

	Amount brought forward,	\$ 1,324 53
1850.	By cash paid H. Barnard for books,	6 00
	“ “ for locating land,	197 76
	“ 3d annual salary,	400 00
	“ cash paid State Treasurer,	29,947 86
	“ State Certificates on hand,	534 19
		<hr/>
		\$32,400 44

*JOHN BEARD, Register, in Acct. with Internal Improvement Fund.*  
DR.

1850.	Oct. 31. To cash received for land sold during the fiscal year just ended,	\$2,844 77
	“ “ “ during the same period	
	in payment for land sold previously,	705 52
		<hr/>
		\$3,559 29

1850.	Oct. 31. To balance,	\$ 766 70
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1849.	By cash paid locating agents,	\$ 2,158 55
	“ “ “ appraisers,	140 00
1850.	“ “ “ for stationery,	11 50
April.	“ “ “ travelling expenses,	45 00
	“ “ “ postage,	28 54
	“ “ Register of Public Lands, } of annual salary,	400 00
1850.	Oct. 31. “ balance,	766 70
		<hr/>
		\$3,550 29

**REPORT OF THE QUARTER-MASTER GENERAL.**

QUARTER-MASTER GENERAL'S OFFICE, }

TALLAHASSEE, Nov., 1850. }

Sir: I have the honor to submit to you my report as Quarter-Master General of the State, showing the number and kinds of arms, &c., under my charge and belonging to the State.

There is now on hand at the Armory Room 4 sets of 4-horse Artillery harness complete.

270 muskets with the requisite number of bayonets, belts, plates, cartridge-boxes, picks and brushes, screw-drivers, wipers, moulds, balls, screws, flints, caps, &c., complete.

74 Hall's Patent Rifles, with bayonets and appendages complete.

133 pair of pistols with holsters and all other appendages complete.

In the basement of the Capitol 4 pieces of brass ordnance (6 pdrs) with gun-carriages, ammunition-chests, and all other appendages, complete.

Since my last report I have received into the Armory from Capt. W. S. Murphy, of the "Independent Blues," (a volunteer corps of Dragoons), 43 pairs of pistols, with holsters, &c., of the 44 pairs issued to him in 1846, leaving him in default one pair with appendages.

I have also received from Capt. T. K. Leonard, of the "Miccosukie Cavaliers," 42 pairs of pistols with holsters, &c., of the fifty pairs issued to him in 1846, making him in default 8 pairs. These last, when received, were in bad order—many of them being broken, and in such other condition as to require immediate repairs, which were accordingly made, and for which Capt. Leonard is responsible to the State.

Upon the recent outbreak of the Indians in East and South Florida, I issued, by order of Gov. Moseley, to the two companies of Infantry and Mounted Riflemen called into the service of the State at this place, a sufficient number of muskets and rifles, with all the necessary appendages; all of which were, upon the return of the troops, duly returned to the Armory, with the exception of one musket and one rifle, reported by the officers in command to have been so badly broken as to render them unfit for further service.

I also issued at the same time, by order of the Executive, twenty-five muskets and equipments to Col. John G. Gamble, of this city, for the use of the citizens on the frontier of the Indian country.—These last have not been returned to the Armory. And by order of your Excellency, I issued to the Intendant of the city of Tallahassee, during the past season, 50 stand of muskets and equipments, for which bonds have been entered into and are now on file in my office.

I also enclose an account current of the expenses incurred by the State for the support of the volunteers called into the service of the State during the summer of 1849.

Of the amount, \$20,637 64, received and paid out by me, it is perhaps proper for me to mention that the sum of \$17,337 stated as received from Gov. Moseley, was borrowed by him upon the faith of the State and his own personal guarantee, from the South Western Rail Road Bank, and for which sum it was agreed interest should be paid at the rate of 7 per cent. per annum. The original accounts and vouchers for these receipts and disbursements are on file in my office, subject to your order or that of the General Assembly.

Very respectfully,

Your obt. serv't.,

R. A. SHINE, *Qr. Mr. Gen'l.*

*His Excellency, THOMAS BROWN, Gov'r. of Fla.*

R. A. SHINE, *Qr. Master Gen'l. of Florida, in Acct. with the State of Florida, for Cash received and disbursed by him.*

1849.		DR.
Aug. 13.	To cash rec'd from State Contingent Fund,	\$ 870 55
31.	" " Gov. Moseley,	\$2,000 00
Sept. 14.	" " " "	3,000 00
24.	" " " "	5,000 00
29.	" " " "	2,337 00
"	" " " "	5,000 00
Oct.	" Sundry Qr. Masters, on acct. of sales of stores,	845 57
"	" rec'd from State Contingent Fund,	1,584 52
		<hr/> \$20,637 64

1850.		CR.
Oct. 31.	By cash paid on acct. of supplies furnished for use of the troops, and contingent expenses of same, as per vouchers on file in my office, and amt. refunded to the State Contingent Fund,	\$20,637 64
	R. A. SHINE, <i>Qr. Mr. Gen'l.</i>	
	Tallahassee, Oct. 31, 1850.	

THE STATE OF FLORIDA *in Account with R. A. Shine, Quarter-Master General of Florida, showing amount of expenditures, paid and unpaid, incurred by him in suppressing Indian outbreak in the year 1849.*

1849.		DR.
Oct.	To amount of purchases and supplies, viz: Subsistence, Quarter-Master, Ordnance and Hospital Stores for use of the Troops called into the service of the State from July 25, 1849, to October 30, 1849,	\$18,047 35
"	amount of contingent expenses, viz: Charters of vessels, hire of wagons and teams, for transportation of troops and supplies, persons and articles employed, and other contingencies,	7,678 93
"	amount of Cols. J. W. Bryant and J. P. Sanderson's accounts for services as Dep. Qr. Master Generals to 30th Sept., 1849,	648 00
"	amount refunded to the State Contingent Fund,	870 55
		<hr/> \$27,244 83
	balance now due to sundry persons, \$6,607 19.	

1849.	CR.
Aug. 13. By cash received from State Contingent Fund, \$	870 55
31. " " Gov. Moseley, \$2,000 00	
" " " 3,000 00	
" " " 5,000 00	
" " " 2,337 00	
" " " 5,000 00	\$17,337 00
" " from sales of stores from Qr.	
Masters Bryant, Sanderson and Hutchins,	845 57
By cash received from State Contingent Fund,	
per order of Gov. Brown,	1,584 52
By balance, being amount still unpaid,	6,607 19
	\$27,244 83

There is also a balance due the State by sundry Qr. Masters from sales of stores, amounting to \$660 09, to be applied to the payment of the balance due as above.

R. A. SHINE. *Qr. Mr. Gen'l.*

Tallahassee, Oct. 31, 1850.

#### Correspondence in relation to the Seminoles in Florida.

From the Governor of Florida to the Commanding General of the United States forces in Florida.

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, October 7, 1849. }

Dear Sir: I have forwarded to you a copy of my General Order, No. 2, ordering the troops called into service by Gov. Moseley, to be mustered out of service, at the respective places where they were enrolled and mustered into service, unless there shall have been received by you an order from the War Department to muster them, or any portion of them, into the service of the United States. In the event of your having received such an order, and think the service of the volunteers will be required, I beg to call your attention to two companies of mounted men from the County of Hillsborough, which I understand were organized, and their services tendered to Gov. Moseley, on or about the 23d of July last, and returns made to this Department, which are now on file in the office of the Secretary of State—one company commanded by Captain John Parker, and the other by Capt. S. L. Sparkman; but from some cause, their commissions were not granted, nor were they called into service. I understand, however, that they have performed regular duty, and have rendered essential service in the protection of the settlements on the Indian border. Their claims ought to be regarded, and I hope, if you deem the service of the volunteers necessary, that you will receive these companies into the service of the United States; and in the event of their being mustered into the service, commissions

will be made out and forwarded to the officers, as soon as proper returns can be made to this Department.

I am informed that Doctor S. B. Todd was elected surgeon to these companies, and that he has not only devoted his services as physician to the troops, but that he has attended the sick of the destitute families in the forts, to which they have been driven for protection and security, along the frontier for the distance of some thirty miles, and furnished medicines from his own resources. If it is not inconsistent with the army regulations, I hope he may be received into the United States service with the troops as surgeon; and I would also very respectfully ask your attention to the merits and claims of Doctor J. W. Eppes, attached to the troops from the County of Leon, and request that he may be also received with those troops as the surgeon.

I have the honor to be, very respectfully your obedient servant,  
THOS. BROWN

Maj. Gen. D. E. TWIGGS,  
Head Quarters, 2d Div. U. S. A., Tampa Bay.

From the Governor of Florida to the President of the United States,

EXECUTIVE DEPARTMENT,  
Tallahassee, Nov. 29, 1849.

To His Excellency Gen. Z. TAYLOR, President of the United States.

SIR—It appears from returns made to the office of the Quarter Master General of this State, that the following companies of volunteers were called into service on the Indian frontier in this State, by the order of my predecessor, Governor Moseley, on the occasion of recent Indian disturbances:

*From the County of Leon.*—Capt. Fisher's company of mounted men, mustered in 30th July. Capt. Johnson's company of Infantry, mustered in 4th August.

*From the County of Alachua.*—Capt. Dill's company of mounted men, mustered in 2d August.

*From the County of Duval.*—Capt. Ledwith's company of mounted men, mustered in 7th August.

*From the County of Columbia.*—Capt. Knight's company of mounted men, mustered in 7th August. Capt. Ellis' company of mounted men, mustered in 8th August.

*From the County of Hillsborough.*—Capt. Clark's company were not mustered in, but drew forage and provisions for 26 horses and men.

Having received satisfactory information from the Secretary of War, and from the commanding General in Florida, that a sufficient force of United States troops had been ordered to the frontier of Florida and were in the field for the defence of the settlements and the protection of its inhabitants; and that the State volunteers would not be mustered into the United States' service, I issued my General Order of the first of October, directing them to be mustered out of the State.

service, copies of which I transmitted to the Secretary of War at Washington, and to the General commanding at Tampa Bay.

It will be seen that these troops were ordered into service by Gov. Moseley, immediately on the intelligence reaching the Capitol of the State, of the murders committed on some of our fellow citizens at their homes, whilst in the peaceable pursuit of their accustomed occupations, by parties of Seminole Indians, at Indian River on the 13th, and at Pease Creek on the 17th of July last; and upon the urgent call and advice of some of the most intelligent, observing and reliable men in the Eastern and Southern portions of this State—men well acquainted with Indian character and habits, and who considered these acts of outrage as indicating a spirit of determined hostility which would soon manifest itself in a general destruction of the lives and property of our citizens upon the whole line of our exposed and defenceless frontier, and would soon extend to the more densely populated settlements, and that great and irreparable injury would be done, unless the most prompt and efficient measures were taken by the authorities of this State to place upon the frontier a sufficient force to repel the incursions of these marauding savages, and keep them in check until the Government of the United States could order into this State and on the exposed and unprotected Indian frontier of Florida, a military force sufficient to insure the safety and protection of the border settlements.

So sudden and unexpected were these outbreaks, occurring within a few days of each other, at very distant points on the Atlantic and the Gulf, that a general panic was created. The people were flying from their homes to hastily thrown-up defences, or escaping as best they could from the impending danger. The inhabitants of one settlement, including men, women and children, who had the advantage of escaping by water, reached the City of St. Augustine in the most distressing and pitiable condition, which called forth the commiseration of the citizens in a general town meeting; and after a full investigation, had before the United States Judge for the Northern District of Florida, it was determined to communicate the facts, and call upon the Executive of the State for a force which would insure immediate protection to the exposed and defenceless frontier.

Judge Bronson says, in a letter to Governor Moseley, "all this seems to put it beyond question, that the rising is general, and that all the Indians are engaged in the hostilities; hence the most vigorous and prompt measures seem necessary. How large a force should be called out, is a point which I do not feel myself competent to decide; but I apprehend, that from five hundred to a thousand men would by no means be too many." And Mr. Senator Yulee says, in a letter written to Gov. Moseley on the same occasion, "my advice to you is, to throw into the field at once a regiment of infantry, and one of horsemen, to afford a complete cover to the settlements."

Such are the circumstances under which my predecessor called the State volunteers into service on the Indian frontier, with instructions to the officers not to penetrate into the Indian Reserve, but to afford

protection to the settlements until a sufficient force of United States troops could be brought to their relief. It was expected that the volunteers of this State, called out under such circumstances, would have been mustered into the United States' service. But such not having been the case, it became my duty, on receiving information that the United States had a sufficient military force on the frontier for the protection of the settlements, to order them out of service. And it becomes equally now my duty to urge upon the government of the United States the obligation which it is under, not only to make provision for the *pay* and *subsistence* of the volunteers thus ordered into service to perform duty and render a protection to the frontier settlements, which the General Government had stipulated to perform—but to ask also that adequate provision may be made for all losses sustained by our citizens from Indian disturbances in Florida, and compensation and support for the inhabitants on the frontier, who have been driven from their homes by the recent Indian outbreak, and forced to seek shelter and protection in forts and stockades, which they have been compelled to build and defend; and that all those who performed such duties may be considered in service and allowed pay in accordance with the militia law of this State, which provides that "If a sudden invasion or insurrection shall take place or be made or threatened on any portion of the State, the commanding officer of the militia, or any portion thereof adjacent thereto, shall be and he is hereby authorized and enjoined to order out the militia under his command to repel or suppress the same, and troops thus ordered into service, shall be subject to and governed by the rules and articles of war of the Government of the United States, and shall be entitled to all the pay and emoluments of the same, while so in service."

These are believed to be just demands which I consider it my duty to urge upon the attention of Congress, and I engage in the performance of this duty the more cheerfully and confidently from the persuasion that your Excellency understands all the circumstances in relation to the continuance of this remnant of the Seminole tribe of Indians in Florida, and the obligation on the part of the Federal government to keep them under proper restraint and control—which places them in a position, in regard to the State of Florida, differing from the relations of any of the other tribes of Indians in regard to the other States of this Union—and will cordially co-operate with me in pressing upon Congress the necessity, on principles of humanity and justice, of making some immediate provision for these objects.

By the treaty of Payne's Landing, concluded the 9th May, 1832, it was stipulated that "the Seminole Indians relinquish to the United States all claim to the lands they at present occupy in the Territory of Florida, and agree to emigrate to the country assigned to the Creeks west of the Mississippi river," and that they "will remove within three years after the ratification of this agreement." Therefore their removal, by the provisions of that treaty, should have been accomplished by the month of May, 1835. But some difficulty occur-

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ring in regard to their removal, Gen. Clinch agreed to a postponement until the month of November of that year, and finally they refused to comply with the provisions of the treaty, and the war ensued and continued under various circumstances, greatly to the injury of the people of Florida, until the pacification entered into by Gen. Worth in 1842. It should be taken into consideration that, in all these arrangements, the people of Florida had no voice or agency, although the party most deeply interested in their consequences and results. Living under a *territorial form of government*, they could look only to the United States for protection and justice. The treaty for the removal of the Indians, which resulted in a bloody and destructive war, long to be remembered by the settlers and purchasers of the public lands in Florida, was a measure of the General Government, dictated as well by considerations of pecuniary benefits, as of general policy, by the emigration which the removal of the Indians from Florida was calculated to encourage, and consequently the demand which it would create for, and the enhanced value which it would give to the lands of the United States in Florida, and therefore became to these pioneers and purchasers of the public domain in the wilderness an important consideration in the contract, which they had and have a right to call upon the General Government in good faith and justice to fulfil. And the cessation of hostilities and temporary arrangement which was made by Gen. Worth for the Indians remaining in Florida, was likewise done for the benefit and convenience of the General Government, without consulting the interest of the people of Florida; for it will not be contended that the United States had not the power to compel the *whole* of the Seminole Indians to comply with their part of the treaty of Payne's Landing.

The Hon. John C. Spencer, Secretary of War, in a letter to Maj. Gen. Scott, dated 10th May, 1842, says: "Anxious to curtail the extraordinary expenses incident to the warfare, and sincerely desirous of promoting peace, the President directs that Col. Worth be authorized, as soon as he shall deem it expedient, to declare that hostilities against the Indians have ceased, and that they will not be renewed, unless provoked by new aggressions on their part. But it is deemed advisable that a *force at least equal to three regiments be retained to form a cordon or line of protection for the frontier settlements*. The action of Congress will be invited to aid in the defence of the territory by the settlement of our citizens there, and offering to them inducements for such settlements by gratuities of land, by allowing them rations for subsistence, and by the loan of arms."

And accordingly, by a General Order, dated Cedar Keys, 14th August, 1842, "It is hereby announced that hostilities with the Indians within this territory have ceased." "The lands thus temporarily assigned as their planting and hunting grounds, are with the following boundaries," &c. "The foregoing arrangements

"are in accordance with the instructions of the President of the United States."

In all these arrangements, the people of Florida, who were more immediately and vitally interested in all the consequences which resulted from them, had no voice. The petitions and remonstrances of their *Territorial Legislature* were unheeded—nor were the stipulations of the United States Government ever complied with. The "two regiments" were not retained. "No cordon or line of protection for the frontier settlements" was ever established. The citizens to whom inducements had been held out to form such settlements, were left in the wilderness to which they had been invited by the Government of the United States, under the most solemn assurances of protection and ample provision for their security and defence, and whose guests they were—unprovided for, by the side of their savage neighbors, who but a short time before had been burning their houses, and murdering their wives and children. Had the cordon of posts ever been established at proper points, as provided, the settlers would have had places to rally upon, in case of danger or alarm, and greater confidence would have been inspired. But in this they were sadly deceived. No troops were retained for their defence and protection. A company or so were stationed at Tampa Bay and St. Augustine, but too remote from the Indian border to be called a protection; and even those troops, during the Mexican war, were withdrawn from the State, and only one company of Florida volunteers remained at Tampa Bay; whilst the Indians were permitted to trade at will to that post, and to purchase ammunition without restraint, and, of course, had every opportunity afforded them to see the defenceless condition of the frontier settlements. And moreover, the neutral ground, which was to have been provided between the Indian reserve, was not respected, but was run out by parties of United States surveyors down to the Indian border, and in some instances over it, and sales of land were made; all of which was well calculated to provoke the Indians to acts of aggression and violence, and to endanger the safety and security of the frontier settlements, which the United States Government was bound to protect and defend. The Territorial Government repeatedly urged the consideration of this state of things upon the attention of the General Government, but its complaints and remonstrances were not regarded; and since the formation of the State Government, not a year has passed that these subjects have not been pressed in the strongest terms upon the consideration of the President of the United States and upon Congress, by the Governor of this State, and by resolutions of the General Assembly. At the first session of the General Assembly, as early as the 10th July, 1845, a preamble and resolutions were unanimously adopted, urging upon the President and upon Congress, the unprotected condition of the frontier settlements, and their claims for losses sustained by Indian depredations. They say, "we regard it as one of the earliest and most important of the duties devolved upon them as an independent member of the Union, to call the at-

“ tention of Congress to the losses sustained by the inhabitants, during the late cruel and desolating Seminole war—to their just claims for indemnification from the Government for these losses.” And Gov. Moseley, in his message to the General Assembly in November, 1845, says: “ The Government of the United States is surely bound, by every consideration of justice and humanity, to make early provision for the losses sustained by this unfortunate portion of our citizens. The policy of the Federal Government, in heretofore permitting the tribe of Indians to remain in our territorial limits, not only in violation of the treaty of Payne’s Landing, ratified more than ten years ago, but in the face of subsequent engagements solemnly renewed, and treacherously violated on their part, under circumstances of aggravated cruelty and perfidy, is a subject to which my attention has not unfrequently been directed since your last adjournment. It is to me a source of unfeigned regret, that the policy of the Government, in regard to the emigration of the Indians, prompted as this measure was not only by dictates of humanity to the people, but by an act of justice, should not have been carried out in regard to the Seminoles.”

In October of the same year, Gov. Moseley, in a letter to President Polk, complains of the hostile disposition of the Indians, and the defenceless situation of the frontier settlements. Again, in 1846 and 1847, the subject of the removal of the Indians, and remuneration of our citizens for losses sustained, is strongly urged upon the President and Congress by the Governor, and by resolutions of the General Assembly. And in 1848, the Governor, in his message to the General Assembly, presses this subject with force upon the consideration of Congress, and says: “ To obtain a speedy as well as peaceable removal of this remnant of that once powerful tribe, is doubtless the anxious desire of the people of this State. Any measures, however, which shall be adopted, with a view of inducing the Indians to emigrate, may terminate in war, and hence before any steps are taken towards negotiation, a large and efficient military force should be thrown upon the line dividing the white settlements and the Indian reservation. And should the General Government not immediately attend to our request for their removal, it is believed such a force is now demanded to restrain the Indians within their prescribed boundary, and from acts of violence, and to afford quiet to the alarms of our citizens, and security to their property.” So that it can be clearly and conclusively shown that the people of Florida have at all times looked to the General Government as bound to effect the removal of the Seminole Indians, agreeably to the provisions of the treaty of Payne’s landing, which completed the negotiation, and the subsequent treaty of Fort Gadsden for their removal, and to furnish a force sufficient for the protection of the frontier settlements, and to keep the Indians under proper subjection, until that should be accomplished. But I cannot believe that it will be necessary for me to accumulate authorities and arguments to establish these points—the Government of the United States admits

them. The removal of the Indians from Florida has merely been suspended, to suit the convenience of Government, never abandoned; and the most energetic arrangements, I am assured, are now in progress for their immediate removal. And as it regards protection to the settlements, the authorities of the Government at Washington had full official information of their weak, defenceless situation from their peculiar position, and planned and promised ample protection, which was never furnished. Gen. Worth, in a letter dated 17th November, 1843, says: "All have visited Tampa, except a few of the very aged, but in parties of ten or fifteen only. Their apprehensions, under the policy pursued, will soon wear away; when, if considered desirable, advantage may be taken of a favorable occasion to send off the whole. Precipitancy will occasion many and vexatious difficulties. When done, it must be thoroughly and effectually done; for if *ten* of these warriors remained maddened to a spirit of hostility, they would suffice to break up and scatter the entire line of new settlements, although ten-fold their number; which, although composed of occupants under the armed occupation bill, have neither weapons, nor the disposition to use them—not one of ten appearing with arms of any description."

With these facts communicated by a distinguished and experienced officer in command, who was well acquainted with the Indians and the nature of the country occupied by the settlers "under the armed occupation bill," who had been induced by the offers and promises of the General Government to settle in the wilderness, nothing was done for their security and protection. No troops were furnished, no posts established on which the sparse settlements could rally for safety in case of danger. And when the evil day came, and they were driven from their homes, they had to build for themselves hastily constructed defences, into which their wives and children were huddled together, without scarcely a cover to shelter them from the inclemency of the weather; and where I am assured, many yet remain, under circumstances of suffering and privation of the most heart-rending description. Forced to abandon their crops before they were matured, or could be secured, and having exhausted the scanty supplies which they were enabled to secure in their flight, many must be reduced to a state bordering on starvation, unless the Federal Government, as it is in duty bound to do, shall afford them immediate relief. And I feel the necessity the more imperiously forced upon me to urge this subject upon the attention of Congress, as, by the system of biennial sessions adopted by this State, there will not be a session of the representatives of the people for a year yet to come, who could more ably vindicate the rights of their immediate constituents than I can hope to do. I trust that your Excellency, impressed with a sense of its importance and justice, will make this communication the subject of a special message to Congress at an early day of the session.

With assurances of my high respect and consideration, I am your most obedient serv't.

THO. BROWN.

From the Secretary of War to the Governor of Florida.

WAR DEPARTMENT, }  
Washington, December 14, 1849. }

SIR—Yours of the 29th ultimo addressed to the President, has been submitted to this Department for an answer.

Its main purpose is to invoke the aid of the Executive in having the State of Florida indemnified for the expenses incurred by the threatened incursions of the Indians, evinced by their acts of violence and outrage committed during the past summer on Indian River and Pease Creek. Without assenting entirely to the inferences of your Excellency, deduced from the past events that have occurred in Florida, or admitting the necessity of the action of your predecessor in calling forth this volunteer force, still it is considered that there were probable grounds of apprehension, which may have required that the Executive of Florida should have interposed a military force for the protection of its frontier. Therefore, in accordance to the views of the President, I am directed to say, that at an early day he will invite the attention of Congress to this subject, and recommend that a reasonable appropriation be made which will indemnify the State of Florida for necessary expenditures made for the military defence of the frontier, since the outbreaks to which I have alluded.

Preliminary to this Message of the President and necessary for the information of Congress, in respect to the amount which may be appropriated, I request that you will forward the muster and pay rolls (or copies thereof) to this Department with such authentication, as your Excellency may give or direct to be given.

Within the scope of information that has reached this Department, there is the hope, that the Indians will consent peaceably to emigrate from Florida—an object of great concern not only to the authorities of Florida, but also to those of the Federal Government.

I have the honor to be, your Excellency's most ob't serv't,

GEORGE W. CRAWFORD, Secretary of War.

His Excellency THOMAS BROWN,  
Governor, &c. &c., Tallahassee, Fla.

From the Governor of Florida to the Secretary of War.

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, January 3, 1850. }

The Hon. GEORGE W. CRAWFORD, Secretary of War:

Sir,—Yours of the 14th ultimo I have received, and, in accordance with your request, I now forward to you copies of the muster and pay rolls, and abstracts of amounts for subsistence, &c., for the information of Congress, in respect to the amount which may be necessary to appropriate, to indemnify the State of Florida for expenses incurred in the recent outbreak of the Seminole Indians. But there are some accounts for subsistence for the troops which have not yet been forwarded to the office of the Quartermaster General; and there are several companies on the frontier which performed duty under the

militia laws of this State, but were not regularly mustered into service, and have yet made no returns; so that I should think that an appropriation by Congress of \$100,000 would cover the whole of this class of claims.

I am, sir, with high respect, your most obedient servant,  
THOS. BROWN.

From the Secretary of War to the Governor of Florida.

WAR DEPARTMENT,  
Washington, March 11, 1850.

Sir,—I have the honor to acknowledge the receipt of your letter of the 24th ultimo, covering the copy of the muster rolls of two companies, (Sparkman's and Parker's) of Florida volunteers, for services rendered from July to January last.

These muster rolls do not state under what authority these companies were received into service, nor is there any reason given why if properly called into service, they were continued therein nearly four months after the order of your Excellency of 1st October, 1849, directing the discharge of the volunteers ordered into service by your predecessor. That order, in specifying the companies that had been called out and were then to be discharged, makes no mention of Sparkman's and Parker's companies, from which it may be inferred that no authority had been given for receiving these particular companies into service.

It is important to know these facts before the President can take any steps in recommending to Congress an appropriation for their payment. There must be evidence of previous authority, either from the General Government or from the Executive of a State, for receiving volunteers into service, and the musters must be made in accordance with such previous authority before payment can be authorized. The mere voluntary enrollment of individuals, without such authority, does not constitute a claim to pay. Nor is it thought as in these cases, as exhibited before the Department, that the government should pay for services under an organization never recognized, and continued for months after the order of disbandment of all troops then in the service of Florida.

I have the honor to be, very respectfully, your obedient servant,  
GEO. W. CRAWFORD, Secretary of War.  
His Excellency, THOMAS BROWN, Governor of Florida.

From the Governor of Florida to the Secretary of War.

EXECUTIVE DEPARTMENT,  
Tallahassee, March 26th, 1850.

Sir,—I have the honor to acknowledge the receipt of your letter of the 11th instant, respecting copies of the muster rolls of two companies of Florida militia, commanded by Captains Sparkman and Parker, forwarded to the War Department with my letter of the 24th February.

In replying to your enquiries in regard to them I have to say, that

it does not appear that these companies were ever called into service by my predecessor, nor were they included in my order of 1st October, 1849, directing the discharge of the volunteers ordered into service by him. I was not, at that time, aware that such companies were in service. The facts of the existence of these companies and of several other companies of militia on the Indian frontier whose returns have not yet reached this Department, came subsequently to my knowledge.

The better to make understandingly the explanation which you require, I beg to refer you to my letter to the President, dated the 29th November last, on the subject of the payment of the volunteers called into service by Governor Moseley, in which I say—"But to ask also that adequate provision may be made for all losses sustained by our citizens from Indian disturbances in Florida, and compensation and support for the inhabitants on the frontier who have been driven from their homes by the recent Indian outbreak, and forced to seek shelter and protection in forts and stockades, which they have been compelled to build and defend; and that all those who performed such duties, may be considered in the service, and allowed pay in accordance with the militia law of this State, which provides that 'if a sudden invasion or insurrection shall take place, or be made or threatened, on any portion of the State, the commanding officer of the militia, or any portion thereof adjacent thereto, shall be; and he is hereby, authorized and enjoined to order out the militia under his command to repel or suppress the same; and troops thus ordered into service, shall be subject to and governed by the rules and articles of war of the Government of the United States, and shall be entitled to all the pay and emoluments of the same while so in service.'"

Under the foregoing provision of our militia law, the militia on the frontier and *adjacent* to the scene of the outbreak were ordered into service by their commanding officers, and they claim *this provision of the law and the necessity of the case for their authority*. These people were at a distance from the capitol of the State of some five hundred miles—in a remote wilderness region, and cut off from any direct communication with the State authorities—strung in sparse settlements across the peninsula of Florida, from the Atlantic to the Gulf of Mexico, and did not know in many instances for a considerable length of time that any troops had been sent to their relief, either by the State authorities or the General Government. These people were invited by the General Government to settle in the wilderness, near savage neighbors, under the provisions of a special act of Congress, with the assurance of ample protection and defence against Indian outrages, by the establishment of strong military posts along the whole Indian border, to be garrisoned by at least two regiments of United States troops.

But this protection was never given. They were left without any means of defence. The military posts were not established. No troops were left in the country to protect the settlements; and when

danger threatened them, they were driven into forts and stockades hastily erected, which they were compelled to defend in the best way they could for the protection of their wives and children. These facts show that these companies have strong claims on the Government, founded in justice and equity, for pay and compensation, and I trust, that the President, satisfied of their merits, will recommend them to Congress, that proper provision may be made for their payment, and I respectfully request that copies of my letter to the President, of the 29th November, and of this letter to you, may accompany the message which the President may make to Congress in relation to this subject.

I have the honor to be very respectfully, your ob't serv't,

THO. BROWN,  
The Hon. GEO. W. CRAWFORD, Secretary of war.

From the Secretary of War to the Governor of Florida.

WAR DEPARTMENT,  
Washington, April 12, 1850. }

Sir: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, on the subject of Captains Sparkman and Parker's companies of Florida militia, from which it appears that these companies were ordered into service by certain commanding officers of militia, under the militia law of the State, which provides for repelling or suppressing sudden invasion or insurrection, and that they were not called out by the orders or authority of the Executive of the State. These facts do not, in the opinion of the President, and I may add of this Department, change the character of the claim from that referred to in my letter to your Excellency of the 11th of March, except in establishing the want of the pre-requisite referred to in that letter, in order to constitute a just claim upon the Government. Under these circumstances, the President is constrained to decline a compliance with your request, to recommend the claim to the favorable consideration of Congress.

I have the honor to be, very respectfully your obedient servant,

GEORGE W. CRAWFORD, Secretary of War.  
His Excellency THOMAS BROWN,  
Governor of Florida, Tallahassee, Florida.

From the Governor of Florida to the President of the United States.

EXECUTIVE DEPARTMENT, FLORIDA,  
Tallahassee, September 5, 1850. }

To His Excellency MILLARD FILLMORE,  
President of the United States:

Sir,—As Gen. Twiggs, the commanding officer of the United States force in Florida, has failed to furnish me with any information with regard to his negotiations and operations with the remnant of the Seminole tribe of Indians yet remaining in Florida, and having received no official communication on this subject from the Secretary of War, it becomes my duty to address your Excellency, for

the purpose of obtaining this necessary information, as well as the ultimate determination of the General Government, on the subject of their removal to the West, agreeably to treaty stipulations; to be by me communicated to the General Assembly of this State, at its biennial session in November next.

This is a subject of vital importance to the people of Florida, and one which is creating great excitement in all the counties adjacent to the Indian frontier. The murders perpetrated upon our citizens last year, were the cause of breaking up and dispersing all the settlements on the Indian frontier of this State, and produced a state of distress and suffering amongst the defenceless inhabitants which beggars description; of which the United States authorities were advised.

In a letter from General Twiggs to Lieutenant Colonel Freeman, Assistant Adjutant General, dated at Tampa Bay, September 1, 1849, published in the Report of the Secretary of War in December last, he says: "The panic is not less complete among the inhabitants; all industrial pursuits have ceased. The settlers, flying from their farms, are on this coast and East Florida, forced as far north as Fort King; and from a report of Col. Smith, received on the 31st ultimo, there remains but one single person south of New Smyrna on the eastern shore. There seems to be a general determination not to return until the Indians are removed." When, however, a force of United States troops was stationed on the exposed frontier, sufficiently strong to insure protection, and inspire confidence, the routed inhabitants returned to their homes and occupations, under the assurance that the administration had determined on the speedy removal of the Indians. In a joint letter from the Secretary of War and the Interior to Gen. Twiggs and Mr. Spencer, the Indian Sub-Agent at Tampa Bay, dated 17th September, 1849, they say, "In every aspect of the condition of the Indian, so long as he remains in Florida, his speedy removal to the West appears desirable and necessary.— The administration, being thus impressed, have concluded that their removal, voluntary or forcible, is to be effected, and this purpose, apart from other considerations, should be regarded as more binding on the Government, because of an obligation arising under a treaty, the execution of which does not admit of farther postponement."

And Mr. Secretary Crawford, in a letter to Gen. Twiggs, dated 21st September, says: "To Captain Casey you will please to communicate that the Government properly appreciates his meritorious conduct in opening conferences with the Indians, whereby they are permitted to select between a peaceable or a forcible removal from Florida, or what may be more disagreeable, their partial or entire extermination."

This policy, as determined on by the administration, it is hoped, has not been abandoned. The Indians have not been removed, and a large portion of the United States troops, it is understood, have been withdrawn from the protection of the frontier settlements, but of which I have yet received no official information. This state of things has again caused great disquietude and alarm among the set-

ders on the frontier. The enclosed copy of a preamble and resolutions adopted by a convention of the people of Hillsborough County, will serve to show to your Excellency the state of feeling which prevails in that section of the State; and similar resolutions have been adopted by the people of Benton and other adjacent counties. But a recent occurrence on the line of Benton and Orange Counties, of the probable murder or abduction by the Indians, of an orphan boy living in the family of Mr. Jesse C. Sumner, will have a tendency to create great agitation and alarm, and may lead to another breaking up of the settlements on the Indian border. I have received several letters from gentlemen residing in that neighborhood, detailing the circumstances of this affair, a copy of one of which, from F. M. Durance, Esq., I have enclosed.

The people of Florida will not be satisfied with any thing short of a speedy and entire removal of the Indians from the State. It is impossible that they can ever live in peace and quietude as neighbors. The General Government has solemnly stipulated for their removal. The public lands have been purchased and settled with this express understanding. Humanity, on behalf of the people of the border settlements, cries aloud for the removal of the Indians—the prosperity of the State demands it.

I would beg particularly to refer your Excellency to my letter to General Taylor, dated 29th November, 1849, upon this subject, and my letters to the Secretary of War, of January 3d and March 26th, of this present year.

Believing that your Excellency will give to this subject your early and serious attention, I am, with sentiments of the highest respect and consideration, your most obedient servant,

THOS. BROWN.

From the Secretary of War to the Governor of Florida.

WAR DEPARTMENT,  
Washington, October 7, 1850.

Sir,—Your letter of the 5th ult. to the President has, together with its enclosures, been referred to this Department, and I am directed to make the following reply:

The President has no intention whatever of abandoning the policy of his predecessor, in regard to the removal of the Indians. On the contrary, his attention has been constantly and earnestly directed towards the best mode of effecting their removal; at as early a period as practicable. Whether that object can be best and soonest attained by the employment of military force is, to say the least, extremely doubtful. The number of Indian men now in Florida, is estimated not to exceed one hundred. The extermination, or forcible expulsion from the territory of this small remnant, could not be effected without a loss of life, and an expenditure of money, vastly disproportioned to their numbers. Under these circumstances, policy as well as humanity would seem to require that, so long as the Indians remain quiet, hostilities should not be renewed by us.

As the only act of hostility committed by them for many years was disavowed by the tribe, and those concerned in it were either killed or surrendered to Gen. Twiggs, the hope was entertained that they were at length convinced of the necessity of remaining at peace with the whites.

Unless the disappearance of the youth referred to in your letter, is imputable to them, nothing has since occurred, to induce a contrary belief. Nevertheless instructions, verbal and written, have been given to the agent residing among them, to impress upon their minds the necessity of their removal at no distant day. The gentleman who discharges the duties of agent, is said to have some influence over them, and has been directed to endeavor, by every possible means, to cultivate their good will, so as to augment this influence, and give weight to his counsels. A copy of a letter recently addressed to him on this subject is herewith enclosed.

Should his efforts, aided by the presence of a sufficient number of troops to overawe them, and protect the inhabitants in their vicinity, prove unsuccessful, other means will be employed; and when all other modes of effecting the object have been tried and found ineffectual, force, if necessary, will be resorted to.

In the meantime, it is hoped that the citizens of Florida will bear with patience those inconveniences arising from the proximity of Indians, to which every State in the Union has, in its turn, been exposed; and will recollect that no other State has had greater efforts made, or more money expended for its protection against the Indians than Florida.

As regards the youth, whose disappearance has excited so much anxiety and alarm, instructions have been given to the agent to cause the strictest investigation to be made, as to whether he was killed or captured by the Indians, and to report the result to this Department.

It is proper for me to add, in conclusion, that no orders have been given for the withdrawal of any portion of the troops assigned for the protection of the Florida frontier.

With the highest consideration of respect, your very obedient servant,

C. M. CONRAD, Secretary of War.

His Excellency THOS. BROWN, Tallahassee, Florida.

From the Governor of Florida to the Secretary of War.

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, October 22, 1850. }

To the Hon. C. M. CONRAD, Secretary of War, &c.:

Sir,—I have the honor to acknowledge the receipt of your letter of the 7th inst., and readily agree in the views of the President, that "policy as well as humanity" would dictate the propriety of endeavoring to accomplish the removal of the remnant of Seminole Indians remaining in Florida, by peaceable, rather than forcible measures; but there is a point at which that policy should cease, and I think that point has been reached. The people of Florida have borne, for seventeen years, not only the "inconvenience," but the outrages and

devastations of these murderous and treacherous savages, who have spared neither age nor sex. The United States stipulated by treaty for their removal from Florida in 1833, and the public lands were sold to our citizens with this understanding; and the present frontier inhabitants were actually invited by the General Government to settle on the public lands on the Indian borders, with the solemn assurance of protection, and a speedy removal of their savage neighbors; so that the people of Florida occupy a very different position, in regard to the Indians within their borders, from the other States of this Union. And in regard to the large amount of "money expended" in unsuccessful efforts for their removal, it is believed to be attributable to the policy pursued on the part of the General Government, in sending large forces of regular troops—unsuited to such service—to hunt Indians in the swamps and wilds of Florida; whilst a much smaller and cheaper force could have been easily obtained—well acquainted with the country, and such service, and would have been more effective, and less expensive.

You inform me that "no orders have been given for the withdrawal of any portion of the troops assigned for the protection of the Florida frontier." Having been favored with no communications from the commanding General in Florida, in regard to his operations with the Indians, I am without information respecting the force "assigned for the protection of the Florida frontier;" but the information which I have received from other and various sources, upon which I can rely, is, that troops have been withdrawn from the protection of the frontier, and that the inhabitants are in a state of great excitement and alarm, from the fact that they do not consider that they have any protection, and which, I fear, may lead to an interruption of the policy which the President is desirous of maintaining. I enclose you copies of two letters received from gentlemen in that region of the country, which may serve to show the condition of the people, and afford some information to the Department proper to be known. These gentlemen are highly respectable, and their statements may be relied upon.

I am, with the highest consideration of respect, your very obedient servant, &c.

THOS. BROWN.

### Seminoles in Florida.

From the Special Indian Agent to the Governor of Florida.

TAMPA BAY, FLORIDA,  
November 6, 1850.

Sir: I have the honor to inform you that I am acting, under the instructions of the War Department, as Agent for the Florida Indians, and that it is my duty to do all in my power to keep them quiet and within their limits, until they consent to accept the liberal terms offered to induce them to emigrate peaceably, or until the General Government decides on their forcible expulsion.

All but a party of about twenty warriors—outlaws under *Echo-Emathla-chopko*—are, and have been, within their limits, and I hope that this party will be found within the limits or captured before long, by the chiefs and head men. If the white boy, stolen from Mr. Sumner's in August last, was taken by Indians, this party took him; and the head chief has promised to do his utmost to deliver them up as prisoners, whenever we are satisfied that they took or killed the boy. I am now engaged in collecting testimony in relation to this subject.

It affords me pleasure to say, that the principal chiefs are anxious to avoid a war, and that I am not without hopes that they will remove to the West, under the liberal offers of the Government. I shall not fail to communicate to your Excellency any intelligence on this subject which may be of sufficient interest.

With great consideration, your very obedient servant,

JOHN C. CASEY,

*Captain United States Army, and Special Indian Agent.*

His Excellency THOMAS BROWN,

*Governor, Tallahassee, Florida.*

#### Letter from the President of the Union Bank.

UNION BANK OF FLORIDA, October 31, 1850.

Sir:—I have the honor herewith to hand you a list of such stockholders as, by charter, are eligible to the office of directors.

At each previous session of the legislative body a similar list was furnished to the Governor, but although the 16th section of the charter directs that "there shall be annually appointed on the part of the Territory (now State) five directors, which appointment shall be made previous to the fourth Monday in January, in every year," yet since the organization of the State government no directors, on its part, have been appointed. May I take the liberty respectfully to suggest that said clause of the charter should be repealed, if it be the intention of the Legislature that it shall not be executed.

This institution has long since ceased to perform the functions of a bank of discount and circulation, and has confined itself to winding up and settling its affairs. Under these circumstances the number of directors required by the charter is unnecessary, and may with advantage be reduced to five, any three of whom should constitute a board for the transaction of business. There is, moreover, in the Constitution of the State, a disfranchisement of bank directors, which creates an unwillingness to serve in that character on the part of stockholders, who, from their position in society, would naturally be selected for the office. The effect of this cause seems to render a reduction of the number of directors absolutely necessary.

In a communication to your predecessor, dated 2d December, 1846, I said that "the Union Bank of Florida will promptly accept such alteration of its charter as will surrender its banking privileges—retaining only its corporate character for the more conveniently winding up its affairs."

The retention of its corporate character is deemed essential to that object. Under the expectation that it might become expedient to place the institution in the hands of trustees, I, many years ago, wrote for and obtained copies of trust deeds under which banks in New-York and in Philadelphia had gone into liquidation; but I was advised that, for the purpose of winding up its affairs, the bank ought to retain its corporate character; for that the skill of the most eminent legal counsel had failed to draft a trust deed, which would meet all cases; and that, as a consequence, the trustees were constantly and at great expense, involved in chancery suits.

Very respectfully,

JOHN G. GAMBLE, President.

His Excellency, THOMAS BROWN, Governor of Florida.

### Correspondence upon the Boundary Question.

From the Governor of Florida to the Governor of Georgia.

EXECUTIVE DEPARTMENT,  
Tallahassee, Nov. 27, 1849.

His Excellency G. W. TOWNS, Governor of Georgia:

Sir.—It was with feelings of the most sincere regret, I observed in your recent message to the Legislature of Georgia, that your Excellency characterizes the action of the General Assembly of Florida, in regard to the resolutions adopted by that body at its last session, on the subject of the disputed boundary between the two States, “as discourteous” to the authorities of Georgia. Believing that there could have existed no just grounds for such a charge, I have examined the published proceedings of our Legislature on that subject; and I cannot refrain from the expression of my just surprise, that your Excellency should have for one moment labored under such an impression, and that you should have made so grave a charge against the General Assembly of this State, for a cause so little justifying it; for on the contrary, the strongest desire is manifested on the part of the General Assembly of Florida to afford every facility for the settlement of the controversy between the two States, and to meet our elder sister of Georgia in a spirit of amity and reciprocity.

On the first day of the session of the last General Assembly of Florida, my predecessor, Gov. MOSELEY, in his annual message, brought to the consideration of the representatives of the people, the unsettled question of boundary between the two States, and says: “The last General Assembly of Georgia adopted a report and resolutions, which I herewith transmit, accompanied by a letter on that subject from his Excellency, the Governor of that State, in which it is proposed (upon certain agreed terms) to submit the question to the Supreme Court of the United States;” which report concludes with these words: “Your committee, in

“ thus recommending a mode for the adjustment of this long standing controversy, would by no means limit the discretion of the Executive as to the points or questions submitted, with the concurrence of Florida, to the decision of the Supreme Court. We recommend that the Governor take any and all such steps to close this controversy in an amicable manner as his judgment may dictate; and with a view of furnishing to our sister Georgia the evidence of our feelings in this matter, be it resolved that the Governor be requested to transmit to the Governor of Florida a copy of this report and resolutions.”

This report and the accompanying documents were referred to the appropriate committees in both houses of the General Assembly, and, after full examination and due deliberation, the committee of the Senate made a report, with the resolutions to which your Excellency refers; and which direct the Attorney General of this State, as the most practicable mode of bringing the question before the tribunal proposed and desired by Georgia, to file a bill in the Supreme Court of the United States, “ to confirm and quiet the boundary line between the State of Florida and the State of Georgia;” and in this report they say: “ Your committee have no objection to an *agreed case*, as recommended by the report of the legislature of Georgia, if such a course is thought advisable by the Executive of this State. They would suggest, however, that much time and consequent delay might arise, if such a course should be adopted, and perhaps a second failure. Your committee doubt whether the Supreme Court would take cognizance of an *agreed case*, knowing that all courts are reluctant to entertain any cause, unless brought before them by due course of law.”

This course was deemed by the Legislature of Florida, not only as respectful to the State of Georgia, but as *responsive* to the action of that State. No doubt was entertained in respect to the jurisdiction of the Supreme Court of such cases, but it was thought that the most sure and speedy way to obtain a decision of the question, would be by bringing it properly and fairly before the court. And accordingly the Attorney General of this State proceeded to the city of Washington last spring, for the purpose of discharging the duty imposed upon him by the resolutions of the General Assembly of this State. The bill was prepared, and the case left under the care and management of the assistant counsel authorized to be employed by the resolutions, and who, it is presumed, will have it ready for the action of the next session of the Supreme Court, should the answer of the State of Georgia be filed in time for the consideration of the court, to which both parties desire the merits of the controversy to be submitted, for a final decree and settlement.

Thinking it highly probable that your Excellency has never seen the report of the committee of the Senate, accompanying the resolutions adopted by the General Assembly of Florida, I have for-

warded a copy (with this letter) of the Journal of the Senate, where the whole proceedings may be known, and to which I beg to call your attention, but particularly to the report of the committee, which will be found at page 123; and I respectfully request that your Excellency transmit the same, with this communication to the General Assembly of your State, that Florida may be vindicated against the charge of *discourtesy* towards her sister State of Georgia. And I beg, on behalf of the General Assembly of Florida, to disavow any intentions of *discourtesy* towards her sister State of Georgia, or any of her public authorities, and to assure your Excellency of the most sincere desire on the part of the public authorities of this State to cultivate and maintain the most amicable and friendly relations with the State of Georgia, as our neighbor and elder sister in the confederation.

And I beg your Excellency to accept the assurance of my high consideration and respect.

THOS. BROWN.

From the Governor of Georgia to the Governor of Florida.

EXECUTIVE DEPARTMENT, }  
Milledgeville, 6th December, 1849. }

Sir:—I have the honor to acknowledge the receipt of your communication of the 27th ult., a copy of which, with this reply and the report referred to by you, will be laid before the General Assembly, now in session.

Your Excellency may rest assured that your feelings of regret at my having characterized the action of the General Assembly of Florida, in regard to the resolutions adopted by that body at its last session, on the subject of the disputed boundary between the States, as "discourteous" to the authorities of Georgia, could not be more sincere than the conviction of duty felt by myself, which impelled me to say all that was communicated in my late message on that subject; nor will it, I apprehend, be thought remarkable by you that I should have expressed the opinion I did of the character of the legislation of Florida, when reminded that the report of the committee of your Legislature, accompanying the resolutions adopted, was not furnished me by your predecessor, or any information given of the existence of any such document, until politely furnished by you in a copy of the Journals, which came to hand a few days since.

Had Governor Moseley transmitted the report with the resolutions, I am not prepared to say I should have regarded the action of your late Legislature as "discourteous" to the authorities of Georgia, while I could but have lamented that Florida had determined on the course pointed out in the resolutions. It is with great pleasure I find that your Legislature, by their report, recognized "the kind and liberal sentiments expressed in the communications received from the authorities of Georgia," and expressed the "desire that the friendly relations subsisting between the two States, whose interests in other respects are so closely allied, may continue uninterrupted."

But it was vain to look to the resolutions, unaccompanied by the report, for sentiments so creditable to your Legislature, and so highly appreciated by me; nor is it believed that the apparent harshness, as thought, by me to be indicated in the resolutions, was relieved by any thing contained in Gov. Moseley's letter of the 6th February last, which accompanied the resolution. In that letter your predecessor says: "The General Assembly have thought proper to pass resolutions touching the subject matter in controversy, authorizing and requiring the Attorney General of this State to file a bill in the Supreme Court of the United States, to confirm and quiet the boundary line between the States of Florida and Georgia—a copy of these resolutions is herewith enclosed. Your Excellency will perceive that unless Georgia is willing to settle this question by agreeing to adopt the line for which Florida contends, as the true line of boundary, I am not authorized to take any further steps towards its settlement. If, however, the State of Georgia should manifest a willingness to concede the line claimed by Florida, I apprehend it would still be competent to the Executive of this State to arrange the question at issue, in accordance to the claims heretofore advanced, and as yet not receded from by Florida. Should Georgia not give her assent to such arrangement and settlement of the question, the case will be taken to the Supreme Court, in obedience to the resolutions of the General Assembly."

If Georgia had been "kind and liberal" in the sentiments expressed through the report of her Legislature and Executive, was it "kind and liberal" on the part of your Legislature to respond by the adoption of resolutions ordering the Attorney General of your State, to institute a suit against her in the Supreme Court of the United States, for the purpose apparently of securing a right wrongfully withheld by this State?

For Georgia to have been "kind and liberal" in her sentiments to Florida, and to be made thereby the unwilling and reluctant party to a suit in law or proceeding in equity, involves a confusion of ideas to me irreconcilable with the due appreciation on the part of your Legislature, of the treatment of Georgia to their State. I doubt not your Excellency will agree with me that there was but little in Gov. Moseley's letter of February last, that was conciliatory in its character, or in the least calculated to remove the deep impression left upon my mind by looking to the resolutions disconnected from the report. It is true he informed me that unless Georgia is willing to settle the question by the adoption of the line for which Florida contends, he was not authorized "to take any further steps towards its settlement." It is also true that he made the suggestion if Georgia would concede all Florida exacted in regard to the true line, it would still be competent, he apprehended, for him to settle the controversy without a law-suit; but while a doubt in reference to this was fairly deducible, he seemed quite explicit and clear that "should Georgia not give her assent to such an arrangement and settlement

of the question, the case would be taken to the Supreme Court, in obedience to the resolutions" before alluded to. With this commentary by Gov. Moseley on the resolutions, I felt that the offer of the Legislature of this State, to make a case involving the whole facts for the decision of the Supreme Court, was not met in that spirit, which, I hope, may ever characterize the intercourse between the two States. The mode proposed by the legislature of this State was supposed to be more congenial to the feelings, if not more in harmony with, the avowed friendship existing between the authorities and people of the two States. Moreover, the Executive of Georgia was fully authorized, should this mode not meet the views of the Governor of Florida, to adopt any other that could be agreed upon. In view of all these considerations, I am free to admit I was not prepared for the notice, that Georgia had to submit to the terms of settlement proposed by Florida, or otherwise a suit would be instituted.

Having frankly stated to you the grounds upon which my opinion was formed, in reference to the action of your legislature, I hope you will perceive in it a sufficient vindication for the application of the term "discourteous"—which you will pardon me for saying, would not likely have been used, but for the omission of your predecessor to furnish me with the report of your legislature, explanatory of the object of the resolutions. Therefore, whatever of pain or regret is felt, either by you or myself, for the expression of the opinion contained in my late message to the legislature, is properly attributable to that source, which failed to place in my possession the entire documents, necessary to a correct understanding of the feeling by which your legislature was actuated.

Allow me, in conclusion, to suggest, that, if despatch was the object of your legislature by filing a bill, I am strongly inclined to think it will not be realized—as nearly twelve months have elapsed since the adoption of the resolutions by your legislature, and up to this moment the only information of the existence of a proceeding in equity being commenced, is contained in your late letter. Whether the true interests of the two States would not be promoted by a further effort at negotiation, is not formally presented for your consideration—while at the same time, it is believed to be a question of that delicate importance, that it should claim due consideration from the authorities of each of the States, with the sincere desire that justice may be awarded to our respective States in the adjustment of this controversy, and that the bonds of amity and friendship may become stronger in every stage of its progress.

Your Excellency will believe me, with much consideration and respect, to be your obedient servant,

GEO. W. TOWNS.

To His Excellency THOMAS BROWN, Tallahassee, Florida.

of the question, the case would be taken to the Supreme Court, in obedience to the resolutions" before alluded to. With this commentary by Gov. Moseley on the resolutions, I felt that the offer of the Legislature of this State, to make a case involving the whole facts for the decision of the Supreme Court, was not met in that spirit, which, I hope, may ever characterize the intercourse between the two States. The mode proposed by the legislature of this State was supposed to be more congenial to the feelings, if not more in harmony with, the avowed friendship existing between the authorities and people of the two States. Moreover, the Executive of Georgia was fully authorized, should this mode not meet the views of the Governor of Florida, to adopt any other that could be agreed upon. In view of all these considerations, I am free to admit I was not prepared for the notice, that Georgia had to submit to the terms of settlement proposed by Florida, or otherwise a suit would be instituted.

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Your Excellency will believe me, with much consideration and respect, to be your obedient servant,

GEO. W. TOWNS.

To His Excellency THOMAS BROWN, Tallahassee, Florida.

Letter from the Governor of Florida to the Governor of Georgia.

EXECUTIVE DEPARTMENT, FLORIDA,  
Tallahassee, December 18, 1849.

To His Excellency GEO. W. TOWNS, Governor of Georgia:

Sir,—I have the honor to acknowledge the receipt of your Excellency's communication of the 6th instant, in reply to mine of the 27th ult. I am happy to find, as I conjectured, that you had not seen the report of the committee of the Senate, accompanying the resolutions of this State, of which you complained as harsh and "discourteous," and which alone expressed the views of the General Assembly on the subject; and I am sincerely gratified to find that upon a review of it, your Excellency, and the authorities of Georgia, are fully satisfied that no such feelings had influenced the authorities of this State, in the course adopted. It is, nevertheless, to be regretted that any thing should have occurred in regard to this question of disputed boundary, which should have caused a misunderstanding between the authorities of the two States, having a tendency to interrupt the negotiations pending, and prevent a speedy and happy adjustment of this controversy. And I now assure your Excellency, at the threshold of my administration of the Executive duties of this State, of the most sincere desire on my part to brighten the chain of friendly intercourse, which happily binds the interests of the two States; and to use and enforce all the means within my power and authority to settle and quiet forever this boundary question, and remove this source of discord; which is admitted by both parties to be, in a pecuniary point of view, of no intrinsic value to either; but which, during their contentions about it, serves as a theatre on which the laws of both States are violated with impunity, and where crimes are perpetrated shocking to humanity, and disgraceful to this enlightened and civilized age.

Your Excellency says: "Whether the true interests of the two States would not be promoted by a further effort at negotiation, is not *formally* presented for your consideration—while at the same time, it is believed to be a question of that delicate importance, that it should claim due consideration from the authorities of each of the States."

I assure your Excellency, that I will, at any and all times, most cordially entertain, and consider promptly, any proposition which you, or the authorities of Georgia, may think proper to make, touching a speedy and final settlement of this question. Florida is not properly the complainant in this case. She claims nothing from Georgia—she does not consider that she has forced Georgia, as an "unwilling and reluctant party, to a suit in law, or proceedings in equity, for the purpose apparently of securing a right wrongfully withheld?" She has only responded to an appeal, made on the part of Georgia, to submit this question to the Supreme Court of the United States.

In the report of your legislature, adopted 30th December, 1847,

the committee say: "It occurs to your committee that, if Florida entertains the same desire that is felt by Georgia, for a permanent boundary line being marked as speedily as practicable, with a view to the proper enforcement of the criminal and civil laws of each State, without conflict with those of the other, she will readily unite in referring such points of dispute, as may be stated and agreed upon by the Governors of each State respectively, to the decision of the Supreme Court of the United States. *This course is suggested from the fact, that cases of disputed boundary between States are confided by the Constitution of the United States to that tribunal.*"

"Your committee would recommend the submission of the two States to the Supreme Court of the United States of the abstract question, whether so much of the treaty of the United States of America with Spain in 1795, as provided for the ascertainment and establishment of a boundary between Georgia and Spain, has been executed in pursuance of the terms of said treaty."

The committee of the Florida Legislature, in response to this proposition, say: "The failure to settle this controversy by the late commissioners appointed for that purpose, is a further evidence of the necessity of submitting the case to the Supreme Court of the United States. This, by the constitution of the United States, is constituted the proper tribunal to take cognizance of this class of cases. *Your committee have no particular objection to an agreed case, as recommended by the report of the Legislature of Georgia, if such a course is thought advisable by the Executive of this State.* They would suggest, however, that much trouble and consequent delay might arise, if such a course should be adopted, and *perhaps a second failure.* Your committee doubt whether the Supreme Court would take cognizance of an agreed case, knowing that all courts are reluctant to entertain any cause, unless brought before them by due process of law."

Here was sufficient power given to the Governor of Florida to make, with the Governor of Georgia, an *agreed case*, if he thought it advisable. But why is Georgia only disposed to take up to the Supreme Court, "*Such abstract questions as may be deemed preliminary to the demarcation of the line?*"

The proper question is, what is the true line of boundary between Georgia and Florida?—and if the authorities of the two States cannot settle that question, then the Supreme Court of the United States is the *proper tribunal* to settle and adjust it for them.

Your legislature say: "In the event, however, of the decision of that Court, that *a boundary has not been ascertained and established* between Georgia and Spain, in pursuance of the provisions of the treaty of 1795, the Governor of Georgia is hereby requested to open a correspondence with the Governor of Florida, and to request his co-operation by the appointment of a commission, equal in number on the part of both States, and that they be authorized to cause examination to be made for the ascertainment of the *head of*

the *St. Mary's river*, which when made, the boundary line shall be run from the head of the *St. Mary's river*, so ascertained, to the junction of the *Flint* and *Chatahoochie* rivers."

I would respectfully ask, in a spirit of grave sincerity, if this would not be the very question the two States are now contending about? And after the Supreme Court had thus decided the *abstract question* presented, if we would be any nearer to a settlement of the main question than we now are?

The Georgia Commissioners would contend for the south branch of the *St. Marys*, and the commissioners on the part of Florida would insist that the centre of the *Okefonokee* swamp is the true "head of the *St. Mary's river*;" and again—we should be compelled to go to the Supreme Court of the United States to settle the question. Therefore, if this question is to go to the Supreme Court of the United States at all, let us be governed by the dictates of wisdom, and present the whole question, for a full and final decision.

Seeing that Georgia was the first to propose this mode of settling the controversy, from a conviction "that cases of disputed boundary between States are confided by the constitution of the United States to that tribunal," I must confess I am at a loss to account for her objections to taking up the whole question: or how your Excellency can denominate her the "unwilling and reluctant party to a suit in law, or proceedings in equity," which was proposed by her own legislature.

If the objection be, that Florida is made the complainant in this case, I will readily yield to the objection; for it certainly places her in a wrong position. She raises no complaint against Georgia, for holding possession of territory, which she is desirous to be possessed of. Her legislature has declared, in its report on this subject—"Florida, believing that the line has long since been designated and fixed, and that no question should now arise, cannot submit to, or acquiesce in, any claim set up to the portion of country lying south of the line settled and defined by treaty in 1795. Georgia entertaining a different view, urges her claim to a portion of territory lying, as your committee believe, within the limits of the State of Florida." And here are the authorities upon which this declaration is, in part, based. By the treaty of 1795, above referred to, in the 2d article, it is provided, that "the southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the river *Mississippi*, at the northernmost part of the 31st degree of latitude, north of the equator, which from thence shall be drawn due east to the middle of the river *Apalachicola*, or *Calahooche*, (*Chattahoochee*;) thence along the middle thereof, to its junction with the *Flint*; thence straight, to the head of the *St. Mary's river*, and thence down the middle thereof to the Atlantic ocean." And by the 3d article, it is provided, that "one commis-

sioner and surveyor shall be appointed by each of the contracting parties; to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, *which shall be considered as part of this convention, and shall have the same force as if they were inserted therein.*"

And here I will remark, that the point designated by Ellicott, as the head of the St. Mary's river, in his journal, is as firmly the point to which the line shall run from the junction of the Flint and Chattahoochie rivers, as if the same had been so declared in the treaty.

According to the provisions of the third article of the treaty, Andrew Ellicott was appointed commissioner on the part of the United States, and Capt. Stephen Minor on the part of his Catholic Majesty, who, with their surveyors, proceeded upon the execution of the duties, for the performance of which they were appointed, and which they discharged, and marked the line, until they reached the junction of the Flint and Chattahoochie rivers, when they were arrested in their further progress, by the hostility of the Georgia Indians. They then descended the Apalachicola river, in boats, to the Gulf, and coasted round the Peninsula to the mouth of the St. Mary's river, which they ascended to near the Okefonokee swamp, where their farther progress was obstructed by logs and drift wood. They then landed, and Mr. Ellicott in his journal says: "On the 26th, (February, 1800,) Captain Minor, his Catholic Majesty's Commissioner, and myself, with a party of laborers, went to the swamp, and the day following, had a mound of earth thrown up on the west side of the main outlet, and as near to the edge of the swamp, as we could advance on account of the water;" and in his Notes of Observations, he says: "From plate VIII, upon which the above traverse is laid down, it may be seen that the river St. Marys is formed by the water drawing out of the Okefonokee swamp, along several marshes or small swamps, which join into one, and form or constitute the main branch or body of the river.— The principal or largest of those swamps, or drains, is the most easterly one, and in which the current is the most visible. This marsh, or drain, is crossed by the last course of the traverse, which terminates at the mound B. From this mound, northeasterly into the swamp, the water has but little, if any, perceptible current.— The source of the river is, therefore, in an indeterminate space; and no specific point could be fixed on, as the swamp is at all times almost impenetrable, and at this season of the year absolutely so, without immense labor and expense. It was, therefore, agreed that the termination of a line, supposed to be drawn north 45 degrees, east 640 perches from the mound B, should be taken as a point to or near which, a line should be drawn from the mouth of Flint river; which line, when drawn, *should be final*, and considered as the permanent boundary between the United States and his Catholic Majesty, provided it passed not less than one mile north of the

mound B; but if, upon experiment it should be found to pass within less than one mile north of said mound, it should then be corrected, to carry it to that distance."

Now here was a "final and permanent boundary between the United States and his Catholic Majesty," established under the provisions of the treaty of 1795, as recorded in the journal kept by the commissioners, which is declared "shall have the same force as if they were inserted therein," and which it was not competent for Georgia at that time to set aside, much less at this late day, after having acquiesced in it since the year 1800; and which was recognized in the treaty of cession of Florida to the United States, in 1819; the 12th article of which declares that "The treaty of limits and navigation of 1795 remains confirmed in all and each one of its articles, excepting the 2d, 3d, 4th, 21st, and the second clause of the 22nd article, which *having been altered by this treaty, or having received their entire execution, are not valid:*" and in this confirmation of the line of boundary with Spain, Georgia made no objection until the 19th December, 1818, when resolutions were adopted by her Legislature requiring the Governor to appoint commissioners to ascertain whether Ellicott's Mound was at the head of the St. Mary's river; and accordingly commissioners were appointed, who performed the duty assigned them and made a report to the Governor of Georgia, who, communicating the result to the Secretary of War of the United States, by letter dated 3d March, 1819, says: "The commissioners have returned and reported that, after a careful examination, they found the head of that river (St. Mary's) to agree with the report made by Mr. Ellicott, and proves, beyond the possibility of doubt, that the *information received by the Legislature of this State relative to that subject was incorrect.* I flatter myself that directions will be forwarded to Mr. Lumpkin immediately to close that line according to the treaty with Spain.

The act of Congress admitting Florida into the Union declares "That the State of Florida shall embrace the Territories of East and West Florida, which, by the treaty of amity, settlement and limits between the United States and Spain, on the 22nd day of February, 1819, were ceded to the United States."

Thus Florida, on her admission into the Union, found her boundary with Georgia settled and established by the highest authorities, and thus she claims to hold it; and to her neighbor and elder sister she says—

"Remove not the ancient landmark which thy fathers have set."

The report of the committee of the Georgia Legislature says: To the people of Georgia, if they considered their claim to the strip of territory in any wise doubtful, it would afford great pleasure to yield to their younger and respected sister, what she seems to think necessary to her, and which to them is almost unimportant." To which Governor Moseley replies: "Florida does not urge a claim to any of the territory in dispute because she thinks it *necessary to*

her. Nor does she ask her elder and respected sister to yield any thing to which her claims may be satisfactorily established. It is only what is deemed her right that Florida has insisted upon."

Now permit me to ask your Excellency and the Legislature of Georgia, to review in all candor this whole question, and then to answer if there is not *doubt*, to say the very least of it, in the claim which Georgia sets up to the "strip of territory" which Florida says lies within her limits—or thinking otherwise, let the Supreme Court of the United States determine it.

Under the system of biennial sessions adopted in Florida, as well as in Georgia, there will be no session of the General Assembly of Florida this winter, and of course, none for a year to come; and when your legislature adjourns, which is now in session, it will be two years before there will be another session of your General Assembly—therefore, if you are not clothed with full powers to close this controversy, that the legislature of your State may so invest you, I now make the following propositions:

First. I will entertain and consider any proposition which your Excellency may think proper to make to me, having in view a speedy and amicable settlement and conclusion of the whole question of disputed boundary between the two States, and will promptly act thereon to the extent of my powers and authority.

Secondly. If an amicable and speedy settlement of this question cannot be accomplished, and Georgia would prefer to become the plaintiff, and will file her bill at the present term of the Supreme Court of the United States, I will take upon myself to withdraw the proceedings ordered to be instituted by my predecessor, and waiving all forms, will put in the answer on the part of Florida *instantly*, so as to obtain a full hearing, and final decision of the whole question at the present term of the court.

And thirdly. If Georgia is not disposed to become the plaintiff in this cause, then let her waive all forms, and put in her answer to the bill ordered by my predecessor to be filed, and of which a copy will be forwarded you, so that a full hearing, and a final decision of the whole question may be had at the present term of the court, and thereby quiet all grounds of dissension between the two States.

With the assurance of my most profound respect and consideration for yourself, and the General Assembly of Georgia, I am your excellency's most obedient servant, &c.

THOS. BROWN

From the Governor of Georgia to the Governor of Florida.

EXECUTIVE DEPARTMENT, GEORGIA,

Milledgeville, January 14, 1850.

Sir: I have the honor to acknowledge your communication of 18th ult., which reached its destination during the recess taken by the Legislature of this State from 20th ult. to this day, and during the most of which time I was absent from the seat of government.

This statement is made to your excellency, in explanation of the delay in this reply.

It is not my purpose to enter upon the arguments presented by your Excellency, in support of the title of Florida to the disputed territory between the two States; nor do I feel it necessary to review the policy or line of conduct heretofore pursued by each to the other, in reference to the mode, or efforts made for the adjustment of this unpleasant controversy. Such discussions heretofore, although greatly elaborated, have led to no practical result—and as action rather than argument is now obviously called for by the interest of both States—and a willingness manifested in your Excellency's communication to speedily close this question by the adoption of an amicable plan, looking to results, I trust you will see in my course no want of respect for the arguments contained in your late letter, or the high source from whence it came.

Feeling gratified at the prospect of entire restoration of amicable relations between the two States, for which the people of each are so much indebted to your Excellency, I will lose no time, or spare any exertion in my power, to perpetuate it, by a speedy and just settlement of the whole boundary question.

A copy of your late letter will be transmitted to the legislature without delay, with the confident hope that, in a few days, the Executive of Georgia will be clothed with full power to adjust all points of difference (so far as concerns this State) between the two States, in a manner honorable and satisfactory to both.

And I will take this occasion to add, as the prospect of a speedy adjustment is so encouraging, would it not be advisable that all proceedings be suspended by your State, before the Supreme Court, until the action of this State is known.

With great consideration, I have the honor to be your Excellency's obedient servant,  
 GEO. W. TOWNS.  
 His Excellency THOS. BROWN, Governor of Florida.

From the Governor of Georgia to the Governor of Florida.

EXECUTIVE DEPARTMENT, }  
 Tallahassee, January 24, 1850. }

To His Excellency GEO. W. TOWNS, Governor of Georgia:

Sir,—I have the honor to acknowledge the letter of your Excellency of the 14th instant, which I have just received.

I agree with your Excellency, that prompt action is now more important than elaborate argument—believing that the whole question of boundary has been sufficiently discussed, to be fully understood by both parties interested in its equitable adjustment; and I assure your Excellency that it is with highly gratified feelings that I respond to the amicable spirit which breathes through your letter, inspiring confidence that this unpleasant controversy can, and will, be soon brought to a satisfactory conclusion.

As the best evidence of my sincere desires on this subject, I

have, without any delay, in accordance with the suggestion of your Excellency, instructed the Attorney General of this State to suspend further and all proceedings in regard to the bill ordered to be filed in the Supreme Court of the United States by my predecessor, to settle and quiet the question of boundary between the States over which we respectively exercise Executive authority, and that order goes on to Washington by the same mail by which this letter is forwarded to you.

Whatever may be the action of the legislature of your State, or the powers with which they may clothe your Excellency, I will be found ready, on the part of this State, to respond with promptitude and decision.

With sentiments of the highest respect and consideration, I am your Excellency's most obedient servant,

THOS. BROWN.

From the Governor of Georgia to the Governor of Florida.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, February 19, 1850. }

Sir: I have the honor to acknowledge the receipt of your late letter, and lament that I have delayed so long in furnishing you with a copy of the resolutions adopted by the Legislature now in session.

You will see that I am vested with full power to settle this controversy, and I assure your Excellency of my sincere desire to accomplish it with as little delay as possible. I, therefore, propose to appoint one commissioner on behalf of Georgia, to co-operate with such commissioner as you may appoint—with the hope that the commissioners may agree upon an umpire, in the event of a disagreement between them.

If, however, they should be unable to agree, I now propose to your Excellency, that an umpire be selected from one of the Governors of the Southern States—leaving you to name three States—the Governor of one of which shall be selected by myself—or if you prefer it, I will select the three Executives of the Southern States, and allow you to nominate the umpire. By this mode, a speedy and cheap settlement of the whole question is rendered infallibly certain; and I will not permit myself to doubt it will be most cheerfully acquiesced in by the people of the two States.

If a more speedy, just or cheaper mode of settlement can be suggested by your Excellency, I hope it will be done.

I am thus urgent, in order to assure your Excellency of my sincere desire to close this controversy honorably and fairly to both States.

I will add, that in selecting a commissioner from Georgia, I shall endeavor to secure the services of a gentleman not heretofore connected with any commission raised on this subject.

I avail myself of this occasion to renew my high consideration of your Excellency.

Most respectfully,

GEO. W. TOWNS.

To His Excellency THOS. BROWN, Tallahassee, Florida.

The Committee on the State of the Republic, to whom was referred the correspondence between the Governor of the State of Georgia and the Governor of the State of Florida, relative to the disputed boundary line between the States, have had the same under consideration, and beg leave to submit the following report:

The committee are gratified to find in the correspondence expressions of anxiety on the part of both the Executives, to settle and adjust the boundary line between the two States, upon amicable and equitable terms; and to enable them to effect this desirable object, recommend that the Executive of Georgia be clothed with full power and authority to settle and adjust, with the authorities of Florida, by negotiation, arbitration, or otherwise, all the points of difference relative to the boundary line between the State of Georgia and the State of Florida, and to this end the committee recommend the passage of the following resolutions:

*Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That George W. Towns, Governor of the State of Georgia, and his successors in office, be and he is hereby, vested with full power and authority to make, by negotiation, arbitration, or otherwise, with the State of Florida, a full and final settlement of all points in dispute, relative to the boundary line between the State of Georgia and the State of Florida.

*Resolved,* That the committee respectfully recommend, as an equitable mode of settling the said disputed boundary, that the Executive of each of the States shall select one commissioner, and the two commissioners so selected shall select a third commissioner, to whom all the points of difference relative to the said disputed boundary shall be submitted; and that the award and decision of said commissioners shall be final and conclusive, as a full and final settlement of all points and differences relative to the said disputed boundary between the two States, and that an appropriation be made to defray the expenses of the same.

All of which is respectfully submitted.

JOHN W. ANDERSON,  
Speaker of the House of Representatives.  
W. B. WOFFORD,  
President of the Senate.

Attest—LUTHER J. GLENN, Secretary of the Senate.  
Assented to, 11th February, 1850.

GEO. W. TOWNS, Governor.

SECRETARY OF STATE'S OFFICE,  
Milledgeville, February 18, 1850.

I hereby certify that the above and foregoing is a true copy of the original resolutions in this office.

Given under my hand and seal of office.

GEO. W. HARRISON, Secretary of State.

From the Governor of Florida to the Governor of Georgia.

EXECUTIVE DEPARTMENT,  
Tallahassee, February 28th, 1850.

His Excellency, G. W. Towns, Governor of Georgia.

I have the pleasure to acknowledge the receipt of yours of the 19th instant and with it a copy of the resolutions adopted by the Legislature of Georgia, vesting in you full powers to settle the boundary question between our respective States, and giving assurance of your Excellency's "sincere desire to accomplish it with as little delay as possible;" and I now assure your Excellency of the same sincere desire on my part; and, as the best evidence which I can give of my sincerity I will proceed at once, with all frankness, to propose a mode of settling this boundary question.

I object to your proposition for subjecting this difficulty to another set of comrs. for arbitration and umpirage, for the following reasons: I can see no good cause for supposing that another commission would be more apt to agree than those that have been heretofore appointed, or that they would agree upon an umpire; and the alternative you suggest, of taking a Governor of one of the Southern States as the umpire, I think would be attended with many objections. To me it is objectionable that persons selected, either as commissioners or umpire, do not and would not take sufficient interest in the performance of the duty, to inform themselves thoroughly of the merits of the question, which requires much study and investigation to enable them to make a sound decision. It would be attended with many delays and difficulties before a decision could be had.—The place of meeting would present difficulties—whether it should be at Milledgeville or Tallahassee, or some intermediate place.—If a Governor of a State should be chosen as umpire, it is not to be supposed that he would attend the meeting of the commissioners in person—a full record of the whole of the proceedings would therefore be required to be kept and a transcript to be submitted to him for his action. This would present many difficulties and open a door for irregularities, which might upset his decision. And finally, it is objectionable on account of unnecessary delay and expense.

But your Excellency says, if a more speedy, just and cheaper mode of settlement can be suggested by me, you hope it will be done.

I propose, therefore, as a more speedy, just and cheaper mode of settlement, that we try to settle this controversy ourselves. We have stronger motives for wishing to have this question settled speedily and to the satisfaction of all parties than any commission-

ers or their umpire would have, and we can have no motive for wishing to do other than what is right and just.

I have shown in my letter to your Excellency of the 18th Dec'r last, that the line between Georgia and Florida had been fixed and determined by the commissioners appointed on the part of Spain and the United States, under the treaty of 1775, "to be drawn from a point N. 45 deg. E. 640 perches from the mound B.," known as Ellicott's Mound, to the mouth of the Flint River,—fifty years ago.

I further showed that nearly twenty years after this line was established the State of Georgia appointed commissioners to examine the correctness of Ellicott's line, who, after an *ex parte* examination, reported "that, after a careful examination, they found the head of the St. Mary's river to agree with the report made by Ellicott, and proves beyond the possibility of doubt that the information received by the Legislature of this State relative to that subject was incorrect."

The true line, therefore, between Georgia and Florida is from a point one mile N. 45 deg. E. from Ellicott's Mound to the junction of the Flint and Chattahoochie rivers. Now, to make all reasonable concessions on the part of Florida for an amicable adjustment of this line, I propose to take the Mound for the Eastern point—to run from thence directly to the junction of the Flint and Chattahoochie rivers, as the true line between Georgia and Florida. This is the line, as surveyed by the United States, known as McNeal's line, and to which the map of your State extends. The establishment of this line will be attended with less inconvenience to the people of both of the States than any other line that could be determined on; because, if it went one mile North-East of the Mound, it would interrupt titles to land granted by the State of Georgia to her citizens, and if it were to run South of the Mound it would interfere with titles to land granted by the United States to the people of Florida. I am sure, if your Excellency will look at the map and examine into the course of these lines, you will agree with me in opinion. I have not been able to see the reports made by the former commissioners, and consequently do not understand the propositions made on either side; but it strikes me with surprise that there should have been any difference of opinion upon the adoption of the line which I propose as a compromise, particularly as the Legislature of Georgia have declared that the strip of territory in dispute is unimportant to Georgia: but surely the convenience of the people located on the line of this disputed *strip* should be a matter of consideration with both States.

But if your Excellency should differ in opinion with me, I trust you will show wherein my proposition is not liberal and fair, and propose some other line which you will be able to show has more of those advantages—which shall be considered by me in the same spirit of candor.

Hoping to hear from your Excellency very soon upon this subject, I have the honor to be  
Your Excellency's obt. svt. &c.

THOS. BROWN.

From the Governor of Georgia to the Governor of Florida.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, April 8, 1850. }

Sir,—An unfortunate absence from this place for the last month, has created the delay in this reply to your Excellency's communication of 28th February last.

In suggesting the mode of settlement I had the honor to submit to you in my letter of the 19th February, I was aware it was objectionable to some of the objections you have mentioned; but while this is conceded, I am not fully convinced that like objections would not apply with equal force to any that may be adopted. At all events, my object was to present a scheme looking to a definite result.

Your Excellency, however, having declined to accept my proposition, and suggested another, upon which I cannot but express the fear, if accepted by me, we should be unable to arrive at any satisfactory adjustment of the subject, I must, therefore, earnestly urge upon you the propriety of selecting an umpire, in the event of a disagreement between the parties in the first instance. Any other plan, I much fear, will not accomplish a final settlement of the question.

In regard to an attempt at settlement between your Excellency and myself, it is proper I should add, that my engagements for some months to come will be of a character to prevent me from giving my personal attention to the subject; but I have not the least objection to your Excellency representing the State of Florida, if you prefer it. In the selection of an agent for this State, be assured I should be governed, not merely by capacity and standing, but would endeavor to secure the services of a gentleman wholly uncommitted on the subject by any previous investigation, and possessing moral firmness to make no demand on Florida, which did not meet with his deliberate sense of impartial justice between the two States.

With such an individual, the fairest prospect of an amicable adjustment is offered, and I trust it may meet with your approval; still, however, should this plan be adopted, and a failure be the result, an umpire should be agreed upon, who, doubtless, would be enabled to arrive at some conclusion, approximating the rights of the two States.

I beg leave again to state, that I am induced to decline the argument on the merits of the controversy, or an attempt, on my part, to discuss it with you, from a conviction that my absence from the seat of government would unseasonably protract the settlement of the subject, with a strong misgiving that we might not be able to agree.

Should it be deemed desirable on your part, the agent of Georgia

could repair to Tallahassee, and there conduct the negotiations with you in person, or such agent as you may appoint.

I avail myself of this occasion to renew my high consideration of your Excellency.

Very respectfully,

GEO. W. TOWNS.

To His Excellency THOMAS BROWN,  
Governor of Florida, Tallahassee.

From the Governor of Florida to the Governor of Georgia.

EXECUTIVE DEPARTMENT,  
Tallahassee, April 18th, 1850.

To his Excellency, G. W. TOWNS, Governor of Georgia:

Sir:—I had the honor to receive your letter of the 8th instant, and deeply regret that your Excellency has seen cause to induce you to decline the proposition which I made in a spirit of conciliation and with a sincere desire to settle at once the question of disputed boundary between the States of Georgia and Florida. And I was the more particularly desirous that this question should be adjusted without further unnecessary procrastination because I had understood that the Legislature of Georgia, at its recent session, had passed an act extending her jurisdiction over the territory in dispute, which would likely have a tendency to bring the authorities of the two States into collision, unless speedily settled; an issue which surely ought to be deprecated by both parties.

All the attempts to settle this question by negotiation having been exhausted and the case having gone to the Supreme Court of the United States for the purpose of adjudication, my letter of the 27th November last was not addressed to your Excellency with any view of opening the question again for further efforts at negotiation, but to vindicate the action of the General Assembly of Florida against the charge of supposed "discourteous" treatment of the authorities of Georgia. In the reply, dated the 6th December, which was of the most gratifying and friendly character, your Excellency was pleased to remark: "Whether the true interests of the two States would not be promoted by a further effort of negotiation, is not formally presented for your consideration, while, at the same time, it is believed to be a question of that delicate importance that it should claim due consideration from the authorities of each of the States."

Prompted by the most sincere and anxious desire to use every effort in my power to effect a speedy settlement of this unpleasant controversy between the two States, which had foiled all the efforts which had been made to settle and quiet it, and had been ordered to the Supreme Court of the United States by the consent of both States before the commencement of my executive authority, I immediately assumed the responsibility of meeting the friendly and amicable overtures suggested by your Excellency, and addressed to you my letter of the 18th December, in which I set forth fully and

distinctly the view which Florida held in regard to her claims, which should govern the question of a boundary line between the two States; and for a more explicit understanding of the grounds which Florida occupied in regard to her boundary, I made an extract from a report adopted by her legislature. "Florida, believing that the line has long since been designated and fixed, and that no question should now arise, cannot submit to or acquiesce in any claim set up to the portion of country lying south of the line settled and defined by treaty in 1795;" and proposed to consider any argument which your Excellency or the General Assembly of your State might offer, with a view to show that the line contended for on the part of Florida was not the true line, as designated and fixed by the commissioners appointed in accordance with the provisions of that treaty.

In your letter of the 14th instant, you decline the argument, but say: "A copy of your late letter will be transmitted to the Legislature without delay, with the confident hope that, in a few days, the Executive of Georgia will be clothed with full power to adjust all points of difference (so far as concerns this State) between the two States, in a manner honorable and satisfactory to both; and I will take the occasion to add, as the prospect of a speedy adjustment is so encouraging, would it not be advisable that all proceedings be suspended by your State, before the Supreme Court, until the action of this State is known?" And in my reply of the 24th instant, I informed your Excellency that I had "instructed the Attorney General of this State to suspend further and all proceedings in regard to the bill ordered to be filed in the Supreme Court of the United States by my predecessor, under a resolution of the General Assembly of this State."

At this gratifying point of the negotiation, which held out so promising a prospect for a speedy and satisfactory settlement of this long pending controversy, I confess I was not a little discouraged at the proposition of your Excellency in your letter of 19th February, to resort to the expedient of commissioners again, which had proved so abortive in all the efforts which have heretofore been made—believing that this plan of settling the controversy would neither be speedy or economical, if it succeeded at all; which former experiments justified me in believing would, at least, be very doubtful. But as your Excellency remarked at the same time—"you will see that I am vested with full powers to settle this controversy, and I assure your Excellency of my sincere desire to accomplish it with as little delay as possible;" and requested if I did not accede to your proposition, that I would propose some other mode of settlement, which might promise a more speedy and equitable adjustment, I determined at once that there should be no impediment interposed on the part of Florida to embarrass or delay the accomplishment of this desirable object; and to concede the claim, which Florida believes she justly holds to a point northeast of the

mound B, known as Ellicott's mound—and to take that mound as the eastern point, and to run a line from thence west, directly to the junction of the Flint and Chattahoochee rivers, which I did believe, and do now believe, is a liberal and reasonable concession on the part of Florida, to bring to a satisfactory conclusion this unpleasant controversy; and I did flatter myself that it would have been so received and considered by your Excellency; and I cannot disguise my disappointment and mortification that it was not accepted in the spirit which prompted me to make the proposition.— You say in your last letter of the 8th instant, “Your Excellency, however, having declined to accept my proposition, and suggested another, upon which I cannot but express the fear, if accepted by me, we should be unable to arrive at any satisfactory adjustment of the subject, I must, therefore, earnestly urge upon you the propriety of selecting an umpire, in the event of a disagreement between the parties in the first instance.”

If your Excellency had accepted my proposition, of making the mound B the eastern point, I am at a loss to conceive what difficulty could occur in running and marking the line, that would not occur upon any other settlement of the question. It would simply be a mathematical work, which will have to be performed whenever the point in dispute is determined upon.

I will be very frank with your Excellency, as I have endeavored to be in the whole of this correspondence.

Having made the proposition to take the mound B as the eastern point, and having surrendered thereby what I believed to be the just rights of Florida, and consented to a certain point, Florida would go on unequal terms into any arbitration or *umpirage* of the question. With these views, if your Excellency thinks proper to send an agent on the part of Georgia to Tallahassee, as proposed, for the purpose of arranging and settling any difficulties which you may fear would occur in running and marking the line from the point I have proposed, I shall be glad to see him. Otherwise, the case must be reinstated, and the Supreme Court of the United States must settle the question. And in that event, seeing that all has been done on the part of Florida that can be done, to avoid such an issue, and which she much regrets, I trust your Excellency will, on the part of Georgia, waive all technical forms of law, and file an answer on the part of Georgia—or the bill, if she prefers it; so that the case may be determined at the next session of the Supreme Court, in the most friendly and amicable spirit.

If my proposition is not accepted, I beg that your Excellency will consider it withdrawn.

Hoping to have your Excellency's final determination upon this subject as soon as may suit your convenience, I am, with considerations of high respect, your Excellency's most obedient, &c.

THOS. BROWN.

From the Governor of Georgia to the Governor of Florida.

EXECUTIVE DEPARTMENT, GEORGIA,  
Milledgeville, May 17, 1850.

To His Excellency THOMAS BROWN, Governor of Florida.

Sir,—I have the honor to acknowledge the receipt of your communication postmarked 18th ult.

I lament that the prospect of an early and satisfactory adjustment of the boundary question between the two States diminishes, in proportion as the necessity of that adjustment is becoming daily of increased importance. I know that the most intense solicitude is, and has for some time been felt on this subject by the authorities of this State, and I am utterly at a loss to conceive any well-founded objection to the pacific measures I have had the honor of submitting to your Excellency for the final adjustment of this question; nor did the idea once occur to me, in respectfully suggesting to you the propriety of a farther effort at an amicable adjustment, before a final resort was made to the Supreme Court, that I was to be understood as conceding that the only question that has so long delayed the adjustment of the controversy, namely, the true head of the St. Mary's river, had been ascertained and settled; and, therefore, the business now to be performed is the mere mechanical duty of running by the compass a direct line between two ascertained and given points. With great deference to the argument of your Excellency upon this branch of the subject—plausible as it doubtless is, and conclusive as to the reasoning upon your own mind, as I infer from the tone of your last letter—I must confess, with all its force, I have not felt it so overwhelming as to give it my unqualified sanction. I have felt it was due to truth—due to history, the character of the two States, and their respective rights of sovereignty over the disputed territory, that this question of the locality of the head of the St. Mary's river should be ascertained in a manner so unexceptionable as to silence forever all cavil on this point.

Intimately, if not inseparably connected with this question of locality, arises other questions, growing out of the alleged acquiescence on the part of Georgia, as Florida insists, with the point designated by Ellicott north of his mound, as the head of the St. Mary's river. If Georgia, by her past acts, has so ratified and confirmed the point designated by Ellicott, as thereby to be bound by it, whether in point of fact it be the head of the St. Mary's river or not, then that point being settled against Georgia, there is an end to the question, and nothing remains but to order the running of the line.

But it has occurred to me, if the fact does exist, which I cannot doubt, that the head of the St. Mary's river is not to be found at the point north 45 degrees, east 640 perches from the mound known as Ellicott's, there is something to be settled and agreed upon, before a line separating the territory of the two States can be run and marked out—and hence my great desire that indifferent persons

might engage in this work;—first, to ascertain the head of the St. Mary's river—which being done, the work of the survey could immediately commence; or, on the other hand, if Georgia is bound by her acts to submit, in the judgment of referees, to the point designated by Ellicott as the eastern terminus—then, in like manner, the line could be run and marked as the permanent boundary. Your Excellency has thought proper, however, to make a distinct proposition that Ellicott's mound be the eastern terminus, and to run from the mouth of Flint river to that point.

I apprehend it will be conceded, that if the point designated, 640 perches north of the mound, is not the head of the river, much more improbable would a line drawn from the mouth of Flint river to the mound touch the head of the St. Mary's. But this offer you say is made in the spirit of compromise; “and having surrendered thereby what you believe to be the just rights of Florida, for the purpose of harmony and conciliation, you cannot now make any other proposition, or receive any other.” If this is the settled and unalterable determination of your Excellency, I lament that I am constrained to say, I fear our mutual solicitude so often expressed for an adjustment, will end in bitter disappointment to both.

Your Excellency will pardon me for adverting to the reason which you assign for the ultimatum you have offered—“Because having yielded a portion of what (I) you believe to be the just rights of Florida, and consented to a certain point, Florida would go on unequal terms into any *umpirage* of the question.” The conclusion of your Excellency, I beg leave to suggest, with all due deference, does not seem to me to be warranted by the premises. How an offer of compromise by the authorities of either State, is to compromise their rights before impartial and independent men selected to pass upon the legal rights of the two States, I cannot readily perceive. But your Excellency in this connection further adds—“With these views if I think proper to send an agent on the part of Georgia to Tallahassee, as proposed, for the purpose of arranging and settling any difficulties which, I fear, would occur in running and marking the boundary line from the point proposed, you would be glad to see him—otherwise, the case must be reinstated, and the Supreme Court of the United States must settle the question; and in that event, seeing that all has been done on the part of Florida that can be done, to avoid such an issue, and which she much regrets, you trust I will, on the part of Georgia, waive all technical forms, and file an answer,” &c.

In reference to this portion of your Excellency's letter, two remarks are rendered necessary. As regards sending an agent of this State to Tallahassee, with powers circumscribed and limited to arranging and settling any difficulties I fear would occur in running and marking the line from the point you propose, it would be wholly unnecessary. If an agent is sent from Georgia to confer with your Excellency in person, or any agent appointed by you, his power in its full length and breadth would be derived from the authority of

Georgia, and the right of a sister State to limit or restrict it cannot be recognized.

Nor will your Excellency feel surprised, when I most respectfully but earnestly dissent from the proposition assumed in your letter, that Florida has done all on her part she could do; to prevent a resort to the Supreme Court. What is the history of the efforts made between your Excellency and myself, for the amicable adjustment of this vexed question? Will your Excellency bear with me, while I briefly advert to them. Some weeks since, I had the honor of proposing that each State select an equal number of agents, invested with plenary power over the question; and if they could not agree, an umpire to be selected, in a manner which could not be objected to by Florida. This plan met with no favor from your Excellency—the reasons assigned I need not now repeat, nor will I speak of their weight.

Your Excellency then proposed that you and myself should settle it—but in your proposition, no provision was made for a final settlement, if we could not agree. This was the great and leading defect, as I felt, to your plan, although there were others sufficient to deter me from the undertaking. And I proposed to delegate an agent to act for Georgia, to wait on you in person, at the capitol of your State, or to meet such person as you might appoint.

Your last letter now before me is in reply, in which you say, “your letter of the 27th November last was not addressed to me, with any view of opening the subject again, for further efforts at negotiation, but to vindicate the action of the General Assembly of Florida against the charges of supposed ‘discourteous’ treatment of the authorities of Georgia.” Whatever may have been the object your Excellency had in view by the letter above referred to, it is manifest, from your own quotations of extracts from my letters, that I let no opportunity pass to restore the most amicable relation between the two States, which I flattered myself was fully reciprocated by your Excellency. I certainly would never have suggested suspension of the action before the Supreme Court, if I had not supposed some other equitable and fair mode, more in accordance with the character and relation of the two States, could have been devised for the satisfactory settlement of this question. It is true that your Excellency set forth the claims of Florida, and the arguments upon which they were based in your letter of the 18th December. In my reply of the 14th of January, I declined to go into the argument, for reasons contained in that letter. I then could see no good resulting from a review of the grounds of the argument, upon the rights of the two States, and am forced to the conclusion it would have been wholly useless; and, therefore, in my letter of the 19th February, gave a very clear indication of the best plan I was able to suggest, for the adjustment of the question. In nothing, I respectfully insist, that I have said or done, can the inference be fairly drawn, that I could accept a line from Ellicott’s mound, or the point north of it 640 perches. And yet your Excellency, under the strong conviction, doubtless, of the rights of Florida in the premises, regards the offer

to make the mound the eastern terminus, as characterized with great liberality, as well as a surrender of the just rights of Florida. For the liberality of Florida, the Executive of Georgia feels grateful; and though in the instance under consideration, it may be too minute for practical purposes, and therefore of doubtful appreciation, I must be allowed to say, Georgia asks nothing from her sister Florida on the score of liberality, but she does ask, and expects, even handed justice; and, therefore, the intense anxiety that is felt by the authorities of Georgia, for a full and perfect restoration of the closest union, concord and harmony of feeling, between the citizens of the two States. My most ardent desire is, for the settlement of this question speedily, honorably and justly to both States.

I have the honor to be, with great consideration and respect, your Excellency's most obedient servant,

GEO. W. TOWNS.

From the Governor of Florida to the Governor of Georgia.

EXECUTIVE DEPARTMENT, }  
Tallahassee, June 1, 1850. }

His Excellency G. W. Towns, Governor of Georgia:

Sir,—I have the honor to acknowledge the receipt of your Excellency's letter of the 17th of May, and lament with you that the prospect of settling the question of boundary between our respective States, by an amicable negotiation of the whole question to the satisfaction of both parties, seems to be at an end. I acknowledge that I did at one time entertain sanguine hopes that we would be able to settle this long existing and unpleasant controversy in a manner which would have been acceptable to the people of our respective States; not from a vain imagination that any arguments which I could employ, would be "so overwhelming" as to command your Excellency's "unqualified sanction," or could be made to operate with any undue "weight" and "force" upon your Excellency's mind; but I did believe that a plain statement of facts would have its due *weight* and *force* in promoting a speedy and amicable settlement of the question in controversy. Seeing, however, that any further efforts on my part will be unavailing, I would not now trouble your Excellency with another word of comment upon what has transpired in the correspondence between us, if your Excellency had not expressed yourself "utterly at a loss to conceive any well founded objection to the pacific measures" which you have submitted "for the final adjustment of this question," and declared your "earnest dissent from the proposition assumed" in my letter of the 18th April, that Florida has done all on her part she could do to prevent a resort to the Supreme Court."

To vindicate myself against the force of the declaration, I am constrained to follow the example of your Excellency, and at the risk of being considered tedious, to recapitulate the history of the efforts which have been made by your Excellency and myself to effect an "amicable adjustment of this vexed question." Soon after entering

upon my Executive duties as the Governor of this State, I noticed in the message of your Excellency to the legislature of Georgia at its recent session, a complaint that the action of the authorities of Florida, in ordering a bill to be filed in the Supreme Court of the United States, to settle and quiet the question of boundary between the two States, was "discourteous" to the authorities of Georgia. Believing that your Excellency was laboring under some misapprehension in regard to the intentions of the authorities of this State, I took the earliest opportunity to inform myself upon that subject; and ascertained that the action of the General Assembly of Florida was in response to certain resolutions adopted by the Legislature of Georgia, and communicated by the Governor of that State to the Governor of Florida, proposing the submission of the question at issue to the decision of the Supreme Court of the United States, as the proper tribunal provided by the Constitution of the United States to settle questions of disputed boundary between States.

This information I communicated to your Excellency in my letter of the 27th November last, with a copy of the Journal of the Senate of Florida, in which the whole proceedings and communication were published, and to which your Excellency replied under date of 6th December, explaining the circumstances which had caused the misunderstanding, and in which your Excellency was pleased to remark, "Whether the true interests of the two States would not be promoted by a further effort at negotiation, is not formally presented for your consideration—while at the same time, it is believed to be a question of that delicate importance, that it should claim due consideration from the authorities of each of the States."

Prompted by the most sincere and anxious desire to do all in my power to promote a settlement of the question of boundary between the two States, I addressed to your Excellency my letter of the 18th December, setting forth the grounds upon which the claim of Florida was considered to be based, as far as I could learn; and proposed to entertain any proposition which your Excellency might think proper to make, having for its object a speedy and amicable settlement and conclusion of the whole question of disputed boundary between the two States; and for the better understanding of the views entertained by the General Assembly of this State, I took occasion to make the following extract from the report of a committee on this subject: "The failure to settle this controversy by the commissioners appointed for that purpose, is further evidence of the necessity of submitting the case to the Supreme Court of the United States. This, by the Constitution of the United States, is constituted the proper tribunal to take cognizance of this class of cases."

Had your Excellency in the first instance, instead of the suggestion of a "further negotiation," proposed the scheme of another board of commissioners, and the Governor of one of the Southern States as umpire, the proposition would have been respectfully, but promptly rejected, because the plan of commissioners had been fully tried, and admitted by both States to be incompetent to

the settlement of the subject in controversy, or of agreeing upon an umpire who could reconcile their disagreement; and the alternative of selecting the Governor of one of the Southern States, was objectionable for reasons then given, to say nothing of the strong probability that no final decision would ever be obtained; at any rate, not with as much certainty as might be expected by the Supreme Court of the United States, and clearly not with the binding force which your Excellency desires "that the question of the locality of the head of the St. Mary's river should be ascertained in a manner so unexceptionable, as to silence forever all cavil on this point"—seeing that commissioners appointed on the part of Georgia more than thirty years ago, "reported that, after a careful examination, they found the head of that river (St. Mary's) to agree with the report made by Mr. Ellicott."

But your Excellency gives not the most remote intimation in your letter of the 14th January, of your intention to propose another board of commissioners. You say a copy of your late letter will be transmitted to the Legislature without delay, with the confident hope that, in a few days, the Executive of Georgia will be clothed with full power to adjust all points of difference," &c.; "and I will take this occasion to add, as the prospect of a speedy adjustment is so encouraging, would it not be advisable that all proceedings be suspended by your State, before the Supreme Court, until the action of this State be known?"

Now the Executive of Georgia had exercised the power of appointing commissioners on a former occasion, and I presumed that power was still possessed, and that the power with which your Excellency was to be clothed was the power to adjust all points of difference with the Executive of Florida by *negotiation* and compromise upon liberal principles.

And in your letter of the 19th of February you say "you will see that I am vested with full powers to settle this controversy, and I assure your Excellency of my sincere desire to accomplish it with as little delay as possible." And you then propose a reference to commissioners, &c., which to my mind was putting the question as far out of the way of an amicable settlement as it ever had been. But your Excellency remarked, "If a more, speedy, just or cheaper mode of settlement can be suggested by your Excellency, I hope it will be done." And in my letter of the 28th February I proposed, (as I had believed was the intention that we should try to settle and determine upon a boundary line ourselves,) and, in a spirit of compromise, proposed the *mound* as the Eastern point to which a line should be run from the junction of the rivers Flint and Chattahoochee and, of course, to be extended until it struck the waters of the St. Mary's river. This proposition was made with great frankness and in a spirit of liberality. But your Excellency says "Georgia asks nothing from her sister Florida on the score of liberality." Influenced by a very different feeling I beg to be allowed to say to your Excellency that it would have been highly gratifying to Florida to have received even

the most "minute" evidence of a like *liberality* from her sister Georgia, having for its object a speedy and amicable settlement of this unpleasant controversy; and then, perhaps, your Excellency would have had less occasion to "lament that the prospect of an early and satisfactory adjustment of the boundary question between the two States diminishes in proportion as the necessity of that adjustment is becoming daily of increased importance." But whatever the issue may be, I have the consolation to know that it will not have been brought about by any act upon the part of the authorities of Florida. And I now beg to assure your Excellency that, whilst Florida will firmly repel any improper interference in her jurisdiction and sovereignty, she will cautiously avoid any act which will have a tendency to disturb the harmony and good understanding which now happily subsists between the two States.

With this letter I have the honor to furnish your Excellency with a copy of the bill which was prepared to be filed in the Supreme Court of the United States, under a resolution of the General Assembly of Florida and by the order of my predecessor, which, if your Excellency, waiving formalities, will cause to be answered in due time, so that a hearing of the cause may be had at the next term of the Supreme Court, I flatter myself a decision may be had and the case disposed of more speedily than it would be by a reference again to commissioners, and "in a manner so unexceptionable as to silence forever all cavil on this point."

With renewed assurances of my high consideration and respect,  
I am your Excellency's most obedient servant,

THOS. BROWN.

From the Governor of Florida to the Hon. James D. Westcott.

EXECUTIVE DEPARTMENT,  
Tallahassee, June 15, 1850.

My Dear Sir: From a correspondence with the Governor of Georgia, I was induced to believe that the question of disputed boundary between the States of Georgia and Florida could be amicably adjusted, without a resort to the Supreme Court of the United States; and at the special request of the Governor, I directed the Attorney General of Florida to cause the proceedings which have been ordered to be instituted by a resolution of the General Assembly of this State, to be suspended; but I have been disappointed in my favorable anticipations, and find that there is now no prospect of an amicable settlement of this unpleasant controversy, and that the Supreme Court must determine the question between the two States. You will therefore cause the bill to be filed, and the proper process served, so that the cause may be put in progress for a hearing at the regular term of the Court, and that no delay may occur on account of neglect on the part of Florida.

I have forwarded to the Governor of Georgia one of the printed copies of the bill which you had prepared, and sent to Mr. Hogue; and requested that his Excellency would waive all formalities, and

put in the answer on the part of Georgia, so that a final decision of the question may be had at the next term of the Court, as it is of very great importance to both States that this question of disputed boundary should be speedily adjusted. But I trust that you will take prompt steps to have the bill filed, and due process served, within the time prescribed by law; so that in the event the authorities of Georgia will not consent to bring the cause to a hearing at the next term of the Supreme Court, we may be ready at the regular term of the Supreme Court for a final trial.

And permit me, my dear sir, to impress upon your mind the importance of a speedy decision of this question, and to urge that you will, as counsel selected to assist the Attorney General of this State in the management of this case, take all prompt measures to procure the settlement of this question with as little delay as possible, assuring you that I shall be happy to render you all the aid in my power to effect this desirable object.

With high respect, I am, yours very truly,

THOS. BROWN.

To Hon. JAS. D. WESTCOTT, Jr.

From the Governor of Florida to the Attorney General.

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, August 4, 1850. }

To the Hon. D. P. HOGUE, Attorney General of Florida, &c.:

Dear Sir,—Soon after your visit to the City of Washington, in obedience to a resolution of the General Assembly of this State, approved January 4th, 1849, by which the Attorney General was “authorized and directed to file a bill in the Supreme Court of the United States, to confirm and quiet the boundary line between the State of Florida and the State of Georgia,” I had a correspondence with the Governor of Georgia, which induced the hope, that that unpleasant controversy of boundary between the two States could be amicably adjusted, without a resort to the Supreme Court of the United States; and at the request of the Governor of Georgia, I ordered further proceedings to be suspended; but my confident assurances were not realized, and no alternative is now left to the authorities of Florida, but a resort to that tribunal for a final settlement of the question.— I, therefore, request that you will immediately repair to Washington, for the purpose of taking such steps in regard to this case as may be necessary to bring the cause before the Supreme Court at its next session, so that, if possible, a hearing and final decision may be had at the first term of the Court; and for this purpose, you are authorized and empowered to employ on behalf of this State, such assistant counsel as you may deem necessary to conduct, attend to and manage the suit directed to be instituted by the resolutions of the General Assembly of this State, and to take such other steps as, in your judgment, may be considered necessary to a speedy and final settlement of this question of disputed boundary between the States of Georgia and Florida.

With high respect, I am, dear sir, your obedient, &c.,

THOS. BROWN.