey of as great a portion of the outline of the late purchase within the limits of this state, as the steady performance of the principal duty of the commissioners would permit. The surveyors were therefore employed while the boat ascended the Tennessee, in meandering the river from its mouth. At the distance of 52 miles and 132 poles from the mouth, the commissioners landed for the purpose of determining the position of the line; the observations taken at this station are annexed to this report. The distance was found to be more considerable than had been supposed, and as the commissioners were desirous of procuring a more steady support for the instruments than this station afforded, another was sought for and found 530 poles above it. The observations taken at this second station accompany those taken at the first; and from the result of the two sets, the commencement of the line to be run was marked on the west bank of the Tennessee river $2^{\circ}55'4''$ or 1075 poles above the second station, as specified in the report of the surveyors which is inclosed. Observations were also made at these stations for determining the variation of the needle, which was found to be $7\frac{1}{4}$ east of the meridian. The surveyors were instructed to measure and mark a line due west from this point to the Mississippi river. They proceeded according with their assistants to the performance of this duty, while the commissioners descended the Tennessee, the Ohio and Mississippi, to ascertain the point upon the latter at which the line should terminate. After some observations for determining nearly the situation of this spot, they finally landed their instruments on the east bank of the river about two miles above the island commonly called No. 10. The

observations taken at this last station, are annexed to this report. Other observations were also made here for determining the variation of the needle, which was found to be the same as on the Tennessee. After they were completed, the commissioners were joined by the surveyors and their assistants. The obstacles and privations encountered by these gentlemen in their progress had been such as to delay their arrival beyond the time expected, and to exercise their patience, and fortitude pretty severely-their direct course had been intercepted by ponds and lakes, which after many fruitless trials were found impassable; a line was therefore marked back from this station to the point at which these ponds and lakes again met them, in the manner specified in their report. They then proceeded on a due west direction, crossing the Mississippi river, a point of the Missouri territory and the Mississippi a second time, to the plantation of Charles Hamilton, on the neck of land opposite to New Madrid, and from thence the line was continued to the opposite side of the said neck of land as specified in the report of the surveyors above mentioned.

On the 26th of July the commissioners completed their business and the party returned home.

From the account before mentioned, it will be seen that the total expense incurred by the state from this undertaking amounts to \$4,023.25, whether the sum exceeds or not what has been considered the probable expenditure on the occasion, the commissioners are not able to say. They believe however, if it were found necessary to perform the same duty a second time with the same hands, it could not now be done for a much larger sum.

The foregoing is respectfully submitted by,

Robt. Alexander)

L. Munsell)

Comm'rs.

Appendix 33

Correspondence I

The Tennessee Commissioners propose an adjustment on the following terms.

Walker's line as understood and acted upon by the two states, and their respective officers and citizens, to be the line between the states, east of the Tennessee river. Alexander's line from the Tennessee to the place where Alexander's line first strikes the Mississippi; the centre of the Tennessee river to be the jurisdictional line, from Walker's up to Alexander's line. The Islands (if any) to be with the state of Tennessee. All North Carolina grants north of Alexander's line to be valid, if not interfered with by a Virginia claim. The North Carolina grants must be prior to the cession act, or the claim must have originated before that time; and no grant shall be valid unless the same would be so by the laws of Tennessee; A similar provision for Virginia claims east of the Tennessee river,

F. Grundy

W. L. Brown

Appendix 34

Correspondence II

Madison House, January 8th 1820

Gentlemen,

Your note handed to us this morning containing the only written propositions in relation to the boundary line between our respective States, which we have had the honor to receive from you, is before us. We have had reason to expect from the various conversations of the free and easy sort which have taken place between us upon this subject, and particularly from that of this morning, that the propositions which you contemplated making in writing, were predicated upon the final rejection by you, of the several propositions made by us in those conversations,

and that your note would import in substance your ultimatum.

As the note is without any such written indication, we have to request, that you will in answer to this, inform us, whether these propositions, or any of them are to be considered as still open to discussion, or as finally rejected by you,-- and whether your note contains in substance your ultimatum. We are particularly solicitous to know, if the following of the propositions which we had the honor to make to you verball, is to be considered as finally rejected by you, viz; That though conscious that the parallel $36^{\circ}30'$ north latitude was and is the true and only legitimate boundary line between the two states; we would, (influenced by a spirit of conciliation) agree that the line run by Walker should be the dividing line between the two states as far as it was run in a western direction, viz: To the Tennessee river, and that the state of Tennessee should possess the soil and exercise its jurisdiction between the line and the chartered line aforesaid-if (influenced by the same spirit) you would agree to a line to be run as far south of the line lately run by Alexander, &c. and parallel thereto, commencing on the west bank of the Tennessee river, running thence west to the Mississippi river, as would give to Kentucky, either according to the criterion of value or of quantity, an equivalent for the land lying between Walker's line and the true chartered line -or that influenced by the same spirit, we would agree that a line run from a point due south or due north from the mouth of Oby's river, to the parallel north lat. $36^{\circ}30'$ and thence due east, should be the dividing line from that point eastwardly; and that the line lately run by Alexander, &c. should be the dividing line between the two state west of the Tennessee river; and that the line run by Walker should be the dividing line between the point where it strikes Tennessee river, and the point where it must be connected, by a line at right angles therewith, with the chartered line north or south of

Oby's river as before stated.

Your explicit answer to the foregoing matters will enable us to act more dispatchfully upon the contents of your note.

We have the honor to be,

Most respectfully,

Your obt. servants

John J. Crittenden

John Rowan.

Appendix 35

No. III

Mansion House, January 8th 1820

Gentlemen:

In answer to your note of this day, we take the liberty of stating that we wished you explicitly to understand, that in the proposition we handed this morning, the Tennessee commissioners had determined to cede no territory south of Alexander's line; much less could it be agreed to admit an extension of the jurisdiction of Kentucky into what is now considered the settled parts of Tennessee, east of the mouth of Oby's river. That territory is all granted where it is of value, and Kentucky by such session would only acquire the government of an unwilling people, which cannot we presume, be desired by any free government. We now say that our note of this morning contains substantially our ultimate proposition.

We have the honor to be,

With great respect,

Your humble servants

Felix Grundy

W^m L. Brown

Appendix 36

No IV

Mansion House January 8 1820

Gentlemen,

Your note in answer to ours of same date has been received

and considered. The propositions made by us being explicitly rejected, we have only to inform you of our determination in relation to those submitted by you, in your note. On this subject the Kentucky commissioners differ: one of them would accede to your propositions with some modifications-the other cannot. The concurrence of both being necessary to make any compact, and we differing in opinion, as to your ultimate propositions, there remains no hope of concurring in any terms of adjustment; but as we are extremely desirous of seeing all disputes and controversies between our respective states amicably terminated, and as to effect that object, we are disposed to use all means with which we are invested by law, we propose that all matters of dispute and controversy about the boundary of our respective states, be referred to the final decision of Arbitrators of distinguished character and talents, and who shall not be citizens of either Virginia, Carolina, Tennessee, or Kentucky, or of any state formed out of Territory originally chartered to Virginia or Carolina. If you would accede to this proposition we shall be prepared at any time to proceed with you to the election of any number of Arbitrators that we may agree upon, and to make other necessary arrangements.

We have the honor to be

Very respectfully,

Your obt. servants

John J. Crittenden

John Rowan

Appendix 37

No. V

Mansion House, January 8 1820.

Gentlemen,

Your second note of this day has been received, and we are sorry to learn that our proposition has not met with your united approbation. It would have afforded us much pleasure to have adjusted

the controversy between the two states, and to have affected that desirable object with you, who were selected by your state to act with us, would have increased our satisfaction had you both concurred in acceding to the leading points in our proposition. Modification in minor points would have been expected, as the result of the joint suggestions and efforts of both parties, and we have no reason to believe that any difficulty would have occurred.

You wish us to state whether we are disposed to refer the final decision of the question to Arbitrators, &c. We answer, that although we have entire confidence in the claims of Tennessee, we foresee much difficulty, expense and delay attendant on the cause suggested. We therefore decline to act at present under that portion of our powers which contemplates a decision by Arbitrators.

We have the honor to be

Respectfully

Your humble servants

Felix Grundy

Wm. L. Brown.

Appendix 38

No. VI

Mansion House January 9th 1820

Gentlemen,

Your note of the 8th instant has just been received. To that part of it which expresses the regret felt by the Tennessee commissioners, that their ultimate proposition has not met our united approbation, we answer, that their regret is most sincerely reciprocated on our part, not of a less affecting character. We reciprocate also the sentiments of pleasure which the Tennessee commissioners are pleased to signify, the final adjustment of the unhappy dispute between the two states would have afforded to them; and we feel flattered by, and most cordially reciprocate the sentiment, that the pleasure would have been

enhanced by considerations of a personal sort in reference to the commissioners. In relation to that part of your note which purports to be in direct answer to so much of our note as proposed a reference of all matters in dispute between the two states in relation to the boundary line, to Arbitrators, &c., -permit us to express our regret, that you decline to act at present under that portion of your powers which contemplates a decision by Arbitrators, and to assure you that at any future time when you may judge it expedient to exercise that portion of your powers, you shall find us zealous and prompt to promote by our concurrence, that very desirable mode of adjustment. We feel authorized to say, that the delay, expense and trouble to which you refer as incident to that mode, will form no obstacle to its adoption by the state of Kentucky, as it forms none with her commissioners, such is the zeal of amity felt by them and their state towards the state of Tennessee and her commissioners. Indeed the state of Kentucky has displayed the zeal of amicable feeling above alluded to by binding herself in the act which confers the power we are now exercising (in the event that every other mode of adjustment failed) to abide by the decision of Arbitrators to be chosen by us. That event has happened, unless some mode as yet unnoticed, and to us unknown, may have occurred to the Tennessee commissioners, and by which they are influenced to decline at present to act under that portion of their powers which contemplates a decision by Arbitrators, should such be the fact, we will hasten to examine it with them and make the experiment at the moment they shall please to suggest or disclose it.

We have the honor to be,

With great respect gentlemen,

Your most obedient servants,

John J. Crittenden

John Rowan

Appendix 39
No. vii

January 9th 1820.

Gentlemen,

Your note of this day is before us, We see no reason to change our opinion in relation to a reference to Arbitrators; we therefore decline that mode of adjustment at this time. No terms of adjustment unknown to you have occurred to the Tennessee commissioners, nor should we feel justified in offering a proposition more likely substantially, to produce an amicable arrangement heretofore presented

We have the honor to be

respectfully

Your humble servants,

Felix Grundy

Wm. L. Brown

Appendix 40

No VIII

Mansion House January 10th 1820

Gentlemen,

In your note of last evening in answer to the one addressed by us to you on yesterday, we note the following paragraph, viz: "We see no reason to change our opinion in relation to a reference to arbitrators; we therefore decline that mode of adjustment at this time" We were authorized by our state to propose, in the event which has happened, a reference of the dispute between the states in relation to the boundary line, to Arbitrators. We made you a direct proposition to that effect; your answer purports as we understand its phraseology, not a rejection of the proposition, but a declension of it at this time. We feel it our duty therefore to inform you, that our powers are unlimited as to time, and that whenever you shall have determined to embrace or reject the proposition definitely we will be ready to receive your determination, and in the event of your acceding to it, happy

to confer with you, as to the adoption and arrangement of the means best calculated to bring it to a dispatchful and effectual issue.

We have the honor to be

Gentlemen most respectfully

Your most obedient servants

John J. Crittenden

John Rowan

Appendix 41

No IX

Mansion House, January 10th 1820

Gentlemen,

We have received your note of this morning, and in reply state, that we know of no arrangement other than that already proposed on the part of Tennessee, which we are prepared to offer or adopt. In answer to the proposition already made by us, we are informed the Kentucky commissioners do not agree; and we are induced to hope from the nature of the adjustment submitted by the Tennessee commissioners, that when the same shall come under the consideration of the legislature of Kentucky, it may be adopted as the basis of a settlement of this unhappy difference- A speedy determination of this difference we know to be the earnest desire of all the commissioners, as well on the part of Kentucky as Tennessee. And we feel confidentially assured from the earnest wishes for such a consummation expressed by both the Kentucky commissioners, that an accommodation offered in this manner, will give them much pleasure. We must again express our deep regret, that the commissioners on the part of the two states, have not been able to settle this difference between sister states so intimately and necessarily connected by every tie of situation and interest: And this regret is greatly increased by the high personal regard entertained for the gentlemen engaged in this negotiation on the part of Kentucky.

Accept gentlemen,

Our most sincere assurance of respect

W. L. Brown

F. Grundy

P.S. We shall lose no time in giving to the executive of Kentucky information of the failure of this negotiation, which we consider as closed, between the Kentucky and Tennessee commissioners.

Your most obedient,

Wm. L. Brown

Felix Grundy

Appendix 42

To the honorable Senate and House of Representatives of the General Assembly of the Commonwealth of Kentucky.

John J. Crittenden one of the commissioners appointed by your honorable body, to meet and confer with the commissioners appointed on the part of the state of Tennessee, and with them to "agree upon settle, and determine the boundary line between said states," &c. respectfully reports:

That your commissioners proceeded to the task assigned them with a deep sense of its responsibility, and an earnest zeal to accomplish the purposes of their appointment; and it is with great and mutual regret, that they have now to communicate the result of their unsuccessful negotiations. -A regret which is increased by the consideration, that this unfortunate issue is owing to a disagreement in opinion between ourselves. As the correspondence which has taken place between your commissioners and those of Tennessee contains the propositions made by both, and as that correspondence will be herewith communicated to the legislature, it is unnecessary here to repeat its contents.

The commissioners of Tennessee rejected, or declined, all the propositions for a settlement which were made by us. -Those submitted

by them, (and which will be found in the correspondence mentioned above,) contemplated two objects: The establishment of a boundary between the two states-and arrangements concerning the titles of individuals to lands, that might be thereby affected. In relation to the first, and most important object, they proposed that " Walker's line as understood, and acted on, by the two states and their respective officers and citizens, be the line between the states, east of the Tennessee river, Alexander's line from the Tennessee to the place where that line first strikes the Mississippi-the centre of, the Tennessee river to be the jurisdictional line from Walker's up to Alexander's line, the Islands, (if any) to be in the state of Tennessee."

In relation to the second object, they proposed that, " all North Carolina grants north of Alexander's line, should be valid, if not interfered with by a Virginia claim. The North Carolina grants must be prior to the cession act, or the claim must have originated before that time, and no grant shall be valid unless the same would be so by the laws of Tennessee; a similar provision for Virginia claims, east of the Tennessee river."

These were stated by the Tennessee commissioners to be their ultimate propositions, and in substance, the only terms upon which they could come to an agreement and settlement of the matters in controversy between the two states-and on these propositions your commissioners were divided in opinion. Mr. Rowan objected decisively to the proposed boundary. The undersigned was willing to have acceded to it. Disagreeing upon this principal, and most material points, the incidental propositions which related to the claims of individuals, were not discussed, or much considered by your commissioners. The undersigned entertained some doubts about their power to make stipulations concerning those claims.-But if such were to be made, he thought that those proposed by the commissioners of Tennessee ought to be modified. These considerations were, however,

unimportant, as your commissioners were divided upon the main point, upon which their concurrence was necessary, to the making of any compact or settlement. The Tennessee commissioners were notified of the result of their propositions, and as the only remaining alternative in which they could concur, your commissioners proposed to them, that the controversy between the two states, should be referred to the arbitration and final decision of any number of distinguished citizens of the United States, to be mutually chosen, and to be selected from states that could have no interest or bias in the present contest. This proposition was also declined by the Tennessee commissioners-and here our negotiations with them terminated. In order, however, that the legislature may have amplest information on this subject, it may be proper to add, that in subsequent conversations with the commissioners of Tennessee, they expressed themselves perfectly willing to accede to any modification of their propositions that would render them more satisfactory, without essentially changing them; and particularly that they would agree that the Tennessee river, from the point at which it is intersected by Walker's line to the point at which it is intersected by Alexander's should be subject to the common, and concurrent jurisdiction of both states, and they would make any alterations in their propositions which related to private claims, which were more satisfactory and reciprocal: Or that if it was preferred by Kentucky, they would waive all stipulations and engagements about private claims, and leave individuals, without prejudice, to assert and pursue their rights in any lawful way they might think proper. From the conciliatory temper displayed on this part of the subject, no doubt can be entertained, that all matters might have been satisfactorily adjusted, if your commissioners could have agreed upon the boundary of the two states, as proposed by the commissioners of Tennessee.

In differing with his more able and enlightened colleague, the

undersigned has experienced the deepest and most sincere regret.- And he feels so sensibly how much the burthen of his responsibility has been thereby increased, that he hopes, without being obtrusive, he may be allowed to suggest very briefly, some of those views and considerations, which have influenced his conduct. He will not attempt any elaborate argumentation upon a subject with which your honorable body is so well acquainted; nor will he attempt to trace minutely the history of the controversy between Kentucky and Tennessee.

The territories which from those states originally belonged to, and composed parts of, the states of Virginia and North Carolina, and by the charters of these latter states, they were divided throughout their whole western extent, by a line to be run upon the parallel of $36^{\circ}30'$ north latitude. In the year 1779 and 1780 Walker and Smith, acting under the authority of and by the direction of the state of Virginia, ascertained this latitude, as they supposed correctly, and run a line upon it, from a point east of the Cumberland Mountain as far westward as to the Tennessee river, marking it at intervals. This line has ever since been notorious by the name of Walker's line. And it is now discovered beyond any reasonable doubt, that Walker was mistaken in his observations, and that his line is some miles north of the proper latitude. The territory lying between that line and the latitude of $36^{\circ}30'$ north, is the subject of controversy; and the question is, whether that line, or that latitude, forms the proper and legitimate boundary between the two states. Kentucky has insisted upon the latitudinal boundary, and Tennessee contends that Walker's line has been so far recognised and confirmed, that it cannot now be questioned or disturbed.

Years of controversy have probably had no other effect than that of confirming both parties in their opinions and pretensions-and the controversy of years to come would have no better effect Sovereigns

are rarely convinced against their interest.

On this subject, therefore, the undersigned has not so much considered what was the abstract or wrong of the present controversy. He considered what was the best that could probably be done under existing circumstances, and what was the wisest, the most politic, and magnanimous course that Kentucky could pursue. Upon the mere question of abstract right, if the opinion of the undersigned was matter of any importance, he would say that in strictness that right was with Kentucky. But he will not disguise that it appears to him, there are many circumstances that mitigate this right, that plead against its rigorous assertion, and address themselves strongly to our justice and our generosity. Walker's was a line of demarkation made by those under whom we claim, made by our parent state of Virginia, who in the next year after its completion, recognised in it the most emphatic manner as the limit of her territory (See act of 1781 1st Litt. 432.) Since that period, as far about the space of forty years, it has been observed and respected by all, as the line of division both of territory and sovereignty. North Carolina held and governed, according to that boundary So also did the United States after the cession of Carolina. And Tennessee when formed into a state in the year 1796, only succeeded to the same possession. She has been guilty of no encroachment that can irritate our pride, or excite our resentment. Virginia in effect yielded the possession when she caused Walker's line to be marked as the limit of her jurisdiction. The contested territory has been long ago peopled and organized and incorporated with the state of Tennessee. Walker's line is the basis upon which her counties have been formed and laid off. Towns have been established with reference to it; and with few exceptions it has guided and regulated individuals in both states, in their locations and appropriations of land. The effect of a change of this boundary for only a few miles further south, would be

to confound and endanger individual rights-to dismember counties, disturb municipal regulations-and coerce a reluctant people, indentified in feeling with the state of Tennessee and familiar with her laws into a sort of vassalage, or unwilling submission to our government. Ought all these considerations to be sacrificed to the acquisition of a strip of territory, of a few miles in breadth along our southern border? To the undersigned they appear powerful and persuasive to induce us to forbear our right, and to confirm the old and long respected boundary. The little acquisition of territory which might be obtained, is not necessary to the dignity and consequence of Kentucky. What then are the great advantages to be derived from it? Are there any vacant lands there, the sales of which might replenish the public treasury? No, all that were fit for cultivation, or of any value, have been long since granted out to individuals. And if the territory was on this day transferred to Kentucky, her justice and her honor, would compel her to ratify the claims of its inhabitants, derived from North Carolina and Tennessee. Would she commence her government there, by seizing and confiscating, as it were, the lands of individuals? Surely she would not. All golden dreams then, on this subject vanish into nothing. We should acquire nothing more than the mere right to jurisdiction over the disputed territory and its reluctant and unwilling inhabitants, who would long feel themselves as vassals or aliens. Republican Kentucky could not take much pleasure in such acquisition.- Why then should we contend pertinaciously, for it, through all evils and inconveniences? Are we stimulated to the contest only by the cold and unfriendly pride of power and sovereignty? This dark and unsocial spirit, that stands to high for question, or for compromise, is wholly uncongenial with the principles of our government, and the relations which bind together the states of this union. Confidence, friendship, concession and compromise, laid and cemented the foundations of our

general government, and by them alone can that government be preserved. What fine and illustrious examples on this subject have been set before us by Virginia and Carolina; What vast and valuable territories were ceded by both to the general government! To the magnanimous policy and bounty of Virginia, Kentucky is indebted for all her fine territory, and for her existence as an independent state. And Tennessee is in like manner indebted to North Carolina. All these vast concessions were made in the pure and disinterested spirit of patriotism, and for the purposes of peace, friendship, conciliation, and the good of the whole republic. And does it now become the descendants of these noble states, to wrangle for years about the little subject of this present controversy? To talk in high sounding terms of sovereignty and of sovereign rights, while the "still small voice" of peace and conciliation, is unheard or unheeded?

But suppose that all the considerations which have been offered above, are insufficient and unavailing, to induce Kentucky to forbear or yield her claims-is it in her power to enforce that right? Tennessee is in full possession, and believing it to be rightful, will not surrender it. How will you dispossess her? By arms you would not do it, and by law you cannot. Kentucky has, for about ten years past, repeatedly appealed to congress to pass a law prescribing a mode for the trial and adjudication of such controversies, by the supreme court of the United States.-Congress has refused to do so. It will not mark out the lists in which contending states are to engage. To your urgent applications, Congress has constantly answered, "compromise your disputes and beat peace, " The undersigned is convinced that no hope is to be entertained of the interposition of the general government. If then we refuse to compromise, where is our remedy? We have none. What is the value of our naked abstract right? A right without a remedy! There is nothing in it. Nothing that can even gratify the idlest pride of

sovereignty. There may, however, be some magnanimity displayed in making a voluntary sacrifice of it to the peace and harmony of the two states. By acceding to the terms proposed by the commissioners of Tennessee, we should have obtained quiet and undisputed possession of all the territory which we claim west of the Tennessee river, and which it is much to be apprehended, will otherwise become the scene of active controversy, and dangerous collision, between the two states. We should have removed every cause for and occasion for future discord, and restored to perfect tranquility and harmony, two states intimately united by political ties, by local situation, by sympathy and congeniality of character. These surely deserve to be regarded as important and influential considerations. If the present opportunity of settling all their differences is allowed to pass away, where it may be asked is to be the end, and what the result, of future controversy? Upon what grounds are we to expect hereafter greater advantages than those now offered to us? Experience and the history of the past, refuse such expectations; and it seems unwise to permit faint and uncertain hopes to urge us on to the certain evils of further contention.

Upon the whole the undersigned has not been able to perceive any advantage likely to result to Kentucky, from a protraction of this disagreeable controversy. He considered it as worse than useless to hold up in terrorem, our barren right, to be brandished for a few years longer in vexatious contest, and then to sink into that oblivion to which time will eventually consign every right that is not accompanied by its proper remedy.

Influenced by these considerations, the undersigned was willing to agree upon the boundary proposed by the commissioners of Tennessee. He could not doubt the power of the states to compromise their conflicting claims, and he believed that your act of assembly was intended to invest your commissioners with that power. He was anxious to see all

matters of difference amicably settled, and he would have felt much pride in being instrumental, in the humblest degree, to the accomplishment of such an object. He trusts, however, that these personal feelings have been held in proper subordination to that superior duty and attachment which binds him to his native state of Kentucky; and that in acceding to the terms proposed, he did not commit either her real interest or honor. The undersigned begs leave to tender to your honorable body his sincere acknowledgements for the honor conferred on him, by placing him on this important commission. And although he and his colleague have been successful, he yet hopes that the superior wisdom of your honorable body may be able to accomplish all the conciliatory purposes for which they were appointed.

He has the honor to be,

With great respect,

Your obedient servant

John J. Crittenden

Appendix 43

To the honorable, the Senate, and House of Representative of the Commonwealth of Kentucky.

John Rowan, who was honored by the Legislature with the appointment of commissioner, in conjunction with John J. Crittenden, Esq. to confer with Felix Grundy and William L. Brown, Esqs. commissioners appointed by the state of Tennessee, and settle and adjust with them, the boundary line between the two states, would most respectfully state to your honorable body, that immediately upon being notified of his appointment, he hastened to the performance of the duties resulting therefrom; and in that view arrived at Frankfort early on the morning of the 5th instant. And according to an arrangement with Mr. Crittenden to that effect, they had on that evening, at the Mansion House an inter-

view with the commissioners on the part of the state of Tennessee, in which, after the enter-change of credentials, and the appropriate civilities, occurrences were made by the Kentucky commissioners, and reciprocated by those of Tennessee, of the zeal which they felt, that the unhappy difference which existed between the two states in relation to their common boundary line, should be brought to a speedy, just, and amicable termination. The commissioners from Tennessee were informed, in the course of a free and easy conversation which occurred in relation to the topics of their mission, and in answer to an interrogation by them, as to the mode in which the negotiation was to be conducted, that in relation to such facts or arguments as might, in the contemplation of either side be thought important as the basis of stipulation, on the ground, either of conciliation or right, a written correspondence would be preferred. A preference to colloquial conference was indicated and pressed on their part; but John Rowan insisted, that the nature of importance of the subject matter, the consideration that two sovereign states were concerned, and the responsibility of the commissioners all pointed to the written, as the preferable mode. Mr. Crittenden ^{announced} ~~announced~~ his determination to be governed by his colleague in that particular; whereupon it was agreed, that the written mode should be adopted and pursued throughout by the parties respectfully, in relation to all the matters which they might think essentially material to their case, placed as they might choose, either upon the ground of rigid right, in relation to the legitimate position of the boundary line, or in the view to adjustment upon the ground of conciliation and mutual concession. It was further agreed that before they entered upon the written discussion of the subject, they should, by mutual, free, and easy conversations, mitigate as far as it was practicable there by to do it, the rigor of the facts of the case, and so render them more tractable in written discussion.

Sundry interviews and various conversations which need not be detailed, were afterwards had, throughout all of which it was understood, that discussion, according to the mode agreed upon, was to commence on their part; that claiming as we did, for the Southern boundary of our State, the chartered line of $36^{\circ}30'$ north latitude, it behoved them, if they chose to assert any other as the obligatory line, to exhibit it with the proofs of its legitimacy. Early in the conversation above alluded to, they gave us to understand that the line commonly called Walker's line, would be urged as obligatory upon both the states as their common boundary, and detailed to us the facts upon which they predicted its obligatory effect. Those facts consisted of several acts of the legislature of Virginia and of North Carolina of a paper purporting to be a copy of the report of Thomas Walker and Daniel Smith to the Virginia legislature, in relation to the manner in which they ran, and the circumstances which attended their running that line. They alledged and seemed to rely upon it, as an additional fact, that Walker, after he had run the line aforesaid to the Tennessee river, went from the falls of the Ohio river to the west bank of the Mississippi river, and at a point on that bank, at which the line run by him would have terminated, if it had been continued in the same direction, marked as its western abuttal certain trees. All the facts alledged by them in support of the legitimacy and obligatory effect of Walker's line, were examined by us, together with the facts and documents in support of the chartered, as the legitimate common boundary line of the two states. This examination was made in the view, not only to ascertain the true state of facts, and the law in relation to those lines, that we might be prepared to discuss, (if the Tennessee commissioners should choose to subject it to discussion) the question of boundary, in that spirit of candor and conciliation which the nature of the subject, respect for ourselves, and above all, a just regard for the character of our state, so emphatically required;

but that we might in the event of a conviction that the question of boundary was against us frankly concede it, and pass on from the ground of right to that of compromise, and occupy it under the influence, and in the spirit in which we had explored the ground of right. The result was a most thorough conviction on our part, that the line of north latitude of $36^{\circ}30'$ is the true, legitimate, and only obligatory dividing line between the two states. But the Tennessee commissioners whether unwilling to express their pretensions, as they related to Walker's line, to the ordeal of written discussion from an apprehension that it could not sustain it or influenced by other views and prospects from which they had more to hope, did not choose to make them the subject of written correspondence, as will be seen by reference to their first and consequent notes. But before any reference is had to, or comment made upon the notes which were interchanged between the commissioners John Rowan solicits the patience of the legislature, while he takes a short, nasty, and he fears immethodical view of the facts and law upon which he preduates mainly the conviction above stated in relation to the legitimate and obligatory line between the two states.

The three charters under which Virginia was claimed by the proprietors there of, were vacated in a proceeding by quo warranta, anterior to the 13th day of July 1624, on which day the proprietary government of that province ceased, and the regal government thereof commenced; but in the vacation of the charters, the abolition of the proprietary, and the institution of the regal government of that province, the second of the three aforesaid charters remained unaltered and obligatory as to the delineation until it was varied by grants subsequently made to the neighboring provinces, formed the limits of the regal jurisdiction in the government thereof. That chapter bears date on the 23d day of May 1609, and purparts to have been made by James I. in the 7th year of his reign, and is so far as relates to boundary, in

the following words 6. "And we do also of our special grace, give, &c. all those lands, contries and territories, situate :lying and being in that part of America called Virginia, from the point of land called Cape, or Point Comfort, all along the sea coast to the northward two hundred miles; and from the said point or Cape Comfort all along the sea coast to the southward, two hundred miles, and all along the space and circuit of land lying from the sea coast of the precinct aforesaid, up unto land throughout from sea to sea, west and north west. &c"

The southern boundary of Virginia according to its above recited charter was afterwards on the 30th day of June 1677 by the second charter of Carolina granted by Charles II, to Clarendon &c. reduced to the parallel of $36^{\circ}30'$ north latitude; of which charter so much as relates to the northern boundary, there of, which is the southern boundary of Virginia, in in the following words, viz: Know ye, &c. we are graciously pleased to enlarge our said grant according to the bounds and limits herein after specified, &c. all that province, territory or tract of land situated, lying and being within our dominions of America extending north and eastward as far as Currituck river, or inlet upon a strait eastwardly into Wyomack creek, which lies within, or about the degree of thirty-six and thirty minutes of north latitude, and so west in a direct line as far as the south seas, &c" In the Constitution of Virginia which was formed on the 5th day of July 1776, whereby she renounced the regal, and asserted the right of self-government in the character of an independent state, she ceded in the last clause of that instrument, to Carolina, all the territory, jurisdiction and government, to which according to the limits of her above recited charter from Charles, she was entitled, and thereby established and confirmed as the northern boundary of North Carolina and southern boundary of Virginia, the above recited parallel of latitude $36^{\circ}30'$ as the division line, and common boundary between those two states,

The terms of cession and confirmation so far as they relate to this subject, are the following, viz; "The territories contained within the charters erecting the colonies of Maryland, Pennsylvania, North and South Carolina are hereby ceded, released, and forever confirmed, to the people of those Colonies respectively, with all the right of property, jurisdiction, &c" When North Carolina renounced the colonies, and by the formation of her constitution, erected herself into a state government, which was on the 18th day of December 1776, she recognized and affirmed, in the 25th article of her bill of rights, the line of latitude aforesaid, as her northern boundary. So much of that article as relates to this subject is in the following words, viz: "The property of the soil in a free government being one of the essential rights of the collective body of the people, it is necessary in order to avoid future difficulties, that the limits of the state should be ascertained with with precision, &c--Therefore, all the territory, seas, waters and harbours, with then appurtenances, lying between the line above described, and the southern line of Virginia, which begins on the sea shore in thirty-six degrees thrity minutes north latitude, and from thence runs west agreeable to the said charter of King Charles the II., are the right and property of the people of this state, to be held by them in sovereignty, any partia line without the consent of the legislature of this state at any time thereafter directed or laid out, in any wise notwithstanding &c." Whence it appears evident and clear, whether we consult the charter of Charles the II above recited, or the constitution of the state of Virginia, or that of the state of North Carolina, that the line of latitude North $36^{\circ}30'$ was not only by ordination, but by the consent of all concerned, expressed in the most deliberate and solemn form, up to the 18th day of December 1776, the common dividing boundary line between the states of Virginia and North Carolina; and as the states of Tennessee and Kentucky were during that time, the

former a part of North Carolina, and the latter a part of Virginia, it must at this time be considered as the common dividing boundary line between them, unless it can be shewn that it has been altered by the deliberate consent of the two latter states before the erection of the former, or of the former since their erection into states; or in other words by the consent of the sovereigns of the territory now embraced in the states of Tennessee and Kentucky. The Tennessee commissioners alledge that the line run by Walker and commonly called Walker's line, is of that character, and imports an alteration of the line of latitude, by the consent of the states of Virginia and North Carolina; and of course it is binding upon the states of Kentucky and Tennessee. As evidence of its binding effect, they alledged, that it had been run and marked under the concurrent authority of the states of Virginia and North Carolina, by the joint agency of commissioners appointed by the states respectively, for that purpose; Thomas Walker and Daniel Smith on the part of the former, and Richard Henderson B. Smith &c. on the part of the latter; and that it was moreover afterwards affirmed, as run, by those states respectively. It appears that the state of Virginia in 1778 passed an act the title of which only has been seen by us, which is "An act for extending the boundary line between Virginia and North Carolina", opposite to which it in the margin of the Chancellor's revesal, page 37. where it is found, is the word executed; and that in the year 1779, the state of North Carolina passed an act the title of which is, "An act for extending the boundary line between this (N.C.) state, and the commonwealth of Virginia, by which it is enacted that Richard Henderson, W. B. Smith, &c. are appointed commissioners with full power and authority to meet with other commissioners from the commonwealth of Virginia, and to proceed to extend and mark the line between the two states; beginning where Joshua Fry and Peter Jefferson ended their work, and if that be found to be truly in the latitude of

thirty-six degrees thirty minutes north to run from thence due west to Tennessee or Ohio river; or if it be found not truly in the said latitude, then to run from the said place due north or due south into the said latitude, and thence due west to the said Tennessee or Ohio river, correcting the said course at due intervals by astronomical observations; and to report their proceedings to the General Assembly" The Tennessee commissioners connect with the above recited title of the Virginia act, and above quoted provisions of the North Carolina act the copy of the report above alluded to, as one made by Thomas Walker and Daniel Smith to the Virginia legislature, and attempt to deduce therefrom the binding effect of Walker's line upon the state of Kentucky. The paper produced by them purporting to be a copy of Smith's and Walker's report, is in the hand writing of Maj. William Croghan of Jefferson county, Ky. A copy of it marked N. is hereto annexed. From the tenor and import of that paper it is evident, that the line claimed on the part of Tennessee, as Walker's line, was not only not run by the concurrent agency of the North Carolina commissioners, or with the consent or approbation of them or any of them, but against their consent, in their absence and under the demunciation of their solemn written protest; that they met Walker and Smith, united with them in ascertaining a point, from which to commence running the line, and run a line from that point, distinct and different from that run by Walker, as far west as the top of the Cumberland Mountain, and then desisted and withdrew protesting as aforesaid.

It is to be regretted that the act of the Virginia legislature under which Walker acted, is inaccessible. The presumption is, that it provided that the doings of the commissioners, under its authority, were to be reported to the legislature, and approved or negatived as they should be found to have corresponded with, or departed from, its object and provisions. It is most obvious that the state of Virginia, could

by no law, which she might enact, in relation to this subject, bind the state of North Carolina without her concurrent or subsequent consent thereto. It is equally obvious that the state of North Carolina could not hold the state of Virginia bound by any act of hers to which the legislature of North Carolina had not yielded its concurrent, or subsequent assent. And it is not less obvious that the line run by Walker, if it were not binding when run, upon North Carolina, could not be binding on Virginia. And if it had been run as far south of $36^{\circ}30'$ north latitude, as it is found to be north of that parallel, the state of Tennessee would be the last to urge its obligatory effect. From the phraseology of the North Carolina act above quoted, it appears to have been the evident intention of that legislature, that the line between the two states should be run and marked, according to its chartered direction. The duty of pursuing the direction is most explicitly enjoined on the commissioners, and zealously enforced by the terms of that act.

Virginia may be supposed in her act, to have displayed the same intention, and to have enjoined its effectuation upon her commissioners in a style not less explicit, and in terms not less urgent than those employed in the North Carolina act. Had the commissioners then, thus empowered and instructed by the legislative acts of their respective states, concurred in the performance of their duties, and run the line from the proper beginning point forty-five degrees south of west until it had struck the Tennessee river-- would the state of Tennessee have urged its obligatory effect, and consented to abide by it? It is believed not. Or suppose the line to have been run by the mutual and concurrent agency of the commissioners of the two states in the direction of 45° north of west, until it had reached the Ohio river.-- would Kentucky have acknowledged its binding effect? And if she did not, would Tennessee have urged it upon her?--But suppose the commissioners to have

united in the discharge of their duties under the laws investing them with their powers, and to have begun by mistake at a point in a degree of north latitude, higher or lower than the chartered parallel, and to have run due west, the same or a less distance than Walker ran. - would the line so run and marked have been binding on the states?

If it would not in the case last put, it would not in the last or either of the former; still less can the erroneous line of Walker be binding on the states. A line run and marked according to either of the cases put, would be ineffectual and unobligatory, on the grounds of mistake and error in the commissioners who had concurrently made it. The line run by Walker must be alike ineffectual upon the same principle, and upon the additional ground that it was run without the concurrence of the North Carolina commissioners, not assented to, but reprobated by them; and upon the further ground, that it was never recognized by Virginia or Kentucky, North Carolina or Tennessee, nor affirmed by them or either of them, as correct. It must be forgotten that the commissioners for the states of Virginia and North Carolina were not empowered by the acts of their respective states, to unite in running, marking and fixing the boundary line between the two states.

The boundary line had been fixed in the colonial charters and in the respective constitutions of the states. They were appointed to extend and mark, not a line, which they might fix upon, but the line which existed in a state of unerring fixture; for the duration of which, in its unerring and fixed position, the Heavens in which it was not less legible, than in the charters and constitutions aforesaid, stood pledged.

It is the privilege of sovereignty to demark its boundary on the Heavens, and it only reduces them to a visible and sensible position upon the surface of the earth in subservience to its purposes of detailed jurisdiction. A line marked, not according to the known and settled

direction of the fixed line, had it been done by the concurrence of the commissioners of both states, would not have been binding on either, because the states had not intended to alter the boundary line, and had not delegated the power to alter it; and because the alteration, whether produced by ignorance or accident, was in transgression of the power and the instructions connected therewith, in the acts delegating it. But the line marked by Walker, so far as it relates to the authority under which it was done, was a matter exclusively between him and the state of Virginia, unobligatory upon North Carolina, for the want of concurrence and assent, and on account of her express dissent, and obligatory or not upon Virginia, as she might choose. It ran through her territory, was run by her own agent, and she had a right upon the most obvious principles of proprietorship, to consider it in relation, as well to its origin as to its effect, in what light she choose. As proprietor and sovereign, she had an unquestionable right to run and mark whatever lines she pleased upon her own territory.

The chartered line was the obligatory line upon the two states, and must remain so until altered by their mutual consent. No consent of that nature is perceived in the line run by Walker, whether reference is had to the facts and circumstances under which it was run and marked, or to the legislative acts of the two states, or of either of them in relation to the running or marking thereof. But if the line of Walker were to be considered as obligatory, it could only be so considered (if it had every other obligatory requisite) on the ground that what was theory had thereby become fact; that the ideal line had thereby been made real and accessible to the senses of the community. But that line, if we are to confide in the paper purporting to be the report of Walker and Smith in relation thereto, was not run, throughout from the point of beginning to the Tennessee river. From the Clear Fork, to a point at, or near the mouth of Oby's river, a distance of 109 miles, was neither

run nor marked by Walker; for that distance, and the distance between the Tennessee river and the Mississippi river, there is not even the shadow of pretence for a departure from the chartered line. The legislative acts of the states of Virginia and North Carolina, upon which the Tennessee gentlemen rely, as having an affirming effect upon Walker's line, are principally those by which new counties at different time, posterior to the running of that line, were erected in, and by the states respectively. In those acts, the dividing line between the two states is referred to by each, as the occasion suggested, as some portion of the boundary of the county about to be erected, not by the name of Walker's line, or the line run by Walker, but as the boundary line between the two states, or as the North Carolina line or Virginia line, without any reference to the line

NL	395,407	run by Walker. Those acts are not thought to possess
	414,438	sufficient relevancy to the subject to entitle them to
	450,473	written comment, or discussion in this report or discussion
	598,599	in this report; but they are referred to in the margin
	395,372	hereof, together with all the legislative acts upon which
	589,	the gentlemen gave verbal indications of reliance. The
C.H.	87,111	letters C. H. point to the Chancellor's revisal of the
	146,399	Virginia laws. L to LiHell's volumes of the Kentucky
	199,392	laws, and N. L. to Iredel's revisal of the North Carolina
	276	laws.
L.	411,445	
	466,365	

The act of the Virginia legislature concerning the southern boundary of that state, passed at the October session of that legislature in the year 1791, is speically excepted from the acts refered to in the margin, as entitled to consideration, because of its reference in terms to Walker's line. That act is in the words following, viz:- Whereas official information both been received by the general assembly, that the legislature of the state of North Carolina have resolved to establish the line, commonly called Walker's line as the boundary between North Carolina and

this commonwealth, and it is judged expedient to confirm and establish the said line on the part of this state. Be it therefore enacted by the general assembly, That the line commonly called and known by the name of Walker's line, shall be, and the same is hereby declared to be the boundary line of this state, *viz* 2d. and be it further enacted, That in all the courts of equity and law within this commonwealth, the claims for lands lying between the line commonly called Walker's line, and the line commonly called Henderson's line, shall be decided in favor of the eldest title, whether derived from this commonwealth, or from the state of North Carolina". Before any comment be made upon this law it should be remarked, that the county of Kentucky had been erected by the legislature of Virginia, embracing the territory now embraced within the state of Kentucky, that the legislature in the erection of that county, had called for the North Carolina line as its southern boundary; that afterwards when they erected the three counties of Fayette, Jefferson and Lincoln, out of that county, they called for the North Carolina line as the southern boundary of Lincoln, the most southerly of those three counties; and afterward in the year 1782, when those three counties were erected into the Kentucky district they were incorporated into that district by their existing boundaries; and that afterwards again in the year 1789, the same legislature by the enactment denominated the compact, under, and by virtue of which the district of Kentucky was erected into a state, stipulated for that event, recognizing the district, by its existing boundaries. *viz*; "On the south by the Carolina line". The compact aforesaid was afterwards, *viz*; on the 4th day of February, 1791, approved by the Congress, with an expression of their assent, that the said district might, pursuant thereto, go into a state and be admitted into the union according to its actual boundaries on the 18th day of December 1789, as a new and entire member thereof, by the name and style of the state of Kentucky; that the district of Kentucky did, on

the 19th day of April 1792, by the formation and adoption of a constitution, in which was incorporated the compact aforesaid, erect itself into a state, pursuant thereto, and to the act of congress aforesaid. It should be further remarked before any comment be made upon, or any exposition given of the Virginia act of 1791 above recited, that the state of North Carolina, in November 1789, did by solemn legislative act, cede to the United States all the right, title and claim, which she had to the sovereignty and territory of the lands situate within her chartered limits west of a line on the extreme height of Stone mountain at a place where the Virginia line intersects it. running thence, &c., and did thereby authorize the senators in congress from that state, to make a conveyance thereof to the United States of America; and that Samuel Johnston and Benjamin Hawkins senators in congress from that state, did by their deed of conveyance on the 20th day of February 1790, convey to the United States the soil of North Carolina, according to the boundaries contained and recited in the act of that state above alluded to; and that the congress did by an act approved on the 2d day of April 1790, accept from the State of North Carolina by the deed of conveyance made by her senators as aforesaid, the territory and sovereignty of the western lands aforesaid, within and according to the chartered limits of that state. From the foregoing facts must be evident, that in October 1791, neither Virginia nor North Carolina could exercise any jurisdiction in relation to the boundary line now in question. Virginia had precluded herself by her compact with the district of Kentucky; and North Carolina had precluded herself by her surrender to the United States of the territory which is within the now state of Tennessee and of all pretension to sovereignty and jurisdiction over it. Of this cession of soil and sovereignty made by the state of North Carolina to the United States in November 1789, and of the acceptance thereof by the United States in April 1799, Virginia

cannot be supposed to have been ignorant; nor can she be supposed to have been ignorant of her compact of cession to the district of Kentucky made in 1789, and ratified by Congress in February 1790: And knowing these facts she must have known in October 1791 when she passed the act above united, that Walker's line so far as it passes through what is now the state of Kentucky, was alike without the reach of the jurisdiction of North Carolina, and of her own, and she must alike have known, and from the same source, that North Carolina had by her act of cession and conveyance to the United States, renounced all pretensions to Walker's line, and ceded and conveyed by the chartered line, she could not be unconscious, that she had by solemn compact, ratified by congress, surrendered to the state of Kentucky (for it was then an inchoate state) all the territory North of the said chartered line, and by reference to it in that character, and that she was thereby estopped from legislating in relation to that boundary, or any other as a substitute for it, When then, it may be asked, did she pass the law? The facts detailed in Walker's report, taken into connection with the 2nd section of the law itself, and the other facts recited, furnish the answer. Walker and Henderson had each run different lines for more than a hundred miles westward from the point of beginning, either of which lines, had it corresponded with the line of latitude, would at the time it was run, have been necessarily binding upon their respective states, because it would have been a designation upon the surface of their chartered boundary. Those states after they had respectively made the cessions of territory and jurisdiction, the one Kentucky, and the other to the United States, as above stated, would still have been bound by so much of it as remained their common boundary; but disagreeing as to the correctness of both lines, it was competent for them to unite in the substitution and establishment, of either for the line of latitude, so far as it could be thereby made (from their relative possession to

each other.) a common boundary. To that extent only had they power to act upon it concurrently. - Carolina could not act upon it, west of the line of cession to congress. But it was upon the receipt of official information, (as Virginia declares in the act) that the legislature of North Carolina had resolved to establish the line commonly called Walker's line as the boundary between North Carolina and herself; that she judged it expedient to confirm and establish that line on her part; North Carolina could establish it west only to the eastern line of the territory, which she had ceded to the United States, and which is now the eastern boundary of the state of Tennessee. Virginia, by reason of the compact which she had made with Kentucky, could exercise no jurisdiction in relation to that line further west than the eastern limits of Kentucky; she could by no concurrent act with the state of North Carolina, go farther west upon that line than what is now the eastern boundary of the state of Tennessee. It is but reasonable, as that act purports a concurrence with the state of North Carolina, in relation to its object; viz; Walker's line, to confine its effect to so much only of that line as North Carolina could concurrently with Virginia, act upon. How far the line run commenced east of the eastern limits of what is now the state of Tennessee, we are not informed, nor have we any immediate means of certain information; but we are bound to suppose from the above recited act, that the line of Walker was to some considerable extent, in the autumn of the year 1791 contemplated by the two states as their common boundary. The provision in the 2d section of that act that the lands lying between that line and the line run by Henderson, shall be decided to belong to the persons holding the elder grants therefor, is strongly corroborative of this construction. From the report of Walker we learn that Henderson ran from the point of beginning as far west as the Cumberland mountain; from that point eastward Virginia had the power to confirm that line, because it was east of the territory

ceded by compact as aforesaid to Kentucky. The reference in the aforesaid second section of the act to Henderson's line, shows that not only the legislature in the enactment of the law intended to confine and limit its effects to so much of Walker's line as was within the jurisdiction of Virginia, but to that part of it which was in relation to that object, within the concurrent jurisdiction of Virginia and North Carolina. But the act aforesaid could not be obligatory upon North Carolina without her assent, and she could not yield her assent beyond the limits of her jurisdiction; that limit on the west was the extreme height of Stone mountain. But there is no evidence that she ever did assent.

The act aforesaid is predicated upon her promise to assent; if that assent was withheld or refused, there is no doubt that the act aforesaid would not be obligatory upon Virginia; and that the chartered boundary would not be thereby altered as between even those states.-- It can not amount (without the consent of North Carolina) to a cession by Virginia to her of all the territory and sovereignty between Walker's line and her northern boundary; still less would it, predicated as it was upon the promise of North Carolina to confirm Walker's line, vacate the compact with Kentucky, and transfer to the United States the territory and sovereignty west to the Tennessee river, between that line and the line of latitude north $36^{\circ}30'$ and that too without the assent either of the United States or North Carolina. The law therefore, it is repeated, can have no obligatory effect upon Kentucky, and none upon Virginia in relation to any portion of that line, that was not at the time of its enactment, a common boundary between Virginia and North Carolina, But as a conclusive proof that the law aforesaid, neither had, nor was intended to have, an effect upon that line west of the western limits of North Carolina, The state of Tennessee in the month of February 1796, when she formed her constitution, ordained in the 32d article

of the bill of rights, in that constitution, by express recital of her limits therein, that her northern boundary was as described in the act of cession of North Carolina to the United States, which has been shown to be the latitude of $36^{\circ}30'$ north. The words of that article, so far as they relate to this subject, are as follows, viz: "That the limits and boundaries of this state be ascertained, it is declared that they are as hereafter mentioned, that is to say: Beginning on the extreme height of Stone mountain, at a place where the Virginia line intersects it, in latitude $36^{\circ}30'$ north running thence, &c&c&c thence along the main edge of said mountain to the southern boundary of this state as described in the act of cession of North Carolina to the United States of America; and all the territory, lands and waters, lying west of the said line as before mentioned, and contained within the chartered limits of the state of North Carolina, are within the boundaries and limits of this state, over which the people have the right of exclusive sovereignty and soil. &c" What is now the state of Tennessee existed, when the Virginia law aforesaid was enacted, in the altitude of a territorial government, bounded on the north by the line of latitude aforesaid: She was not in that altitude, or any other, as it has been shown she could not be, either noticed in, or affected by that law. More than five years afterwards, when she passed from the territorial to a state government, she not only did not assent to the alledged effect of that law upon her northern boundary; but most solemnly renounced it and adhered to the chartered boundary of North Carolina as her northern boundary. The allegation that Walker's had been acquiesced in and affirmed by the states of North Carolina and Virginia, in and by their various legislature acts, above referred to in the margin of this report, is abundantly reputed by all in their solemn acts in relation to that boundary, from the time that line was run and marked and not less by the Virginia act of 1791 above recited, which was her last, upon that subject, thou by her act erecting Kentucky into a district, and her act of

compact with that district. Why, if she had affirmed Walker's line previously to the passage of that act, should she then think it expedient to confirm it, and then enact its confirmation? and why, if North Carolina had previously affirmed it did she then (as the act recetes she did) officially inform Virginia, that she would confirm it? and why, if she had confirmed it previously to her act of cession to the United States did she in that act cede according, not to that, but her chartered line? and why, if Walker's line had ever been confirmed by the state of North Carolina and Virginia, did the state of Tennessee reject it in her constitution, and recognize as her only legitimate northern boundary, the line of latitude according to the charter of North Carolina? and why have the states of Tennessee and Kentucky, if Walker's line had been their legitimate dividing boundary cautiously avoided in all their enactments in relation thereto, its recognition in that character? and why have they referred uniformly to the chartered line as their common boundary? And quere--can the state of Tennessee lawfully exert jurisdiction north of the line established in her constitution as the boundary thereof? And to what jurisdiction would a felony, committed between Walker's line and the line of latitude attach? It should still be remembered that all the legislative acts, to which reference is made in the margin, (herein above) as those relied upon by the commissioners from Tennessee, to evence the confirmation of Walker's line, were passed anterior to the passage of the act of compact by the state of Virginia, above referred to, and the act of October, 1791, above recited, and to the act of cession by North Carolina, and of course to the formation of its constitution by the state of Tennessee. And as further evidence that Walker's line had not been affirmed by any of those legislative acts, to which reference is made in the margin, the following resolutions adopted by the legislature of Virginia, at the November session of 1789, may be referred to with

much confidence, viz: "Resolved, That the Executive be requested to report to the state of North Carolina, the great anxiety of this commonwealth for the establishment^t of a boundary line between them; to propose the establishment of the line commonly called walker's line, and to report to the general assembly at their next session, the answer that may be received." Resolved, That if the proposal for the establishment of Walker's line be accepted, the Executive be empowered to execute a deed confirming the same, upon receiving a like deed from the state of North Carolina.

"Resolved, That if the said proposal be not accepted, the Executive be empowered to appoint any number of commissioners, not exceeding three, to meet any other commissioners who may be appointed on the part of North Carolina to confer on the propriety of establishing Walker's on Henderson's line, and to report to the legislature of each state their proceedings in the premises."

The resolutions not only indicate that Walker's line had not been established, but that Virginia had made unavailing efforts with North Carolina to establish that or some other visible boundary between the two states. The resolutions authorize the Executive to report to that state, the anxiety which was felt on that subject. These resolutions if other evidence were wanting, would be sufficient to prove, that Walker's line had not, anterior to November, 1789, been established; and it has been shown, that after that period, there existed no power in those two states to establish it further than it was or might be made their common boundary. Being convinced, therefore by the foregoing and other views, of which the subject is susceptible, (but for which there is neither time nor room here,) that the line commonly called Walker's line, never was confirmed by either the state of Virginia or of North Carolina, anterior to the 13th day of December, 1791; and that it was then confirmed as far west only from the point at which it

was commenced, as the western boundary of North Carolina which was the extreme height of Stone mountain, and the utmost extent to which those states possessed at that time, the power concurrently to confirm it; and of course, that it had not as to the balance of its extent westward any more binding effect upon either the state of Kentucky or of Tennessee than at our other line run and marked through that region of country by the savages of its forest, or the citizen hunter of any of the states pp 33.

I, Rowan could not find, in all that was alledged on the part of Tennessee, in relation to the confirmation and obligatory effect of Walker's line, an apology for a doubt as to the legitimate boundary line between the two states. That the line of latitude $36^{\circ}30'$ north, was, and is the true legitimate, and only obligatory boundary line between the two states, he had the most thorough conviction. When, therefore the first note was received from the Tennessee commissioners, he could not find, in any doubt (for he had not) which he entertained in relation to the right of his state to the territory and sovereignty between Walker's line and the line of latitude, a native to surrender to the state of Tennessee that territory and sovereignty, or any part thereof. It was, in his most deliberate opinion, not less clearly the property of this state, than any portion of the interior thereof.-- even that embracing its Capital. That the state of Tennessee had usurped the possession and jurisdiction of that territory, formed with him no native to surrender it to her without an equivalent; and he could not see in her declaration made in that note, that she would forbear to extend her usurption to our territory and jurisdiction west of the Tennessee river, an equivalent for the surrender of what she had usurped east of that river; and he could construe that note into nothing more nor less, than such a promise of forbearance on the part of the state of Tennessee. To this interpretation of that note, he was led, not only

by the import of its words, but by the information received from the Tennessee commissioners, that the legislative of that state, had, at their last session, passed an act directing the surveyors thereof, upon the failure of this negotiation, immediately to occupy and survey all the land west of the Tennessee river, between the line run by Alexander and Walker's line extended from the Tennessee to the Mississippi river. The circumstance too, that note, although their first, should have been declared (as it was verbally), to contain their ultimatum, their sive qua now, was not in his mind of a conciliatory nature. That the state of Tennessee, after having in violation of her own constitution, and of the just and constitutional right of the state of Kentucky, usurped near two million acres of the land of the latter, should propose a compromise and offer as the only terms of that compromise, at the very threshold, and in the shape of a sive qua now, that she would forbear to usurp another million of acres, as the only equivalent for the million she had already usurped, was not, in his opinion, very flattering (to speak the best of it) to the just pride of his state. He was constrained to suppose that the proposition was predicated upon the belief, that the state of Kentucky lacked either the wisdom to discern, or the firmness to assert her just right; and, therefore, he could not accede to it. Argument drawn from the proximity of the two states, and the necessity of their fraternal intercourse to their mutual comfort and interests, were not without weight to which they were entitled, in the consideration, by him, of this matter; and he was prepared to be influenced by them, so far as their influence might be reciprocated--and further, he could not be, consistently with that respect which he entertains and is proud to cherish, for his state. That the state of Kentucky should cultivate^{amity} with the state of Tennessee and her other sister states of the Union, from the same motives that they should cultivate amity with her, he is prompt to acknowledge; but that she can have any motive that

that is not common to the proudest of them, he denies unhesitatingly. The argument that the assertion of its right by Kentucky, to the territory north of the line of latitude, would eventuate in the disruption from the state of Tennessee of a large mass of its people, and the location of them within the jurisdiction and under the laws of the former, from which they are in all their sentiments and habits abhorant was, though not of a flattering character, not without its weight with him; for though he cannot think that the government and laws of Kentucky are less friendly to civil liberty and to all the tenurs which connect themselves with the human heart, than those of the state of Tennessee; yet, he regards with great indulgence even prejudices of that sort; and he was willing and proposed to take in exchange for that mass of population and the territory to which it was fastened, and equivalent in the Wilderness, west of the Tennessee river and south of Alexander's line, according to the interior either of quantity or value. Indeed, he even consented (reluctantly he acknowledges) and proposed to leave to the state of Tennessee, the territory and jurisdiction south of Walker's line, from the Tennessee river east to Oby's river, upon the condition, that there should be no obstruction on the part of the state of Tennessee, to the exercise of its jurisdiction by Kentucky, to the line of latitude along the balance of its southern boundary. This proposition was not approved of entirely by his judgment; but he was extremely unwilling to be thought to possess none of that spirit of conciliation which seemed to influence his colleague to concede all; besides, he was encouraged to go thus far by the consideration, that the legislature of his state had displayed the same temper, in one of its enactments upon this subject at a former session, and by this other consoling reflection, that the legislature had, in the law investing him with the authority under which he acted, reserved to itself the power of affirming or disaffirming his acts. He was disposed to go as far in

State of Tennessee, unless we agree to this sine qua non proposition; displaying the zeal of his state to cultivate amicable relations with the state of Tennessee, as that zeal could in his opinion be displayed, compatibly with its honor, for he holds it to be a truism in politics, that the amity of that state or nation that does not respect itself, is not worth cultivating. If the state of Tennessee would come out and frankly acknowledge our rights and renounce her wrongs in relation to them, and appeal to the generosity of Kentucky for the land in question, he feels a pride in believing, that his state would evince upon such an appeal, that her disposition to be liberal, was not less than her capacity to discern and vindicate her rights, when they were attempted to be obtained from her, either by force or address. But he could not believe, that he had been appointed to give for the state of Kentucky to the state of Tennessee, a slip of territory lying along its southern boundary, large enough for some three, four or five counties; and if he could have so though, he would not have agreed, that the generosity displayed in the gift, should have been obscured by its exaction on the part of the donee through the medium of a compromise. The argument that though our right is clear, we have no remedy; that the Congress have refused to erect a tribunal to investigate and decide it; and that therefore we ought to give it up, had no influence upon him. He has a confidence that the national government, when it sees that this matter cannot be settled upon any equitable terms, will furnish the competent tribunal for the porific and energetic enforcement of the rights of Kentucky; but if this tribunal should not be furnished, it will never be too late for Kentucky to surrender her rights. The present occasion did not, in its manner, seem to him to invite to haste in making the surrender. It can be done, it is believed, at least as gracefully at any future period and under any other circumstances as present. But it is said, we are about to lay off and bring into market our western lands and that the

state of Tennessee, unless we agree to this sive qua non proposition; will take all of our lands that lie west of the Tennessee river, between an extension of Walker's line and the line run by Alexander. That alone if there were no other objection to the proposition, would compell him to disagree to it. He could draw no motive from the late act of the Tennessee legislature, providing for the seizure and appropriation of our territory in that quarter, to accede to the propositions of her commissioners. While he considered that act as brandishing the threats of that state, he considered it also as a proclamation of its impatency to enforce it; but a state cannot be influenced by such motives-- she must dare to use her rights to their just extent-- she cannot purchase the privilege of exercising her legitimate rights; she cannot be supposed to depend upon any extraneous matter-- they are inherent and must be exercised according to her will; they cannot depend upon the will of the state of Tennessee. The shadowy pretext of Walker's line cannot, by the utmost hordihood of conjecture, be made to apply to our territory west of the river Tennessee. That line was neither run or marked, nor authorized to be run west of that river. The circumstance that Walker marked reeces on the west bank of the river Mississippi, for an abuttal to the line run by him, is (whether the fact be according to their allegation of it, or not) too obviously irrelevant and immaterial for either comment here, or consideration by the legislature. He regrets, that a fact so utterly indifferent to, and foreign from the merits of the subject should have been attempted to be connected with it, in its submission to the consideration of his state; he regrets it, because its effect would seem to have been inferred by those who urged it, rather from what they supposed to be the timidity and weakness, than the discernment and intelligence of the state of Kentucky, The sentiment that our claim, if not barred by lap of time, is, to speak the best of it, state and antequated, would seem to be predicated upon the same unflattering hypothesis.

Kentucky is to intelligent not to know, that her forbearance (during the period in which she has been anxiously, but unavailing endeavoring to obtain an amicable acknowledgement of her rights) cannot be construed into an abandonment or dereliction by her, of those rights; nor can she feel herself flattered by this, or any other argument predicated so manifestly upon her ignorance of the attributes of her own sovereign character. That lapse of time, can neither abate nor bar the right or claim of a sovereign, is a principle without which sovereign states could not exist, even in contemplation; and one which has a place so conspicuous in the very alphabet of politics, that everybody is supposed to know and understand it. He begs leave further to state, that he endeavoured most scrupulantly throughout this business to ascertain and conform to the will of his state. And he felt himself admonished by the various legislative acts upon this subject, and more particularly by the report made thereon, during the present session, by the committee for courts of justice, to adhere most pertinaciously in any adjustment which might be made, to the rights of his state, in relation as well to the territory, as to the sovereignty thereof. Upon the strong view taken in that report, by the most distinguished law characters in the legislature of this country, he could not but place much reliance. Its tenor and import evinced forcibly, not only the right of the state, to the territory and jurisdiction in question, but indicated most distinctly its determination not to abandon but to assert perseveringly that right. Indeed the consideration that the report was convicted with, and made the basis of the law investing him with authority to act in this matter, constrained him to regard it with special heed.

He subjoins a copy of the report of Walker and Smith herein before referred to, with either admitting or denying its authority; and he annexes hereto, the correspondence between the commissioners in the order in which it took place; he will make no comment upon it. It will be

readily perceived, that the agreement of his colleague to the first and only written propositions of the Tennessee commissioners determined them to make the appeal indicated in their last note, and that he, in the intermediate correspondence, occupied to speak the least of it a delicate and embarrassing posture. By the protraction of the correspondence however, the legislature are enabled to discover, that the commissioners from Tennessee (in the event of the failure of their proposition with the legislature) are empowered, and as it may inferred, disposed to submit the matter in dispute between the two states to arbitration. It cannot escape observation, that Walker's line in their propositions, is defined a line understood and acted upon by the two states, to be the line between them, east of the Tennessee river, &c., This it is hoped has been shown not to be the fact; for all the counties erected by the state of Kentucky upon her southern border, as well as those erected by Virginia in the same region, are bounded by the line of latitude, and not by Walker's line.

He trusts that the legislature of his country for whose goodness in the unsolicited appointment of him to this task, he feels, and shall always cherish, the most profound gratitude, will have the charity to believe (what he avers to be the fact) that he was situated throughout this negotiation, not less by a strong solicitude to settle the unhappy difference between the two states in relation to their common boundary, than by an earnest zeal to maintain the honor and just rights of his state in any adjustment that might be made thereof. He regrets that his efforts have been unavailing, and will be happy to see an adjustment of it upon principles of reciprocal justice. He cannot think that principles of charity can have any application to sovereign states in relation to each other, and therefore could find no motive drawn from that source to give to the state of Tennessee, territory to the value of at least three millions of dollars, together with the jurisdiction over it. He

would rather if it is to be given, have agreed to give it to the poor of his own state, or to denote it to the education of their children, or to any other of the many useful purposes, to which it might be applied by his state.

He begs specially, that his report may be considered as a hasty and humble attempt to indicate his views, rendered as he thinks necessary from the unpleasant circumstance of their being different from those of his worthy colleague; and he protests most emphatically against any inference from it or any part of it, injurious to his colleague, whose views and motives, he takes pleasure in believing, were not less honest than his own. He offers as an apology for the many defects of this report the haste under which it has been made out; and begs that this apology may be applied also, to the correspondence on the side of the Kentucky commissioners, for during that correspondence, they were led to believe by the repeated declarations of the commissioners on the part of Tennessee, that one of them was constrained to set out for his stand on the 11th instant at forthest.

J. Rowan begs leave in conclusion, to present to the legislature, the homage of his gratitude and reverence, and to subscribe himself most respectfully, their obe't serv't.

John Rowan

January 18th 1820.

Ky. Sen. Jour. & H. Jour. 1819-1820

Appendix 44.

Report of the Acting Governor to the House of Representatives, on the boundary subject.

Gentlemen of the House of Representatives,

The commissioners appointed on the part of this state to confer with the commissioners from Tennessee on the subject of the boundary line between the two states, have transmitted to me their separate reports, together with the correspondence had in relation to that subject; which

are herewith laid before you. Also a letter from the commissioners on the part of the state of Tennessee, adressed to me and which they desired should accompany said reports. The length of the reports preclude the possibility of having them copied in a reasonable time for the other branch of the legislature. It is therefore hoped, that the house of representatives will lose no time in laying them before the other branch, so soon as the occasion may render it proper to do so.

Gabl. Slaughter

January 18th 1820.

Feb. 2.

To the honorable, the Gen. Assembly of the commonwealth of Ky. The undersigned have the honor to report, that they have, with the Tennessee commissioners, agreed upon and executed certain articles of compact and settlement in relation to the line of boundary and separation between the states of Kentucky and Tennessee; which articles are herewith communicated to the house of representatives, and a copy thereof to the senate.

We have the honor to be

With profound respect

Your obedient servants.

John J. Crittenden

Robt. Timble

Sen Journal
1820. pp 230

Resolution No 5

Resolution giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their boundary line.--- Approved May 12

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the consent of Congress

be, and the same is hereby given to a compact or agreement made and concluded, by and between the States of Kentucky and Tennessee, at Frankfort, in Kentucky, on the second day of February, onth thousand eight hundred and twenty, to adjust and establish the boundary line between them and for other purposes.

An Act to ratify and confirm the adjustment of the boundary line between this State and the State of Tennessee, according to the articles of stipulation entered into by the Commissioners appointed by both States, Approved, February 11 1820.

188 Whereas, Commissioners appointed by the State of Tennessee, with full powers to settle and adjust the boundary line between said State and this Commonwealth, have entered into an agreement with commissioners appointed on the part of this State to confer with said commissioners appointed by the State of Tennessee, which agreement, reduced to writing, bearing date the second day of February, one thousand eight hundred and twenty, and signed with the names and under the seals of the commissioners of both states, in the words and figures following, to wit:

The States of Kentucky and Tennessee, desirous of terminating the controversy which has no long subsisted between said states in relation to their common boundary, and of restoring the most perfect good understanding and harmony between them, have, for that purpose, appointed their respective commissioners, that is to say; The State of Kentucky on her part has appointed John J. Crittenden and Robert Trimble, and the state of Tennessee on her part has appointed Felix Grundy and William L. Brown, who, after a reciprocal communication of their respective powers, have agreed upon the following articles and stipulations:

Article 1

189 The line of boundary and separation between the States of Kentucky and Tennessee shall be as follows, to wit: The line run by the Virginia commissioners in the year seventeen hundred and seventy-nine and seventeen hundred and eighty, commonly called Walker's line as the same is reputed, understood and acted upon by the said States, their respective officers and citizens, from the southeastern corner of Kentucky to the Tennessee river; thence with and up said river to the point where the line of Alexander and Munsell, run by them in the last year under the authority of an act of the Legislature of Kentucky, entitled, "An act to run the boundary line between this State and the State of Tennessee, west of the Tennessee river, approved February 8 1819." would cross said river, and thence with the said line of Alexander and Munsell to the termination thereof on the Mississippi river below New Madrid.

Article 2

190 It is agreed and understood that from a point where Walker's line strikes the Tennessee river to the point where the line of Alexander and Munsell would cross the same, the said Tennessee river shall be common boundary of said States, and subject to their common use and concurrent jurisdiction. Any island or islands in that part of the river Tennessee which forms the common boundary between the two States shall be within the exclusive jurisdiction of Kentucky; but any appropriations thereof by individuals, heretofore made under the laws of North Carolina or Tennessee, shall be valid.

Article 3

191 When ever the Governor of either State shall deem it expedient to have the boundary between the two states which is east of the Tennessee river, or any part thereof, run and plainly marked, he shall cause a notification thereof to be communicated to the Governor of the other

State; and there upon, with all convenient dispatch, two surveyors shall be appointed for the purpose, one by the Governor of each State; and the surveyors so appointed shall have power to employ a competent number of chain-carriers, and assistants, and they shall ascertain, survey and mark said line plainly and durably, having due respect to the provisions of the first article hereof; and it shall be the duty of said surveyors to make out and sign duplicate plats and reports of their surveys and proceedings, to be communicated by each surveyor to the Governor of his respective State, to be deposited and preserved in the office of the Secretary of State, for a testimony and memorial of the boundary between said States. And all cost and expense that may be incurred under the provisions of this article, and in surveying and marking said boundary line, shall be paid by said States jointly and equally.

Article 4

192 The claims to lands lying west of the Tennessee river, and north of Alexander's and Munsell's line derived from North Carolina or Tennessee, shall be considered null and void; and claims to lands lying south of said line and west of Tennessee river, derived from Virginia or Kentucky, shall in like manner be considered null and void.

Article 5

193 All lands now vacant and unappropriated by any person or persons claiming to hold under the States of North Carolina or Tennessee east of the Tennessee river and north of the parallel of latitude 36°30' north, shall be the property of and subject to the disposition of the State of Kentucky, which State may make all laws necessary and proper for disposing of and granting said lands, or any part thereof, and may by her self or officers, do any acts necessary and proper for carrying the foregoing provisions of this article into effect; and any grant or grants she may make therefor, or any part thereof, shall be received in evidence in all the courts of law and equity in the state of

Tennessee, and be available to the party deriving title under the same; and the land referred to in this article shall not be subject to taxation by the State of Tennessee for five years, except so far as the same may, in the meantime, be appropriated by individuals.

Article 6

194 Claims to lands east of the Tennessee river, between Walker's line and the latitude of $36^{\circ}30'$ north, derived from the State of Virginia in consideration of military services, shall not be prejudiced in any respect by the establishment of Walker's line; but such claims shall be considered as rightfully entered or granted and the claimants may enter upon said lands or assert their rights in the courts of justice without prejudice by lapse of time, or from any statute of limitations for any period to the settlement of the boundary between the two States; saving however, to the holders and occupants of conflicting claims, if any there be, the right of showing such entries or grants to be invalid and of no effect, or that they have paramount or superior titles to the land covered by such Virginia claims.

Article 7

195 All private rights and interests of lands between Walker's line, from the Cumberland river, near the mouth of Obey's river to the southeastern corner of Kentucky, at the point where the boundary line between Virginia and Kentucky intersects Walker's line on the Cumberland Mountain and the parallel $36^{\circ}30'$ north latitude, heretofore derived from Virginia North Carolina, Kentucky or Tennessee, shall be considered as rightfully emanating from either of those States; and the States of Kentucky and Tennessee reserve to themselves, respectively, the power of carrying into grant claims not yet perfected; and in case of conflicting claims, if any there be, the validity of each claim shall be tested by the laws of the State from which it emanated, and the contest shall be decided as if each State, respectively, had possessed the jurisdiction and soil,

and full power and right to authroize the location, survey, or grant according to her own rules, and regulations.

Article 8

196 It is agreed that the foregoing articles shall receive the most liberal construction for the effecting the objects contemplated; and should any disagreement arise as to the interpretation, or in the execution thereof, two citizens of the United States, but residents of neither Kentucky nor Tennessee, shall be selected, one by the executive of each State, with power to choose an umpire in case of disagreement, whose decisions shall be final on all points to them submitted.

Article 9

197, Should any further legislative acts be requisite to effectuate the foregoing articles and stipulations, the faith of the two States is hereby pledged that they will unite in making such provisions, and respectively pass such laws as may be necessary to carry the same into full and complete effect.

Article 10

198 The foregoing articles and stipulations, if ratified by the Legislature of Kentucky during their present session, shall forever be obligatory and binding on both States, and take effect from this day.

In faith whereof, we, the respective commissioners, have signed these articles, and hereunto fixed our seals.

Done in duplicate at Frankfort, the second day of February, one thousand and eight hundred and twenty.

John J. Crittenden (Seal)

Robert Trimble (Seal)

Felix Grundy (Seal)

William Brown (Seal)

Carroll's Statutes pp 249

Revised Statutes of Kentucky 152

Acts of 1850

We the undersigned William Steele and Absalom Dooney being appointed by the state of Kentucky and Tennessee, to run and mark the boundary line between the said states, from the south eastern boundary of the state of Kentucky, at Cumberland mountain, to the Cumberland river near the mouth of Obed's river, agreeable to the articles of treaty between the two states, William Steele on the part of Kentucky, and Absalom Dooney on the part of Tennessee, and in pursuance of said appointments, have proceeded to run and mark said boundary, as follows: Beginning at seven pines and two black oaks on the top of Cumberland Mountain, on the Tennessee line, where it crosses said mountain, one mile and a half and twelves poles southwardly of the Cumberland Gap: thence with Walker's old marked line South 86 West, by the magnetic meridian, crossing the left hand fork of Yellow creek at one mile, crossing Mingo Mountain, and then crossing Bennett's Fork of Yellow creek at five miles; then Log Mountain, crossing Bowman's Fork of the Clear Fork of Cumberland at nine miles; the Trace Fork at twelve miles; Buffalo at fifteen; the Laurel Fork at eighteen miles; Tom's creek at nineteen miles; and Primary at twenty-one miles; then crossing Pine Mountain, and the Clear Fork of Cumberland river, in the lot at twenty five miles; then crossing the Hackle Knob to the Elk Fork at twenty-eight miles; Indian Creek at twenty-nine miles; then Gillico Mountain and Gillico creek at thirty-three miles; and the right hand fork of Gillico at thirty-six miles; Rock creek at forty-one miles; Marsh creek at forty-seven miles; the Roaring Pouch at forty-nine miles; Bear creek at fifty-four miles; the Big South Fork of Cumberland at fifty-eight miles; Rock creek at sixty-eight miles; the left hand fork of the Little South Fork at seventy-six miles; passing the Chimney or Pilot Rock at seventy-eight miles; Crossing the Popular Mountain into Stockton's Valley at eighty-seven miles; and Pike's turnpike road at ninty miles; then crossing Wolf river at six miles;

then Sulphur Lick creek at one hundred and four miles; Kettle creek at one hundred and twelve miles; in all one hundred and fourteen miles to three Hackberry trees on the bank of Cumberland river, opposite the point where Walker's old line strikes the west bank of Cumberland river, opposite the point where Walker's old line strikes the west bank of Cumberland river, and about twenty-four poles above the house occupied by John Kerr in 1821; thence west with Walker's old line to the Tennessee river and up said river to the point where the line run by Alexander and Munsell, in 1819, strikes said river; the river being the common boundary between the two states, and subject to their common use and concurrent jurisdiction; and thence with the line run by Alexander and Munsell, on the parallel of $36^{\circ} 30'$ to the middle of the channel of the Mississippi river, opposite the point on the Mississippi below New Madrid, fixed marked, and ascertained by them as the point of intersection of said parallel and said river

John Kerr's house. Began on the twenty-first day of May, and ended on the ninth day of July 1821. Done in duplicate this 9th day of July 1821, on the line near Obad's river

	Wm. Steele Surveyor, Kentucky.
	A. Mooney " , Tennessee
58 Berry Seauy	William Steele, Jr. Assistant.
50 Samuel Lone	
52 Daniel G. Miller Chain Carrier & markers.
47 Wm. Johnson	
47 George Argenbright	
47 Richard Steele.	

Subsistence etc. 239. Total 597.00

Pack horses 57.

The amount as stated was paid by William Steele, on the part of Kentucky and Absolom Mooney, on the part of Tennessee, Each an equal part.

1821 Acts Tennessee chapter 44.

An Act to establish the boundary line between the states of Tennessee and Kentucky.- November 13.

Section 1. Be it enacted, etc; That the line lately run between the States of Tennessee and Kentucky, by William Steel and Absolom Mooney so far as it extends, shall be confirmed and established as the boundary line between the said States, in conformity with the report of the said William Steel and Absolom Mooney, which is as follows, (viz)

Substitute John Reaves for Kerr

" 20 poles for 24 poles

Sec. 2. That this act shall go into complete operation so soon as the Legislature of Kentucky shall pass a law ratifying and confirming said report of the said William Steel and Absolom Mooney.

Ky. Acts. 1821 Nov 22. Chap. 206. pp 266

An act to establish the line lately run between the state of Tennessee and Key.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the line, as run and marked, in the year 1821, by William Steele, the surveyor on the part of Kentucky, and Absolom Mooney, the surveyor on the part of the state of Tennessee, in pursuance of the authority of their respective states, be, and the same is hereby ratified and declared to be the boundary line between the said states;

See App. -45--PP. 136

Steele & Mooney.

Ran line from the seven pines & two black oaks southeastern corner of Ky. to first crossing Cumberland river going west. Started on Cumberland Mt. $36^{\circ} 34' 53''$. 5 more than $5\frac{1}{2}$ miles north of latitude line.

They made it 114 mi.
Walker " " 119
We " " $97\frac{1}{2}$ & 1243 ft.

1821 April 29
 Wm. Steel for Ky., and Absolom Looney for Tenn., run and mark the boundary line between the two states from the southeast corner of the state Westward 114 miles to the Cumberland river, near the mouth of Obey's river.
 Collins Vol 1-29.

And whereas, This Commonwealth does approve and is willing to ratify and confirm each and every article and stipulation of the said agreement; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky That the boundary line between the State of Tennessee and this Commonwealth, as described in said agreement, subject to be run and marked as therein provided, shall be, and the same is hereby, ratified and confirmed.

Be it further enacted, That each and every article and stipulation of said agreement, either relating to the boundary line between the said States, or to the land claims of individuals, or to vacant and unappropriated lands, or to any other subject-matter in said agreement contained, shall be, and the same are hereby, ratified and confirmed, and shall be regarded in all courts of justice in this Commonwealth as the law of the land.

The boundary of the State of Kentucky is declared to be as follows: Beginning at seven pines and two black oaks on the top of Cumberland Mountain, on the Tennessee line where it crosses said mountain, one mile and a half and twelve poles southwardly of the Cumberland Gap; thence with Walker's old marked line South 86 west, by the magnetic meridian, crossing the left hand fork of Yellow creek at one mile, crossing Mingo Mountain, and then crossing Bennett's Fork of Yellow creek at five miles; then Log Mountain, crossing Bowman's Fork of the Clear Fork of Cumberland at nine miles; the Tract Fork at twelve miles;

Buffalo at fifteen; the Laurel Fork at eighteen miles; Tom's Creek at nineteen miles; and Primray at twenty-one miles; then crossing Pine Mountain, and the Clear Fork of Cumberland river, in the Lot at twenty five miles; then crossing the Hackle Knob to the Elk Fork at twenty-eight miles; Indian Creek at twenty-nine miles; then Gellico Mountain and Gillico at thirty-six miles; Rock Creek at forty-one miles; Marsh creek at forty-seven miles; the Roaring Ponch at forty-nine miles; Bear creek at fifty-four miles; the Big South Fork of Cumberland at fifty-eight miles; Rock creek at sixty-eight miles; the left hand fork of the Little South Fork at seventy-six miles; passing the Chinmey or Pilot Rock at seventy-eight miles; Crossing the Poplar Mountain into Stockton's Valley at eighty-seven miles; and Pike's turnpike road at ninty miles then crossing Wolf river at six miles; then Sulphur Lick creek at one hundred and four miles; Kettle creek at one hundred and twelve miles; in all one hundred and fourteen miles to three Hackberry trees on the bank of Cumberland river, opposite the point where Walker's old line strikes the west bank of Cumberland river, and about twenty-four poles above the house occupied by John Kerr in 1821; thence west with Walker's old line to the Tennessee river and up said river to the point where the line run by Alexander and Munsell, in 1819, strikes said river; the river being the common boundary between the two States, and subject to their common use and concurrent jurisdiction; and thence with the line run by Alexander and Munsell, on the parallel of $36^{\circ}30'$ to the middle of the channel of the Mississippi river, opposite the point on the Mississippi below New Madrid, fixed, marked, and ascertained by them as the point of intersection of said parallel and said river; thence up said river to the mouth of the Ohio river, including within the boundary of Kentucky the islands in said Mississippi river known by the numbers, One, Two, Three, Five (or Wolf Island), and Eight; thence crossing the Ohio

river to the Northwest bank, at low water mark ; thence up the northwestern bank of said river, at low water mark, to a point opposite the mouth of the Big Sandy; thence across the Ohio river, and up the said Sandy river to the mouth of the main western branch of Sandy; thence up the northeastwardly branch to a point on said branch from which a line drawn south 45° west will strike the road over the Cumberland Mountains at Little Point Gap, by some called the Hollow Mountain, where it terminates at the west fork of Sandy, commonly called Russell's fork; and thence, continuing on the top or highest point of said mountain, keeping between the headwaters of the Kentucky and Cumberland rivers on the right, and the headwaters of Powell's and Guests' rivers on the left, to the beginning on the said Cumberland Mountain.

The sovereign power and jurisdiction of the Commonwealth of Kentucky extends to and over the entire soil and waters within the limits described in the preceding section, except so far as she may ceded jurisdiction to the United States for national purposes.

Each county in this Commonwealth, whose boundary is described in part by the Mississippi and Ohio rivers, shall be considered as bound in that particular by the State line; and the islands thereof shall be in the respective counties holding the main land opposite thereto, within this State; and the several counties and tribunals thereof shall hold and exercise jurisdiction accordingly.

Carroll's Statutes

Revised Statutes of Kentucky, pp 158.

Acts of Ky. Gen Assembly 1851-1852. pp 226.

Appendix 46

Thos. Metcalfe Gov. 1829. Amos. Kendall & Co. for the state.

A Resolution relative to running and Marking the boundary line between

this State and Tennessee.

Approved Jan 29. 1829.

Whereas doubt exist as to the true boundary line between this State and the State of Tennessee, whereby the citizens of this State experience great difficulty and inconvenience, Therefore;

Resolved by the General Assembly of the Commonwealth of Kentucky, That his excellency, the Governor, be requested to apply to the Executive of the State of Tennessee, to enter into arrangements to cause to be ascertained and plainly marked, the dividing line between said States, east of the Tennessee river, agreeably to the compact between the States entered into on the 2nd day of February 1820, concerning said line; and that he select and appoint the necessary surveyors and agent to act on the part of this State, with such person or persons as shall be appointed on the part of the State of Tennessee; and that in the event the Governor of Tennessee failing to appoint such agent, then, that the Governor cause the said line to be run and ascertained by some skilful surveyor, from some known point in Walker's line, near the southeast corner of Trigg county to the Tennessee river; and also that part of the line adjoining Simpson and Allen counties, according to said compact; and to have the same plainly marked, and a plat to be returned to the Secretary's Office as soon as the nature of the business will admit; and the Auditor is authorized to issue his warrant on the Treasurer for such sum as the Governor may deem necessary to cover the expenses of running and ascertaining such boundary line.

Appendix 47

1830

Bright and Munsell ran a line across the southern borders of Allen Simpson and Trigg counties;

222. Laws of Ky. Vol. VIII.

Joseph Desha.
Thos. Metcalfe. Gov.

By authority, Jacob H. Haleman, 1831.

Resolutions.

Report of the Committee, appointed to make examination respecting that part of the line, between the states of Kentucky and Tennessee, adjoining the Counties of Trigg, Simpson etc.

Approved, January 15 1831

Your committee will state, that they have carefully and minutely examined the claims of the states of Tennessee and Kentucky, respecting those portions of Territory, in the counties of Simpson and Trigg, the boundary line of which seems to be unsettled, and somewhat the subject of dispute. To come to any correct and definite conclusion, it of course became necessary for your committee to have recourse to such testimony, as they could procure, respecting the subject. This testimony consisted of the plat and report of Messrs. Bright and Munsell, the late commissioners appointed by the executive authority of the respective states above named, to ascertain, run and plainly mark the dividing line, between the states of Tennessee and Kentucky, so far as that line concerns the counties of Trigg, Simpson, etc. In addition to this evidence, we had also the explanatory testimony of several gentlemen whose knowledge of the subject, enable them to give us every necessary information, respecting that part of Walker's line, adjoining the aforesaid counties, as the same is reputed understood and acted upon, by the said states, their respective officers and citizens. It seems that the aforesaid commissioners, in the discharge of the duties assigned them, by their late appointment, to run and mark said line after having found and retraced the same, from the South east corner of Allen county, to the county of Simpson, and along said county, till they come to a certain beech tree, in the line, near Drake's creek, found that the said reputed line, here took an offset, south $62\frac{1}{2}$ west, to a certain black jack, standing in the road leading from Nashville to Lexington, and from thence taking another offset, northwardly, to a certain gum tree, standing in

Walker's original line. It appears that the territory of country, included in this triangular space, between the beech, black jack and gum, contains some ten or fifteen families, and has always been considered as belonging to Kentucky. The remonstrances of those citizens to the Legislature of Kentucky, in which they loudly complain of the danger which they conceive themselves to be subjected to of being stricken from the state to which they have heretofore belonged, whose laws and government they know, and have ever recognized and obeyed, and solemnly protested against being expatriated from the country of their choice, has been laid before and examined by us.

Your committee are unanimously of opinion, that the state of Tennessee, ought to recognize the right of Kentucky, to retain this portion of territory; and that it would be equally improper and unjust, for Kentucky to relinquish or Tennessee to claim the same.

The above named triangular line, has ever been reputed, understood and acted upon, as determining the territorial limits of the two states, by the citizens of the country. It has always been known, as the line separating the jurisdiction of the respective states. The civil rights of those citizens, have always been subject to, and determined by the laws of Kentucky. Many of those are, perhaps, pending and unsettled, consequently, great in convenience, not to say injustice to those people, would be the result of detaching them from Kentucky. We trust that this will not be done.

With respect to that part of the line adjoining Trigg county, which also seems to be unsettled, it appears that the aforesaid commissioners found and plainly marked Walkers original line, from the south east corner of Trigg County till within about one mile of Cumberland river, where it terminated; but the commissioners extended the line, according to its course at the termination, across to the Tennessee river.

It appears that they then run due north, from the point where they

struck the Tennessee river, until they intersected another line said to have been run by Walker, eastward, by way of correction of his original line, on the east of Cumberland river. The citizens west of the Cumberland river, included between those two lines, appear to have always been considered as belonging to the state of Tennessee, and they have even been subject to the jurisdiction of her laws.

Your committee are of opinion, that this part of the county which includes the great est portion of doubtful territory, ought still to belong to Tennessee, making the lower or north line, between the rivers Cumberland and Tennessee, the permanent division line, between the States, so far as respects the country between the said rivers. But your committee are unanimously of opinion, that the original line of Walker's, traced and marked by the commissioners, till within about one mile of the Cumberland river, and by them extended to the river, in Trigg county, ought to be established and recognized, as the division line, between the two states. It appears that most of the citizens north of that line, have heretofore considered themselves as Kentuckians, and belonging to Trigg County; it appears also, that those citizens protest against being detached from Kentucky.

Your committee are therefore of opinion, that Walker's original line as marked by said commissioners, to Cumberland river, thence down the middle of said river to the line run by Walker, eastwardly from the Tennessee river, by way of correction, to this line east of the Cumberland river, and thence with said line, to the Tennessee river ought to be recognized and established by the two states, as the permanent division line of their territory and jurisdiction. And they would recommend that, the proper authorities of the state of Tennessee, be requested to recognize, and requested to co-operate with the proper authorities of the State of Kentucky in establishing the line, as marked out by the above named commissioners, as appears from the plat

and report, and as qualified by this report, to be known and acted upon in future, as the permanent division line, separating the territory, citizens and civil jurisdiction of the respective states; and your committee, would further recommend, that provision be made by law (in the event of the concurrence of the states respectively, in the establishment of the said line, as above recommended,) for the interest and rights to land adjoining said line, to be tried and governed by the laws of Kentucky or Tennessee, as those persons deriving titles to land from those states respectively, may be thrown by location of the permanent line, between the said states; Wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky That the Governor of this Commonwealth, be directed to transmit to the proper, requesting a recognition of the line, which has been ascertained, run and plainly marked by Bright and Munsell, (the late commissioners appointed by the executive authority, of the respective states, for that purpose) as qualified by this report, as the permanently established line of division, between the states of Tennessee and Kentucky.

Resolved further, That the governor of this commonwealth, be directed, in case the state of Tennessee fails, or refuses to accede to such proposal, to cause the said line to be settled and ascertained by the appointment of arbitrators by the executive authority of the respective states, or otherwise, as he may deem proper.

Appendix 48

1831 Acts Tennessee Chapter 61.

An Act to provide the means by which the existance and locality of Mathews line is to be established. December 20.

Whereas many disputes have arisen and are likely to arise between persons claiming land under grants from the State of Kentucky, and persons claiming under grants from this State; and whereas, it may become necessary in the disputes aforesaid, to prove the existance and

locality of the line lately run by Mathews, a mathematician appointed by the authorities of the State of Kentucky to carry into effect the provisions of the compact between the two States; for remedy whereof,

Sec. 1. Be it enacted, etc; That in all suits now pending or that may hereafter be commenced, in any of the courts of law or equity in this State, It shall be competent to prove the running and locality of said line by paral proof, and in no case shall the production of the appointment on the plat of said survey to required in suits in any of the said courts.

1833

Appendix 49

Resolution no 9. Passed possibly last of November.

A resolution to extend the jurisdiction of the State of Tennessee to Walker's line.

Whereas, by compact between the states of Kentucky and Tennessee, Walker's line is established as the true boundary line between said States, which line was surveyed and ascertained in 1830, by commissioners on the part of said States; and whereas, there is a portion of people settled south of Walkers line adjoining the county of Simpson, and attached to the counties of Robertson and Sumner, and between Walker's line and a line commencing on said line and a beech at Drake's Creek, running south sixty-two degrees west to a black jack on the Lexington road, thence northwardly to a certain gum tree standing on Walker's original line who claim to be citizens of the State of Kentucky, when they are within the ascertained limits of the State of Tennessee, the commissioners having disregarded said offset, and established Walker's line to be a direct west course from said beech to the gum, being about six miles and a half long; therefore,

Resolved, etc. That the jurisdiction of this State be extended over the said described country up to said Walker's line, running a direct course from said beech to said gum, as marked by said commissioners;

and all persons living within the limits of the said described country, are citizens of the State of Tennessee, and subject to our laws, and are required to obey and observe the same; and the officers of this State are authorized and required to execute process in said described country, and make return as in other cases

Land Laws Tennessee 648

1833

Appendix 50

Acts of Ky. Chap 125- pp 107

An Act to appropriate a part of the vacant land lying between Walker's line and the latitude $36^{\circ}30'$ in North in the State of Tennessee for the purpose of improving and finishing the road leading from Monticello, Wayne county, to the State line in a direction to Jacks borough and to Barboursville.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office be and he is hereby authorized and required to issue a land warrant for six thousand acres, in the name of the county court of Wayne, to be located in not less than fifty acre surveys, on any vacant land lying in the territory between Walker's line and latitude thirty six degrees thirty minutes North, and South and East of Wayne county, or on any vacant land in Wayne county, or in that part of Whitley countie lying south of Gelie creek; and the said county court is hereby authorized to sell or have located, surveyed and potentated, within the bounds above prescribed, the said six thousand acres of land; and the Register of the Land Office is hereby required to issue potents therefore, without fee; and the said county court is authorized to lay out the proceeds from the sales of said warrant, on that part of the road most thinly inhabited between the Tennessee state line and Rock creek, near Jonathon Blevens.

Acts completed to -1841-

1836 Resolution no. 9. February 12

Whereas by compact between the State of Kentucky and Tennessee, Walker's line is established as the true boundary line between said States, which line was surveyed and ascertained in 1830, by commissioners on the part of said States; and

Whereas, there is a portion of people settled south of Walker's line adjoining the county of Simpson and attached to the counties of Roberston and Sumner, and between Walker's line and a line commencing on said line on a beech at Drake's Creek, running south sixty-two degrees west to a black jack on the Lexington road, thence northwardly to a certain gum tree standing on Walker's original line, who claim to be citizens of the State of Kentucky, notwithstanding they are, in fact within the ascertained limits of the State of Tennessee, the commissioners having disregarded said offset and established Walker's line to be a direct west course from said beech to the gum, being about six miles and a half long; and

Whereas, the Legislature of this State, passed a resolution in 1833 that the jurisdiction of this State be extended over the said described tract of country up to Walker's line, running a direct course from said beech to said gum as marked by said commissioners, and all persons within said boundaries were required to obey and observe the laws of this State; and

Whereas the Legislature of the State of Kentucky have failed to ratify the survey or line run by the commissioners on the part of both States in 1830, as was done by the State of Tennessee in 1833.

Resolved that the Governor of this State be requested to communicate with the Governor of the State of Kentucky, requesting him to lay the same before the Legislature of that State for the purpose of having said line ratified.

An Act to adjust the boundary line between this State and the State of Kentucky.

Whereas doubts have arisen as to the true line of boundary between this State of Kentucky, on that part of said line which extends from the Reelfoot Hills to the Mississippi River. For remedy whereof,

Sec. 1. Be it enacted etc, That two persons be appointed by the Governor of the State, to meet such commissioners as may be appointed by the State of Kentucky on said boundary, whose duty it shall be to run and remark said line, where it has been heretofore run and marked by the authority of Kentucky, and to run and mark a new line where none has been heretofore run and marked by authority as aforesaid; and the line which may be so run and marked by said commissioners shall be considered and held the true line of boundary between the States of Tennessee and Kentucky, from and after the running and marking thereof.

Sec. 2. That two persons be appointed by the Governor of Tennessee, to meet such commissioners as may be appointed by the State of Kentucky on that part of the line which divides the State of Kentucky from the State of Tennessee, that passes between the counties of Stewart in the State of Tennessee, and Trigg and Cristian Counties in the State of Kentucky, whose duty it shall be to commence at a point in said dividing line where the line between the two States is known to be and to run and remark saidline where it has been heretofore run and marked under the compact between the States of Kentucky and Tennessee, and to run and mark a new line where none has been heretofore run and marked from said point, known in the line to the Cumberland River; and the line when run by said commissioners, shall be considered and held the true boundary line between the States of Kentucky and Tennessee, from and after the running and marking thereof.

Sec. 3. That a copy of this act shall be transmitted by the Governor,

to the Legislature of Kentucky at their next session with a request that said Legislature will take such action upon it as may be necessary to effectuate its object.

Sec. 4. That said commissioners shall by joint report, communicate to the Governors of their respective States, what they may do in the premises; and the Governor of Tennessee shall communicate the same to the succeeding Legislature of this State.

Land Law Tenn. 649.

Appendix 53

An Act to run and re-mark a portion of the boundary line between the States of Kentucky and Tennessee.

Whereas, Doubts have arisen as to the true line of Boundary between the States of Kentucky and the State of Tennessee, upon different portions of the line dividing said States; therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor be authorized to appoint two commissioners as may be appointed upon the part of the State of Tennessee, whose duty it shall be, to run and re-mark said line, where it has been heretofore run and marked by the authorities of the two states, that is to say; from the Reel Foot Hills, to the Mississippi river, and, also that portion of said line that divides the county of Stewart, in the State of Tennessee, from the counties of Christian and Triggs in the State of Kentucky.

Sec. 2. Be it further enacted, That said commissioners, shall, by a joint report, communicate to the Governor their proceedings under this Act, who shall communicate the same to the next Legislature of this State.

Sec. 3. That the Governor shall communicate the passage of this act to the Governor of the State of Tennessee.

1846- Resolution No. 28 App. Feb 2.

Resolution to require the Governor of the State of Tennessee to open a correspondence with the Governor of the State of Kentucky.-

Whereas, much inconvenience has heretofore arisen, and is now experienced by citizens residing in the northern part of the State of Tennessee, between the lines commonly known as Walker's and Steel's line, in consequence of the difficulty and expense in procuring titles to land under the provisions of the fifth article of the convention entered into between said states on the 2d of February 1820. Said article provides that all lands now vacant and unappropriated by any person or persons claiming to hold under the State of North Carolina or Tennessee, east of the Tennessee River, and north of the parallel of latitude thirty-six degrees and thirty minutes north, shall be the property of and subject to the disposition of the State of Kentucky, which State may make all laws necessary and proper for disposing of and granting said land, or any part thereof, etc., Now, therefore, in view of the many difficulties arising out of said article, which requires the citizens of one sovereign State to make application to the officers of another sovereign state for the surveying of lands and granting titles to the same, which requires the citizens of Tennessee to hold evidence of title to land within the acknowledged boundaries, which titles must emanate from the Governor of Kentucky, which requires the Citizens of Tennessee to apply to Kentucky for surveyors to survey said lands; and in view of the many difficulties resulting to the citizens of Tennessee from this state of things;

Resolved, etc., That the Executive of the State of Tennessee, be, and he is hereby required to open a correspondence with the Executive of Kentucky during the present session of the Legislature of said last mentioned State, if practical be, touching the lands claimed by Kentucky within the limits of the State of Tennessee, with a view of acquiring

them by purchase and all sovereignty over them; of ascertaining the estimated value of the same and of the feelings and disposition of our sister State toward adjusting the matter in such way as to give to the State of Tennessee a perfect jurisdiction over all the territory within her boundary line, and make report of the same to the next General Assembly of this State.

Appendix 55.

Resolution directory to the Governor of Tennessee.

By an act of the General Assembly of Tennessee, passed the 20th of January, 1844, making it the duty of the Governor of Tennessee to appoint two commissioners to meet two commissioners on the part of Kentucky, to run and re-mark the State line between Tennessee and Kentucky, said commissioners performed the duty assigned to them, and made their report to the last General Assembly of this State, then in session, which report was concurred in, but Kentucky has taken no action, there upon; therefore,

Resolved, etc., that the Governor of Tennessee be requested to correspond with the Governor of Kentucky, asking action on the part of Kentucky, upon said report, and the communication thereof to the Governor of Tennessee, so that the same may be laid before this General Assembly.

1848- Resolution No. 20. Adopted Jan 11

Appendix 56.

Preamble and Resolutions confirming the report of the commissioners fixing the boundary line between Tennessee and Kentucky.

Whereas the Legislature of Tennessee, on the 20th January 1844, passed an act for the appointment of a joint commission, consisting of two commissioners from the State of Tennessee, to meet two like commissioners upon the part of the State of Kentucky, to run and re-

mark certain portions of the boundary line between said States, and requested the concurrence of the Legislature of Kentucky in the appointment of such commission; and whereas the General Assembly of Kentucky did, on the 29th day of January 1845 pass an act providing for the appointment of two commissioners on the part of Kentucky, to meet and act with the Commissioners on the part of Tennessee, for the performance of said duty; and whereas, under the provisions of said acts of the Legislatures of their respective states, the Governor of the State of Tennessee did, on the 19th day of April 1845, appoint Clement W. Nance and William P. McLain, Esquires, as Commissioners upon the part of the State of Tennessee, and that the Governor of Kentucky did on the 8th of May, 1845, appoint Joseph R. Underwood and Sandford Duncan, Esqrs., Commissioners, upon the part of Kentucky; but the said Joseph R. Underwood, Esqr., having resigned said appointment on the 22d day of September, 1845, without having acted at all, the Governor of Kentucky, appointed Constant A. Wilson, Esqr, in his place; and whereas, the said Constant A. Wilson and Sandford Duncan, on the part of Kentucky, and the said Clement W. Nance and Wm. P. McLain did, on the 18th of Oct., 1845, proceed to discharge the duties assigned to them, and, by their joint report to each of their respective States, bearing date Nov. 8th 1845, did report that they had performed the duties assigned them, and returned to each of their States fair copies of the maps of their lives as run and marked by them as part of their said reports; and whereas, the Legislature of Tennessee have concurred in said report, and has by law recognized the lines run and re-marked by the said joint Commissioners, as the true boundary lines between those portions of the said States to which they refer; and whereas, the General Assembly of Kentucky on the ----day of ---- 1846, passed an act to compensate the said Commissioners, on the part of Kentucky, but failed to adopt and concur in the said report or to ratify the same

and recognize the lines so run and marked, by the Commissioners, as the true boundary line between those portions of said States, to which the line refers; and whereas, his excellency, the Governor of this Commonwealth, called the attention of the General Assembly of this Commonwealth to the uncertainty which prevails in relation to those portions of the boundary lines of the two states; and whereas, it is the ardent wish and desire, of the Commonwealth of Kentucky, as well as her true policy, to cultivate feelings of amity and kindness with all her sister states of this confederacy, and especially with the State of Tennessee, extending along her entire southern boundary, and united to her by a similarity of interests and political institutions. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the boundary line between the county of Stewart, in the state of Tennessee, and the counties of Christian and Trigg, in the state of Kentucky, beginning at the N.E. corner of Stewart county, in the state of Tennessee, at a point designated on the map by the letter A, and, running thence to the point designated on the map by the letter G; thence northwardly, two miles and thirty eight poles, to a point designated on said map by the letter E; thence westwardly to a point on Cumberland river designated on the map by the letter F. as run and marked by the said Commissioners be established as the true boundary and dividing line between the county of Stewart, in the State of Tennessee, and the counties of Christian and Trigg, in the State of Kentucky.

Resolved further, That the line run and remarked by the said Commissioners, from the foot of the Reel foot hills to the southwestern corner of Fulton county, on the Mississippi river, below New Madrid, as the same is laid down and designated on the maps accompanying the said report, by the letters A. B. C. to where it strikes the

the Mississippi river, and from the point designated on said map by the letter D, on the Mississippi river, across New Madrid Bend, to the point on said river designated by the letter E. be and the same is hereby recognized, ratified and established, as the true boundary and dividing line between the States of Kentucky and Tennessee, so far as the same extends.

Resolved, That His Excellency, the Governor, be and he is hereby requested to cause a copy of this resolution to be transmitted to the Governor of Tennessee, with a request that the same may be laid before the Legislature of his State.

1849 February 28 No. 14

Appendix 57

1851 Resolution No. 55. --Adopted Dec. 2.

A resolution appointing commissioners to negotiate with the Legislature of Kentucky for the cession of a small portion of territory belonging to Kentucky, to the State of Tennessee.

Whereas, there are, according to the manner in which the boundary line between Tennessee and Kentucky was run, about twelve sections of land belonging to Kentucky lying between the northwestern boundary line of Tennessee and the Mississippi River, isolated from the territory of Kentucky, and whereas, the inhabitants of said territory are desirous on account of their location; of being annexed to Tennessee. And Whereas, it would be an important acquisition to Tennessee geographically therefore.

Resolved, etc; That Maj, S.H. Cockran and Col. Robert W. Lewis be appointed commissioners, and the Governor of this State is authorized to commission them as such, to attend the present session of the Legislature of Kentucky, to negotiate for the cession to Tennessee of the above mentioned territory and that they be authorized to offer a

fair equivalent in money to the State of Kentucky for said territory, and that they report the terms upon which said territory can be acquired, if acquired at all, to the present session of the Legislature, if practicable, if not, then to the next session of the Legislature of this State.

Appendix 58

An act to appoint commissioners to re-mark the State line between Tennessee and Kentucky, east of the Mississippi River,

Section 1. Be it enacted, etc., That two persons be appointed by the Governor of the State to meet such commissioners as may be appointed by the State of Kentucky to run and re-mark the line established by the compact between the States of Tennessee and Kentucky. Beginning on the east bank of the Mississippi River, running thence to the Eastern boundary of the State of Kentucky, putting up a large stone every five miles, provided, when rock or ston cannot be conveniently had, posts of some durable wood be substituted. That said commissioners shall have full power and authority, and it is hereby made their duty, to employ a field party, to consist of one engineer, one surveyor, one back-sight man and one oxman, and such others as may be necessary. The engineer and surveyor to be well qualified to make said survey upon scientific principles; said commissioners to superintend the work.

Sec. 2. That a copy of this act shall be transmitted by the Governor to the Legislature of Kentucky at its present session, with a request that said Legislature will take such action upon it as may be necessary to effect its object. And so soon as action thereon shall be taken by the Legislature of the State of Kentucky and the Governor of this State and of the State of Kentucky shall have appointed commissioners as provided in the first section of this act. it shall be the duty of said commissioners to proceed as soon as practicable to the performance of the duties required of them, and to have or cause the survey to be

completed at an early a date as may be practicable.

Sec. 3. That said commissioner's shall be joint report communicate to the Governor of their respective States, what they may do in the premises, and that the Governor of Tennessee shall communicate the same to the succeeding Legislature of this State; said commissioners shall accompany their said report with a map of their survey, showing the relative position of former lines to the line of survey made by them, and such other information as may be necessary.

Sec. 4. That the Comptroller of the Treasury of this State whenever directed by the Governor, shall issue to the Commissioners appointed by him his warrant upon the Treasurer of this State for the sum of three thousand dollars to be by them appropriated to the purchase of necessary instruments and the cost of making said Survey.

Sec. 5. That said Commissioners shall also in their report show the time that each of them and each of the field party was necessarily engaged in the performance of their respective duties in making said survey, the amount paid for his services and also what future amount, if any, is necessary to pay the costs of the same.

Sec. 6 That said commissioners shall cause to be prepared and filed in the office of the Secretary of State a careful and full topographical map of the survey this made, exhibiting the positions of the country and embodying all that geographical information that can be incidentally obtained in making such surveys.

Daniel S. Donelson
Sp. H. R.

John C. Burch
Sp. Sen.

1858 passed Jan. 29. Chap. 26.

Appendix 59.

1858 Feb. 17 Acts of Kentucky. pp 82-Chapter 789.

An Act for running the State line between Kentucky and Tennessee.

Whereas, an act passed by the legislature of the state of Tennessee, entitled, an act to appoint Commissioners to re-mark the State lines between Tennessee, and Kentucky, east of the Mississippi river, has been presented to the General Assembly of Kentucky, for its consideration; and in order to have the line between the state of Kentucky and Tennessee re-marked.

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

Sec. 1 That two persons be appointed by the Governor of the State to meet such commissioners as may be appointed by the state of Tennessee to run and re-mark the lines between the states of Tennessee and Kentucky; beginning on the east bank of the Mississippi river, running thence to the eastern boundary of the state of Kentucky, putting up a large stone every five miles; Provided, when rock or stone cannot be conveniently had, posts of some durable wood be substituted. That said Commissioners shall have full power and authority, and it is hereby made their duty, to employ a field party, to consist of one engineer, one surveyor, one back-sight-man and one oxman, and such others as may be necessary.

The engineer and surveyor to be well qualified to make said survey upon scientific principles, Said commissioners to superintend the work.

Sec. 2. That a copy of this act shall be transmitted by the Governor of Kentucky to the Governor of Tennessee; and as soon as the Governor of this state shall have appointed Commissioners, as provided in the 1st section of this act, it shall be the duty of said commissioners to proceed, as soon as practicable, to the performance of the duties required of them, and to have or cause the survey to be completed at as early a date as may be practicalbe.

Sec. 3. That said Commissioners shall, by a joint report, Communicate to the Governor of their respective states, what they may do in the

premises; and that the Governor of Kentucky shall communicate the same to the succeeding legislature of this state; said Commissioners shall accompany their said report with a map of their survey, showing the relative positions of former lines to the line of survey made by them, and such other information as may be necessary.

Sec. 4. That the Auditor of this state, when ever directed by the Governor, shall issue to the Commissioners appointed by him, his warrant upon the Treasurer of this State for the sum of three thousand dollars, to be by them appropriated to the purchase of necessary instruments, and the costs of making said survey.

Sec. 5. That said Commissioners shall, also, in their report, show the time that each of them, and each of the field party, was necessarily engaged in the performance of their respective duties in making said survey, the amount paid to each for his services, and also what future amount, if any, is necessary to pay the costs of the same.

Sec. 6 That said Commissioners shall cause to be prepared and filed in the office of the secretary of State, a careful and full topographical map of the survey thus made, exhibiting the features of the country, and embodying all the geographical information that can be incidentally obtained in making such survey.

Sec. 7 This act to take effect from its passage.

Appendix 60

1859 Dec. 14

No. 3

Resolution referring the Governor's message, so far as it relates to the boundary line between Kentucky and Tennessee to a joint committee. Resolved by the General Assembly of the Commonwealth of Kentucky.

That so much of the Governor's message as refers to the running of the boundary line between the States of Kentucky and Tennessee, together with the report of the commissioners appointed to accomplish that work, be referred to a joint select committee of the House and Senate,

consisting of five members from the House and three from the Senate.

Appendix 61

An Act relative to the dividing line between the States of Kentucky and Tennessee, and allowing compensation to the persons engaged in running the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

Sec. 1. That the boundary line recently run and made between the States of Kentucky and Tennessee, by commissioners respectively appointed by said States, be, and the same is, approved, adopted, and recognized as the true boundary line between said States, The Kentucky commissioners Austin P. Cox and Charles M. Briggs acted under a law approved February 17, 1858, entitled "An act for running the State line between Kentucky and Tennessee."

Sec. 2. That the Auditor of Public Accounts be directed to draw his warrant upon the Treasurer in favor of the following persons, for the several sums hereinafter named i e ;

1. In favor of Austin P. Cox, as the balance due him for acting as commissioner, \$2000.00
2. I. f. o. Charles M. Briggs amount due him for acting as commissioner on the State boundary line survey \$1900.00
3. I. f. o. J. Pillsbury for \$980. as balance due him for services as chief engineer on said line.
4. I. f. o. G. Trafton for \$719, as balance due him for services as chief engineer on said line
5. I. F. O. A Hensley for \$870, due him for services as assistant engineer or surveyor on said line.
6. I. f. o. W. E. Cox for \$596, for services on said line as flagman and chainman.

7. I. f. o. M. P. Brown for \$331.75, balance due him for services as flagman and chainman on said line.
8. I. f. o. H. C. Hines for \$296, for services on said line as flagman and chainman.
9. I. f. o. H. W. Dulaney for \$604.50 balance due him for services as flagman and chainman on said line.
10. I. f. o. C. G. Graham for \$583.45 balance due him for services as flagman and chainman on said line.
11. I. f. o. Charles M. Briggs for \$190.25 balance due J. R. Wooten, deceased, for services as assistant commissary to the corps on said line.
12. I. f. o. Charles M. Briggs, for Thomas Manning, balance due said Manning as oxeman on said line, the sum of \$116.50
13. I. f. o. Charles M. Briggs the sum of \$650. for the services of Wilson, Charles, and Henry, slaves belonging to W. V. Loving, said amount for said Loving.
14. I. f. o. Charles M. Briggs for \$79.50 balance due Tom Tolbert, said amount for Tolbert, for services as oxeman on said line.
15. In favor of Charles M. Briggs for \$164.35 due B. C. Greder, for the services of his slave Moses on said line
16. I. f. o. Charles M. Briggs for \$40. amount due G. Willis for service on said line.
17. I. f. o. Charles M. Briggs for \$136.25, balance due him for the services of his slave Watson on said line.
18. I. f. o. Charles M. Briggs for \$290.25 balance due W. L. Underwood (this amount for said Underwood) for the services of his slave Tom on said line.
19. I. f. o. Charles M. Briggs for 86.75, balance on S. L. Jones (this amount for said Jones) for the services of his slave Sam on the said line.
20. I. f. o. S. W. Stanley for \$845, balance due him for stone furnished

put up on said line.

21 I.f.o Charles M. Briggs for \$1817.79, the amount advanced by the commissioners for said line; and also the sum of \$68 interest on same.

22. I.f.o. J. Pillsbury for \$300. to be used in returning and repairing the instruments used in running the line.

Sec. 3. That if the appropriation herein made of \$300, for the repair and return of the instruments, be more than is necessary for that purpose, the balance shall be returned to the Auditor, And J. Pillsbury is hereby directed to file vouchers, together with his affidavit, with the Auditor how he appropriates said \$300.

Sec. 4 That fifty copies of the report of the commissioners who run the boundary line herein referred to, together with a lithographic map of the survey, be printed; and that two copies of the same be deposited, at the same time and by the same person or persons who may distribute the public books of this Commonwealth, in the clerk's office of each county in this State on the State line of Kentucky and Tennessee

Sec. 5. That to willfully deface or destroy the stone or stones, or any of the same, set up by the commissioners to designate the true boundary line between the States of Kentucky and Tennessee, shall be deemed a felony, and punishable by confinement in the penitentiary for a term of not less than one nor more than five years.

Sec. 6. That the Auditor is hereby directed to retain \$300 of the appropriation herein made to the engineer, G. Trafton, until the map authorized and required to be deposited in the office of the Secretary of State by the act, entitled "An act for running the State line between Kentucky and Tennessee" shall be deposited there; and the same shall be accepted by the Governor as having been executed in the manner required by said act.

Sec. 7. That the Auditor of Public Accounts be required to superintend the printing and lithographing mentioned in the fourth section of this act, and make the contract therefor on the best terms for the

the state.

Sec. 8. This act to take effect from its passage.

Appendix 62

1860 Resolution No. 16 Adopted Feb 4. L.L. of T. 671

Joint resolution in reference to the cession of a portion of Kentucky to Tennessee.

Whereas, there are according to the manner in which the boundary line between Tennessee and Kentucky, as recently run by joint commissioners of the State of Tennessee and Kentucky, about twelve sections of land, belonging to Kentucky, lying between the North boundary line of Tennessee, and the Mississippi River, isolated from the territory of Kentucky. And

Whereas, the inhabitants of said territory are desirous, on account of their location of being annexed to Tennessee, And

Whereas, it would be an important acquisition to Tennessee, geographically; therefore,

Resolved, etc., That this General Assembly appoint the Honorable Wm. C. Dunlap, commissioner to attend the present session of the Legislature of Kentucky, to negotiate for the cession to Tennessee, of the above mentioned territory, and that he report his acts and doings in the premises to the General Assembly for their ratification and confirmation.

Appendix 63.

1860 Passed Nov. 21. Chap. 79 L.L. of T. 653

An Act to ratify and confirm the work of the commissioners appointed to run and re-mark the line established by compact between the states of Kentucky and Tennessee.

Sec. 1. Be it enacted, etc, That the report of Benjamin Peeples and O. R. Watkins, commissioners for this State and Austin R. Cox and

C. M. Briggs, commissioners for the State of Kentucky, dated the eleventh day of November, eighteen hundred and fifty-nine, and filed in the office of the Secretary of State, setting forth the operations of the commissioners in fixing establishing and re-marking the boundary between this State and the State of Kentucky, be and the same is hereby ratified and confirmed; and that the line so fixed, established and remarked, and herein after mentioned and specified, and set forth in this act.

Boundary line as in report.

Appendix 64.

An Act to authorize the Governor of the State to appoint commissioners to treat with the State of Kentucky for the purchase of that portion of Kentucky known as Madrid Bend.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Governor of this State shall appoint two (2) commissioners, whose duty it shall be to negotiate with the State of Kentucky for the purchase of that portion of Kentucky lying immediately north of Lake county, Tennessee, and bounded as follows, to wit: on the north, east and west by the Mississippi River, and on the South by the State of Tennessee,

Sec 2. Be it further enacted, That such Commissioners shall have full power to contract for the sovereignty of such soil mentioned in the first section of this Act, and the purchase thereof, and the payment on the part of the State of Tennessee of such sum as they may deem a sufficient consideration therefor, and report the same to the next General Assembly of Tennessee approved or rejection.

Sec. 3. Be it further enacted, That said Commissioners shall receive as pay for their services, while actually engaged in the performance of the duties imposed by this Act, the pay and mileage now allowed by law to the members of the General Assembly of Tennessee, to be paid on the order of the Secretary, countersigned by the Governor; Provided, the

number of days does not exceed thirty days.

Sec. 4. Be it further enacted, That this Act take effect from and after its passage.

Lewis Bond
Speaker of the House of Representatives.

Thomas H. Payne
Speaker of the Senate.

1875 Passed March 8; Chap 21.

Approved March 12 1875.

James D. Porter.
Governor.