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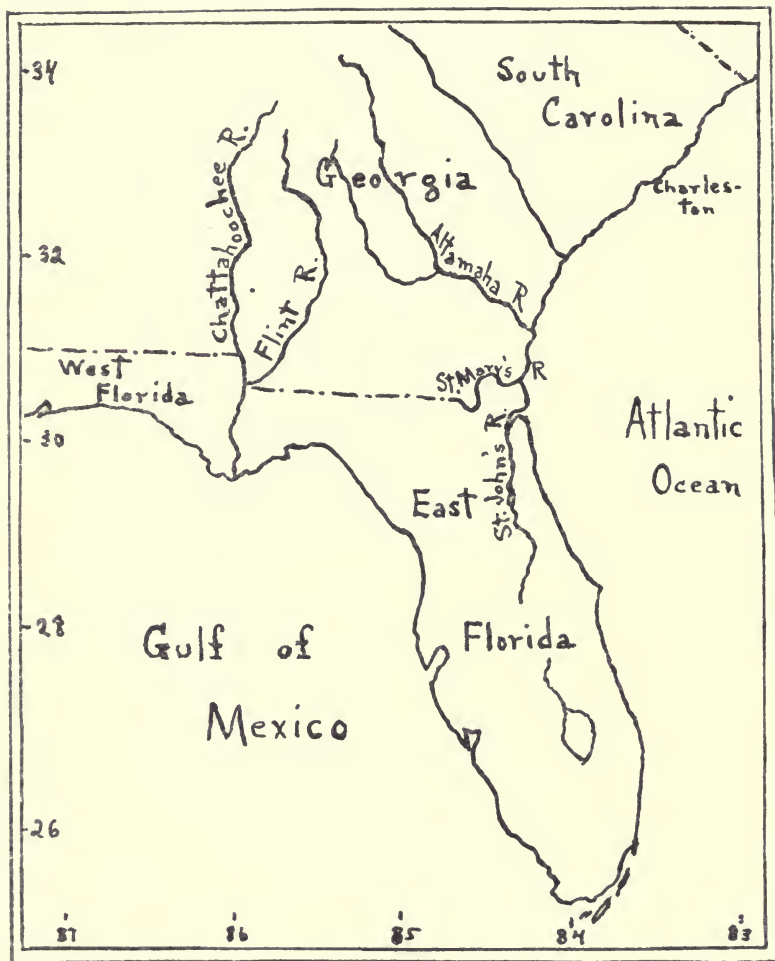






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SKETCH MAP OF THE ST. MARY'S RIVER AND ITS VICINITY IN 1763.



# THE ST. MARY'S RIVER A BOUNDARY

BY

LAWRENCE SHAW MAYO



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## INTRODUCTORY.

How, when, and why did the St. Mary's River — that peculiarly serpentine and otherwise inconsequential stream — come into our boundary history? Mr. Mayo, while gathering materials for a biography of Jeffrey Amherst, came across a letter which gives this precise bit of information. Believing that this will interest other students, I have advised him to print it with whatever notes on the subject he may have by him.

EDWARD CHANNING.

HARVARD UNIVERSITY,  
January, 1914.



# The St. Mary's River

## A Boundary

THE conspicuous feature of the Treaty of Paris of 1763 was the aggrandizement of the British Empire in North America. By the terms of this instrument England retained possession of Canada, Nova Scotia and Cape Breton in the north, and of Grenada, the Grenadines, St. Vincent, Dominica, and Tobago in the south, as the fruits of her war with France. Spain, ever the unfortunate tail of the Bourbon kite, joined in the Seven Years' War at the eleventh hour and likewise felt the lash of Pitt's genius. To recover possession of Havana which the English had captured in the summer of 1762, his Catholic Majesty ceded Florida, which at that time extended from the Atlantic

Ocean along the Gulf Coast to the lakes near the mouth of the Mississippi River. The acquisition of these new areas of territory involved the necessity of organizing new colonial governments in North America, a task which naturally fell to the Board of Trade, among whose many and varied duties was the oversight of the plantations. Consequently in June, 1763, four months after the signing of the Treaty of Paris, this consultative body submitted a draft of the *modus vivendi* known as the King's Proclamation of October 7, 1763.

The recommendations of the Board in regard to the territorial limits of the four new governments to be erected were adopted with one exception. The Lords of Trade proposed a straight line from the mouth of the St. John's River to the junction of the Chattahoochee and the Flint as the northern boundary of East Florida; but the final instrument established a different line of demarcation. The Proclamation bounded the new government on the north by the *St. Mary's River* from its mouth to its source and thence by a

line drawn westward to the confluence of the Chatahoochee and the Flint. As the St. Mary's does not appear upon any map of the time and was referred to in the *London Magazine*\* as "the anonymous river which runs from the West, and enters the Altamaha on the south side near its mouth," (which it does not!) its selection as the Georgia-Florida boundary in preference to the line drawn from the mouth of the St. John's River must be referred to some reason hitherto unstated. The immediate cause was a memorial from Colonel James Grant, the first governor of the new province, to the Earl of Halifax, "one of His Majesty's Principal Secretaries of State †;" but in order to understand the significance of the St. Mary's River as a boundary, one must regard this document in its historical setting—a long-standing dispute between the provinces of South Carolina and Georgia.

By the Second Charter of Carolina, granted to the proprietors of that province in 1665, Charles II fixed

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\* *London Magazine*, October, 1763, p. 541n.

† Original Correspondence—Secretary of State. C. O. 5. 540 (shelf-mark).

the southern boundary of the colony at twenty-nine degrees of north latitude, ignoring the fact that this parallel lay south of the Spanish town of St. Augustine. There was no recognized international boundary between the Spanish and English settlements and the natural result was a desultory warfare in the disputed wilderness whenever European affairs justified hostilities in the New World. Consequently George II looked with more than ordinary favor upon the scheme of Oglethorpe and his associates to establish a colony to the southward of the Savannah River. The new plantation would afford a place of refuge to the unfortunate debtors and criminals whose wretched condition had provoked Oglethorpe's interest and sympathy, and furthermore would act as a barrier between the Spaniards at St. Augustine and the planters of South Carolina. It also happened that the Carolinians had recently succeeded in changing their community from a proprietary to a royal province in 1719, and ten years later the title to Carolina, with the exception of Lord Carteret's holding had passed to the



Crown.\* Consequently in 1732, George II was unhampered in granting to the proprietors of Georgia the wedge of territory lying between the Savannah and the Altamaha, thus giving South Carolina a welcome buffer against her enemies, and in doing so a definite southern boundary. The land south of the Altamaha, if English, was henceforth to be the property of the Crown, and as such became a bone of contention between the Carolinians and the Georgians whenever they could afford not to unite against Spanish pretensions to that domain.

Early in 1755, "one Edmund Grey, a pretended Quaker who fled from Justice in Virginia and is a person of no property here," according to Governor Reynolds,† but who had succeeded in getting himself elected a member of the Georgia Assembly, disturbed the harmony of that body by a seditious design to with-

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\* Lord Carteret, who later became Earl Granville, was one of the eight proprietors of the province under the old régime: when the change in government took place Lord Carteret gave up his rights of jurisdiction, but unlike his colleagues he retained his title to the soil.

† Jones, Georgia I: 486.

draw from the House with five conspirators and thus disrupt the government. It turned out otherwise than Grey intended ; his plot was discovered and he and his accomplices were expelled from the Assembly. Disappointed in his efforts to elevate himself by a Georgian revolution, the leader of the frustrated movement withdrew from the province and settled upon the land between the Altamaha and the St. John's. In his new environment this early secessionist gathered about him an obnoxious gang of criminals, outlaws and debtors, forming a colony which became a pest and a nuisance to the entire region.\*

This community of squatters attracted the attention of three governors, Ellis of Georgia, Lyttelton of South Carolina and the Spaniard at St. Augustine. The first was concerned for the safety of his own colony and wished the region rid of such undesirable neighbors. The second was interested because the South Carolina authorities claimed that the land between the Altamaha and the twenty-ninth parallel was a part of

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\* Jones, I: 486, 487.

that province, although title to this territory had really reverted to the Crown in 1729,—and from their point of view Grey and his followers were a band of squatters on their domain. The Spanish governor remonstrated because he considered Florida to extend at least as far to the northward as the Altamaha. The result was that Ellis and Lyttelton reported the state of affairs to the Board of Trade early in 1758. Ellis, it appears, persuaded Grey not to put himself under the protection of the Spanish government, as this would help Spain in her claim to the disputed territory, and gave him a license to settle upon the St. Mary's, a place beyond his jurisdiction. For stepping outside his proper sphere of activity, Ellis was reproved by the Board of Trade,\* and in June, Pitt directed the two English governors to order the inhabitants of the unwelcome settlement, styled New Hanover, “to remove immediately from thence, and to take all due Care that no Settlements whatever be made without Leave of His Majesty or of those acting under his Authority.” †

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\* American State Papers—Public Lands, I: 51.

† Pitt to Lyttelton and Ellis, June 10, 1758; Kimball, Pitt Corr. I: 270, 271.

Accordingly Lyttelton and Ellis appointed Commissioners, Major Henry Hyrne for South Carolina and James Edward Powell for Georgia. In February, 1759, they went to New Hanover and drove out the settlers.\* However, the squatters departed only temporarily, for according to Governor Wright, they "did only make a show or appearance of so doing and immediately returned back to their settlements where they have continued ever since, — a mixture of runagates from the two Carolinas, Virginia, etc., etc."†

The significance of this incident lies in the fact that South Carolina claimed the land from the Altamaha to the Spanish frontier as a part of her territory. That Georgia intended to possess this tract is evident from Ellis's letter to Pitt in defense of his grant to Grey: —

"At present the Lands between Georgia and Florida, are said to constitute a part of South Carolina, but I

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\* Ellis to Pitt, March 1, 1759; *Ibid.*, II: 45.

† American State Papers — Public Lands, I: 52.

am persuaded, Sir, you will readily see the impropriety of this State of things, the many inconveniences attending it, and may possibly apply some remedy.

“ I humbly apprehend that to settle those Lands as far as the River St. Mary (at the entrance of which stands Fort William) could give no Umbrage to our Neighbours, as the River St. Juan which in these parts is considered as the common boundary of the Territories of his Majesty and the King of Spain, lies sixty Miles Southward of St. Mary’s.” After reciting the fact that Fort William at the mouth of that river was still kept up and garrisoned, the Georgia governor begged leave “to suggest . . . . that if it were the King’s Pleasure to annex these Southern Lands to this Province either expressly, or in general terms, by extending the Jurisdiction of this Government as far as his Majesty’s Territorys extended to the South, the irregularities of the Setlers there would be prevented by the operation of our Laws.”\* Thus Georgia quietly made her first move against South Carolina in the game for

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\* Ellis to Pitt, February 12, 1759; Kimball, Pitt Corr. II: 39, 40.

the possession of the territory south of the Altamaha, but before anything further was done in regard to the matter both colonies found themselves too much occupied with fighting the Cherokee Indians to think of their schemes of self-aggrandizement.

South Carolina, however, did not entirely forget her claims to the southern lands. This became apparent early in 1763 when news of the preliminary articles of peace with Spain was received in America. The report that Spain was to cede Florida to Great Britain gave the Carolinians the idea that now was their opportunity to establish themselves in the region south of the Altamaha. The Cherokee uprising had been effectually stamped out by Colonel Grant eighteen months before. That danger passed, it was merely a question of whether South Carolina or Georgia should first gain possession of the disputed territory; the former claimed it under a charter long since revoked, the latter regarded it as hers by manifest destiny. In this land-grabbing episode the South Carolinians were the first on the ground,—at least on paper,—for Thomas Boone, who had re-

cently been appointed Royal Governor of South Carolina, rushed in where his predecessors had feared to tread and issued to a few speculative spirits large grants of land south of the Altamaha. As early as April 5, 1763,\* Boone had distributed 343,000 acres among less than 200 people and apparently the wholesale generosity of the Governor was to continue.† For Georgia the shoe of 1758 was on the other foot and it pinched sorely. Governor Wright, Ellis's successor, was awake to the danger and sent a dignified "protestation and caveat" to his colleague at Charleston. His emissary exhibited the document to Boone; but the latter refused either to receive it or to peruse it, and the Governor and Council declined to enter the declaration upon their records. Quite undaunted, Boone issued warrants for 160,000 more acres of the territory in question.‡

Wright, having reported this disturbing development to the Secretary of State and to the Board of

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\* American State Papers — Public Lands, I: 54.      † Jones, Georgia, II: 30-33.

‡ American State Papers — Public Lands, I: 56; also Jones, Georgia, II: 32.

Trade, could do nothing but wait for the Home Government to take action. In a long letter to the Board of Trade, dated April 20, Wright, besides giving information concerning Boone, embraced the opportunity to remind that body of "the frequent application from this province" for an extension of its southern boundary, "a thing absolutely necessary for making this colony opulent and considerable." The action of his brother governor at Charleston he called "the death or destruction" of the province and pointed out the difference between conferring land upon wealthy Carolinian speculators, "who probably will never see it themselves," and properly making grants to "people who would really cultivate and improve them." Wright's plea was earnest, well written, and calculated to carry conviction.

When this indictment of the Governor of South Carolina and the plea for a more extended domain for Georgia reached London, the Lords of Trade were in the midst of devising arrangements for the administration of His Majesty's new possessions in North Amer-



ica. Wright's suggestion concerning the annexation to Georgia of the disputed land evidently arrived at the psychological moment, for in a letter of reprimand to Boone on May 30, the Board spoke of "those measures it may be reasonably supposed His Majesty will now pursue to extend the government of Georgia, and thereby to remove those obstacles and difficulties which that well regulated colony has so frequently and justly stated to rise out of the narrow limits to which it is confined."\* On June 8, the Lords of Trade made their recommendation which later became the Royal Proclamation of October, 1763. In this representation a line drawn from the mouth of the St. John's River to the junction of Chattahoochee and the Flint was drafted as the northern boundary of East Florida. The territory between that line and the Altamaha was to be put "under the jurisdiction and within the government of Georgia."† As yet there was no mention of the St. Mary's River as a possible boundary, and

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\* American State Papers — Public Lands, I : 53 ; also Jones, Georgia, II : 33, 34.

† *Ibid.*, I : 56, 57.

Governor Wright must have rejoiced both in the present discrediting of his rival and in the prospect of so great an increase of his own "well-regulated" colony.

At this juncture another personage appeared upon the scene. Colonel Grant, who had fought under Forbes before Fort Duquesne and more recently had distinguished himself by a vigorous and successful campaign against the Cherokees, had been appointed Governor of East Florida soon after the Treaty of Paris was signed. Before the readjustment of colonial boundaries took place, Grant made it his immediate business to inquire into everything that concerned the state of his new charge. The first thing that presented itself to his notice was the proposed northern boundary, the line from the mouth of the St. John's to the junction of the Chattahoochee and the Flint, which he termed "too confined." Accordingly, he addressed a memorial to the Earl of Halifax, Secretary of State, and in it he stated as follows his reasons for changing the intended limits of Florida:—

“ First, Because by this division the most valuable Part of Florida will lose its Name and be absorbed by Georgia, whereby that valuable Acquisition would become invisible to the Eyes of the World, and Florida would be considered as an inadequate equivalent for the Havana, and remain that Barren Broken Sand Bank which it has been erroneously deem'd by the uninformed Publick.

“ Secondly, Because this Artificial Boundary would be difficult to ascertain in a flat country covered with Swamps and full of Woods, which of Course would Occasion continual Disputes with the Neighboring Provinces.

“ Thirdly, Were it even possible to be defined, that Province would be curtailed of the Lands which are the most fertile and most capable of accomodating Settlers who might in Time contribute largely to the Support and Defence of that Frontier Province, which otherways must always continue to be a heavy Burthen upon the Mother Country, the Southern Part of it appearing to be Nothing but Barren Lands and consequently less fit for Settlement and Cultivation than the Northern Part.” \*

The argument of the Governor of East Florida is as convincing as that of Wright a few months before him, but Grant surpassed the other's recommendation by proposing a definite boundary of his own selection:—

“Your Memorialist therefore humbly proposes that the River Catahouchee or Flint River may continue the Boundary of East Florida, to the Westward, and that the River St. Mary's from its Entrance to its Source, with a West Line from thence to Catahouchee or Flint River may be its Boundary to the North which natural Line he conceives to be more eligible and distinct than any artificial one can be, however mark'd or described.”\*

Was Grant disinterested in his suggestions or was he, like his colleague to the northward, bent purely upon enlarging the area allotted to his jurisdiction? There is no denying the superiority of a natural waterway to an arbitrary straight line as a boundary through

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\* Original Correspondence, Secretary of State. C. O. 5, 540.

a swampy and hummocky wilderness, and the land annexed to Florida under the new scheme was so inconsiderable in quantity that it seems as if Grant's recommendation was chiefly practical rather than self-ish. Territorially, the new boundary meant that the present county of Nassau and about one-third of Duval county should be a part of Florida and not of Georgia; the rest of the narrow strip was either composed of swamp land or was so small in extent as to be negligible. In quality the land between the St. John's and the St. Mary's, approximately the area of Nassau county, was very desirable. A contemporaneous account describes the soil upon the banks of the St. Mary's as "the richest in the northern parts of the province," and adds that "the abundance of cane swamps are a strong indication of the goodness of the soil."\* Live oaks and cedars of an extraordinary size grew in the swamps of this river and these trees were as useful for ship-building then as thirty years later,

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\* Bartram, Description of East Florida. London, 1774, c. 2.

when the timbers of the frigate "Constitution" were hewn within a few miles of this very region.\* The remainder of the tract of land in question consisted of "plains covered with pines" and afforded "tolerable good grass." South of the St. John's the country was "much the same as has just been described, but not quite so good." Evidently Governor Grant was well informed concerning the nature of his province and acted in this case both for ease of administration and for the good of the colony.

Whatever his principal motive may have been, Grant accomplished his purpose and prevented Florida's becoming "that Barren Broken Sand Bank" which the Lords of Trade had destined it to be. A copy of his memorial to the Earl of Halifax was transmitted to the Board of Trade on September 19, with a request that that body take it into its immediate consideration and report upon the expediency of the proposed alteration.† Their Lordships acted in this matter with a prompti-

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\* Hollis, *The Frigate Constitution*, 48.

† Original Correspondence, Secretary of State. C. O. 5, 540.

tude quite unlooked for in the transactions of that over-worked body.

Nine days later the Board of Trade replied to the Secretary of State in these words:—

“Altho’ there was a reason to induce the Board to propose in their former presentation to His Majesty, that the Tract of Country between the Rivers St. Juan and St. Mary should be annexed to the Province of Georgia. We are nevertheless of the opinion that the Considerations of fixing the Limits by a river, which is a natural boundary, and that the more southern parts of East Florida are represented to be less fertile and therefore not so well adapted to Settlement and Cultivation, do favor Governor Grant’s propositions and therefore if it be His Majesty’s pleasure, we shall prepare the draft of the Proclamation and of the Governor’s Commission . . . . conformable thereto.”\*

On October 7, the Royal Proclamation established the St. Mary’s River from its mouth to its source,—

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\* Original Correspondence, Board of Trade. C. O. 5, 563.

and thence a straight line to the junction of the Chattahoochee and the Flint — as the northern boundary of East Florida, and the territory between the Altamaha and these limits was annexed to the Province of Georgia. In this arrangement the pretensions of South Carolina were ignored ; Georgia acquired a much needed addition to her constricted domain ; and Florida secured a valuable bit of land which she would have lost had it not been for the timely and convincing argument of Col. James Grant.

When the question of boundaries for a new nation arose in 1782, the American commissioners treating for peace with Great Britain insisted on going back to the Proclamation of 1763.\* Consequently, the northern limit of East Florida as determined by that instrument twenty years before became part of the first southern boundary of the new country, and as an interstate division remains to this day as the imprint of the first British Governor of East Florida upon the cartography of the United States.

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\* Channing, *United States*, III : 358.























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