

TROUBLESOME BOUNDARIES:

Royal Proclamations, Indian Treaties, Lawsuits, Political Deals, and Other Errors Defining Our Strange State Lines

Robert D. Temple

AN ENGLISH KING DREW THE FIRST ONES almost four hundred years ago. Surveyors are still reviewing them today. For centuries, the origins of South Carolina's state boundaries have presented a complicated puzzle. During the early colonial period, Carolina's land boundaries came to reflect the struggle for control of North America, eventually shaping the state's corner of the new nation into what we recognize today.

In 1629, King Charles I gave his political ally Sir Robert Heath a huge tract of real estate in the new world. The gift included all lands between the thirty-first and thirty-sixth north latitudes, extending from the Atlantic to the Pacific, with the Bahamas as a bonus. By rough estimates, this tract incorporated a staggering half-million square miles, approximately eighteen times the size of present-day South Carolina. The king specified the new colony was to be called Carolana. However, Heath made only a few ineffective attempts at settling his dominions, abandoning his claim in the mid 1640s when he fled to France during the English Civil War.

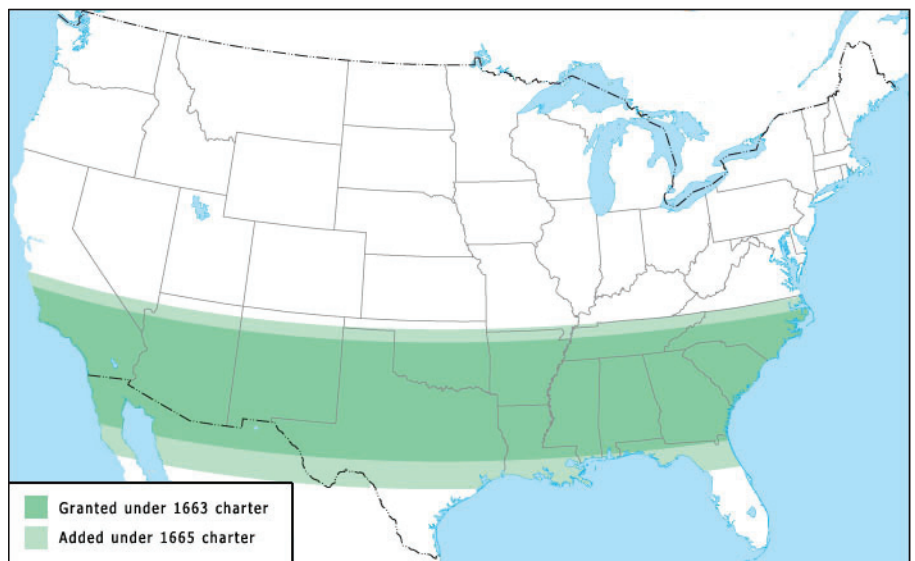
In 1663, Charles II assigned the vast territory, renamed Carolina, to eight staunch supporters of the Stuart monarchy, men who became known as the Lords Proprietors. Two years later, the proprietors requested and received a new charter from the king, one that moved the northern boundary up to 36°30', approximately the current line with Virginia, and staked the proprietors' claim to the desirable north shore of Albemarle Sound. The king also extended the southern boundary down to 29°, which would include present-day Daytona Beach.

The southern shift served as little more than a finger in the eye of the Spanish, who had been firmly ensconced at St. Augustine, Florida, located at 29°53', since 1565. Spain considered the very existence of Charles Town a trespass on their long-established claim to Florida. A series of conflicts, often involving Indian nations as surrogates, moved the actual line of control back and forth. But by the early 1700s, Carolina had established her southern boundary across what is now south Georgia, where warfare

with the Spanish continued into the 1740s. On the western boundary, the French were making rapid inroads, firmly entrenching themselves in the lower Mississippi valley. Geographic and geopolitical realities ended the fantasy of Pacific seaports, but by 1719, the end of the proprietary period, Carolina included—albeit within rather ill-defined and disputed limits—all the land south of Virginia, north of Spanish Florida, and east of French Louisiana.

The North-South Split

The physical and cultural distances between the settlers on the Ashley River and the Albemarle Sound destined Carolina to become two separate provinces. Though Charleston was named Carolina's capital in 1670, the area to the north of Cape Fear gradually developed its own government. It was Queen Anne, niece of Charles II, who ultimately granted the petition of the northern colonists for division, setting the boundary at the Cape Fear River in 1712. The Lords Proprietors were to lose their toehold soon after. Rebellious settlers on the southern side who were unhappy with the proprietors' inept leadership overthrew them in favor of direct government by the crown. A power shift in North Carolina closely followed:



The boundaries of both the 1663 and 1665 charters granted to the Lords Proprietors by King Charles II are superimposed over this modern map of the United States. Though the included territory theoretically stretched to the Pacific Ocean, the proprietors stuck close to the Atlantic seaboard.

Map created by LEARN NC using base map from Nationalatlas.gov.



This “map of the Province of Carolina...According to the Latest Accounts, 1730” displays both North and South Carolina, but without a clear boundary between them. That year, their governors met with the Lords of Trade to argue over the dividing line. At that time, South Carolina’s only easily defined boundary was its most obvious one: the Atlantic (or “Western”) Ocean. The state line seaward is the traditional three-mile limit—three nautical miles, or 3.45 statute miles. For a person standing on a South Carolina beach, the visible horizon is no more than two-and-a-half miles out, so all of the water to be seen is part of South Carolina.

From the collections of the South Carolina Historical Society.

by 1729, when the division of North and South Carolina into separate royal colonies was in full effect, King George II bought out the proprietors in the north.

Yet because the boundary between the two provinces was poorly defined, it continued to be a source of controversy for the next century. The 35° line of latitude made a logical division, since it would separate Carolina into roughly equal halves, thus King George made that the basis for division. However, the Cape Fear River was the principal commercial route into the north, and North Carolina had already made land grants south of the river. King George II agreed to shift the line south, and South Carolina, who with its vast wealth and larger population could afford to be generous, agreed to the shift. After all, South Carolina still had its expansive area to the west, which included most of the land that would become Georgia, Alabama, and Mississippi.

Even with this compromise, the boundary between

North and South Carolina was too fluid. In 1730, the governors of the two colonies met in London with the Lords Commissioners of Trade and Foreign Plantations in an attempt to settle their boundary dispute. The resulting edict seemed to designate the Waccamaw River, which would have placed modern Myrtle Beach in North Carolina, but officials continued to quibble. In the meantime, the area around the Cape Fear River was becoming well settled, and the uncertain boundary was causing increasing problems with matters such as law enforcement and tax collection. With jurisdiction unclear, conflicting land claims inevitably led to “disorders, riots, and bloodshed.”

The 1730 agreement between the boundary commissioners dictated that the dividing line between the Carolinas would start at the seacoast thirty miles south of the Cape Fear River, run straight northwest up to the thirty-fifth parallel, then due west along that line, following the royal decree, as far as

imagination could carry it. Surveyors began running the line and by 1735 had covered approximately sixty-five miles, just past the point where I-95 crosses the border today. Near the coast, the line passed directly through a tavern, which became a prominent landmark known as the Boundary House. The structure has long since vanished, but travelers can find a historic marker commemorating it beside U.S. Highway 17, near Calabash, North Carolina.

In 1737, another survey party took up the boundary work and continued the line northwest. For reasons unknown, they stopped eleven miles short of the thirty-fifth parallel. Perhaps it was just an error, given the imperfect measurement methods available at the time. Perhaps they were simply exhausted. A report by the boundary commission mentions “Extraordinary fatigue Running the said Line most of that thro’ Desert and uninhabited woods” and even challenges members of the

Provincial Council to undertake for themselves the arduous work that paid only a meager per-diem allowance.

For whatever reason, the line ended at 34°49', a critically important event that shaped the outline of the future states. There the matter rested for twenty-seven years until 1764, when North Carolina surveyor James Cook headed west from the last ending point. Why he did not follow "His Majesty's intention" and move up to the thirty-fifth parallel is unclear. Instead, he arrived sixty-two miles later at the Camden-Salisbury Road (near present-day U.S. Highway 521), confused, fatigued, and suffering from "the rains, the hot weather and the insects." Placing this section of the line too far south cost South Carolina more than six hundred square miles: the southern halves of Richmond, Anson, and Union Counties, North Carolina. Beyond the Camden-Salisbury

Road, the surveyors found further progress blocked.

In 1763, King George III granted the Catawba Nation a reservation of "fifteen miles square," 144,000 acres straddling the Catawba River within present-day York and Lancaster counties. The reservation was awarded by the Treaty of Augusta, in recognition of the Catawbas' alliance with the British during the French and Indian War. The treaty stated that "the Catawbas shall not in any respect be molested by any of the King's subjects" within the reservation. Running a boundary survey was clearly molestation, and the line could not proceed westward. Authorities took until 1771 to design a solution, choosing to honor the Catawba request to place the reservation entirely in the state of South Carolina. The result is a peculiar bulge in the state line, where surveyors were forced to skirt the edge of the reservation to keep it within the boundaries of the colony.



On this map dated 1802, the small block of land outlined in pink represents the fifteen-square-mile territory granted the Catawba Nation. Surveyors had to go around the reservation when running the state line, resulting in an uneven boundary near the Catawba River.

From the collections of the South Carolina Historical Society.



Top left: King Charles II in the robes of the Order of the Garter, c. 1675, by Sir Peter Lely (1618–1680). From the collection of Euston Hall, Suffolk. It was Charles who granted the land of Carolina to the Lords Proprietors during his reign (1660–1685), laying the groundwork for an incredibly lucrative English colony—one that would ultimately help lead the American Revolution against the crown more than a century later, during the reign of King George III.

Top right: King George III (in coronation robes), by Allan Ramsay (English 1713–1784); oil on canvas, c. 1762. National Portrait Gallery, London. George ascended to the throne of England in 1760, one hundred years after his cousin Charles. It was Charles II's niece Anne who officially separated Carolina into two colonies via the Cape Fear River. George II, grandfather to George III, updated the division line to the thirty-fifth parallel, a boundary that would evade a number of surveyors.

Complicating the border drawing further was that by then, the Lords of Trade had realized that Cook's 1764 survey line fell too far south of the thirty-fifth parallel and insisted on compensation for South Carolina. They decided to make up the lost area by placing the rest of the boundary north of 35°, which became the basis for the next surveying expedition. A survey commission made up of members from both colonies began work in May 1772. William Moultrie, a future hero of the American Revolution, was head of the South Carolina delegation. They began where Cook ended, a corner now called Old North Corner, marked by a tree beside the Camden-Salisbury Road. From there the line was taken up the road and around the north edges of the Catawba reservation.

Yet the Camden-Salisbury Road was little more than a woodland path, and after British general Lord Charles Cornwallis destroyed it during the American Revolution, its exact location became problematic. In 1813 the states relocated the boundary to its present location: the straight segment east of Rock Hill, eight miles long and angling slightly east of north, a direct line from the Old North Corner to the east corner of the Catawba Reservation. The new line lies mostly east of the old road, granting Lancaster County a few hundred acres in the adjustment. A stone monument placed beside nearby North Corner Road marks the boundary corner, and a historical marker sits on U.S. Highway 521 just south of Andrew Jackson State Park.

When Moultrie's party reached the Catawba River, they turned north to what was then called the Forks of the Catawba. Today the west fork is called Crowders Creek, and the main river lies drowned under Lake Wylie. This point is several miles north of the thirty-fifth parallel, and here the party headed west.

Moultrie may have been an outstanding general, but he was a poor surveyor. The line wobbles a good deal and angles distinctly north, a slant easily seen on any modern map. The western end of the boundary is three and a half miles farther north than the starting point at the Catawba River. In fact, all three of the straight-line boundary segments surveyed so far have a north-tending bias, errors in compass bearing likely due to problems in correcting magnetic declination. All together, these errors afforded South Carolina an extra 160 square miles in addition to the six hundred or so awarded to make up for the error in the east.

In fourteen days, Moultrie's commission surveyed and marked sixty-two miles, before hitting another barrier: the Cherokee Boundary specified in the Treaty of Peace and Friendship, which was signed in Charles Town in 1761. The treaty granted the Cherokee Nation land that now makes up South Carolina's four westernmost counties. The state had regained the land by 1816, but in 1772, the boundary of the Cherokee lands stopped Moultrie and his survey party in their tracks. For the next forty-three years, the state line remained stalled at a point near Landrum, not far from the U.S. Highway 176 crossing. Ultimately, not a single mile of the tortuous boundary had followed the prescribed thirty-fifth parallel.

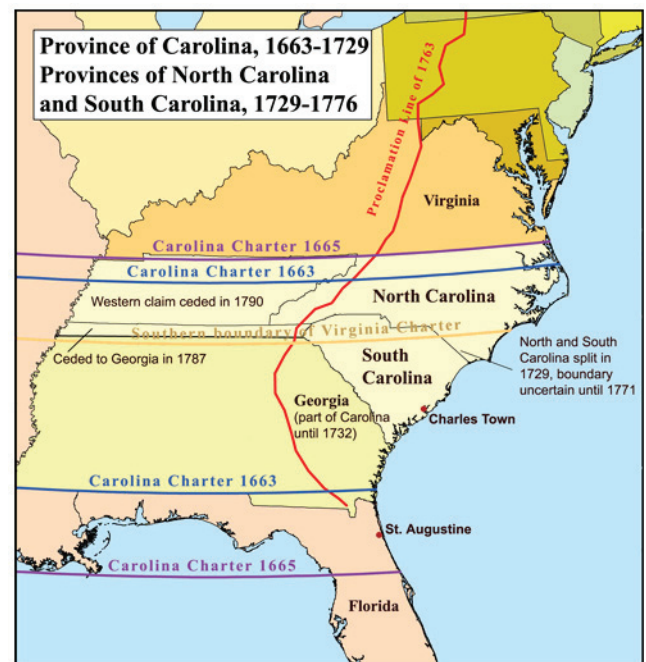
A New Neighbor in Georgia

Amid all the activity along the northern edge of the state, controversy had sparked to the south as well, at the Savannah River. In 1732, King George II granted a charter for the province of Georgia, a move welcomed by South Carolinians since it provided a buffer between them and Spanish Florida. At the time, the lost territory did not seem particularly important: Georgia only existed between the Savannah and Altamaha Rivers, and the poorly understood geography of the headwaters led Carolinians to believe they still owned a wide swath north of Georgia. The Lords of Trade affirmed that the territory stretching west from the head of the Altamaha to the Mississippi River remained part of South Carolina. But future expansion of Georgia and better definition of the boundary line eventually made it clear that South Carolina was cut off from the west and destined to be the smallest of the southeastern states.

At first glance, the Savannah River looks like an unmistakable boundary line, but many issues quickly became apparent. Who owned what islands in the river, and where was the line in the little-known upper

tributaries? Representatives from Georgia and South Carolina met at Beaufort in 1787 to address the issues, and their resulting agreement set the boundary at the centerline of the river, between any islands and the left bank, thus awarding all islands to Georgia. The line was to continue up the river's principal tributary to its undefined headwater. Georgia's claim would end at a line extending west from the source, and if that was found to be below North Carolina, then South Carolina could claim any remaining territory in between.

The Treaty of Beaufort remains in effect today, despite occasional contention. Over the span of two centuries, the Savannah River shifted course. By the late twentieth century, uninhabited Barnwell Island, near Savannah and long a part of Georgia under the treaty, had become firmly attached to the South Carolina shore. In 1977, Georgia filed suit against South Carolina to reconfirm possession, triggering years of legal wrangling. In 1990, the U.S. Supreme Court, in *Georgia v. South Carolina*, 497 U.S. 376, awarded the island to South Carolina. The Court acknowledged the treaty but, citing the principle of adverse possession, determined that "South Carolina has established sovereignty over the islands by prescription and acquiescence, as evidenced by its grant of the islands



For half a century, maps credited South Carolina with a narrow strip of land extending from its western end, between Georgia and North Carolina, to the Mississippi River. After the Revolutionary War, the East Coast states ceded their western lands to the federal government. South Carolina yielded its bizarre appendage in 1787, soon after it became clear that the state had no right to it, since the "most northerly branch or stream" of the Tugaloo was the Chattooga. The United States awarded the eastern portion of the strip to Georgia in 1792 and the western portion to the Mississippi territory (which included present-day Alabama) in 1804.

Map courtesy of Creative Commons.



Though dated 1837, this Harpers Brothers map of North and South Carolina is copied from maps by James Cook and Henry Mouzon from the 1770s. The map includes the Cherokee holdings in the westernmost corner of South Carolina, as granted them in the Treaty of Peace and Friendship of 1761. Though South Carolina regained the land by 1815, today modern explorers can trace the Cherokee boundaries via historical markers near the Greenville–Spartanburg county line. From north to south, these are located beside the following highways: U.S. 29 at the county line in Greer; S.C. 14 north of its intersection with Batesville (Pelham) Road; S.C. 296 east of its intersection with Scuffletown Road; and S.C. 418 west of Interstate 385 near Fountain Inn.

From the collections of the South Carolina Historical Society.

in 1813, and its taxation, policing, and patrolling of the property.” The court also decided that other small, unnamed islands that had emerged during the past two hundred years had no effect on the original line in the center of the river, confirming South Carolina’s sovereignty over a few mud bars and oyster banks. In 1999, Congress ordered the boundary lines redrawn to reflect the Court’s findings, transferring Barnwell Island from Chatham County, Georgia, to Jasper County, South Carolina, and the two states went peacefully about their business.

Above Augusta, the boundary passes through Lake Strom Thurmond, Richard B. Russell Lake, and Lake

Hartwell, tracing the course the river followed before the dams were built during the second half of the twentieth century. The boundary ascends the west fork, the Tugaloo River, above Lake Hartwell. Past the junction where the Tallulah and Chattooga Rivers form the Tugaloo, the line moves into wild mountain country and the toughest boundary disputes yet.

Into the Mountains

Errors in identifying the source of the Tugaloo River and locating 35° North latitude caused great confusion in the southern Blue Ridge Mountains where the Carolinas



Above left: *Commissioners' Rock, stained dark by moss and time, yet with its the carvings still clearly distinguishable: LAT 35 AD 1813 NC + SC."*

Above right: *Ellicott's Rock, near the point where the Chattooga River crosses the thirty-fifth parallel, is carved with "N G" for North Carolina and Georgia. Both are located in the Ellicott Rock Wilderness, which was established by Congress in 1975. The 8,274-acre site is treasured for its hiking trails and white-water rafting. It is the only wilderness area in the United States that straddles three states, with acreage in the Sumter National Forest (S.C.), Chattahoochee National Forest (Ga.), and Nantahala National Forest (N.C.).*

Images courtesy of Darkspots.

and Georgia meet. As a statutory boundary affecting all states in the area, the location of the thirty-fifth parallel was of the utmost importance, yet finding it proved challenging and contentious. In the days before global positioning satellites and laser levels, defining a line of latitude through rugged mountain wilderness was incredibly difficult. Authorities in South Carolina and Georgia maintained that the line lay well to the north, around what is actually 35°15', above present-day Brevard, North Carolina. North Carolina asserted its claim to a more southerly location, leaving the three states to argue over ownership of a twelve-mile parcel of wilderness from the 1760s until about 1815.

Originally Cherokee land, the area was sparsely populated and virtually ungoverned, creating a safe haven for outlaws and questionable land titles and earning a reputation for lawlessness. By 1804, some eight hundred people had settled in the headwaters of the French Broad River, primarily in what is now Transylvania County, North Carolina. Many obtained land titles granted by South Carolina, but when North Carolina tried to stake its claim, the settlers petitioned Congress to declare them part of South Carolina. When Congress took no action, Georgia made her move, incorporating the area as Walton

County. Despite being the state of choice for the settlers, South Carolina seems to have had little interest in tackling such a lawless territory, although it had as good a claim to the land as any. Instead, leaders in the Palmetto State watched as their neighbors squabbled over the land that bordered the future Pickens County. In December 1810, North Carolina sent in the militia to remove the Georgia government that had set up business in the area. The resulting two skirmishes near present-day Brevard, though small, proved bloody enough to convince all parties to seek a peaceful resolution.

After several failed efforts to produce agreement on the location of the thirty-fifth parallel, the governor of Georgia hired eminent surveyor and mathematician Andrew Ellicott to resolve the dispute. Using careful astronomical observations, Ellicott located the point where the Chattooga River crosses 35°N. He marked it by chiseling the letters N and G (for North Carolina and Georgia) on a rock beside the river. Modern measurements show that the rock is very near the true thirty-fifth parallel, a mere one hundred feet too far north. A commission appointed two years later confirmed Ellicott's work and carved a nearby rock with "LAT 35 AD 1813 NC + SC." This is the official three-state corner. Today, hikers can



This 1775 “Accurate Map of North and South Carolina with their Indian Frontiers” by Henry Mouzon is based on the Mitchell Map of 1755. It sketches out the lands and dwelling places of various Native American tribes before they were “conquered,” “removed,” or “destroy’d” by English and Spanish settlers.
From the collections of the South Carolina Historical Society.

find the historic carvings in the Ellicott Rock Wilderness.

At last, the two branches of South Carolina’s boundary were coming together, to meet at Ellicott Rock. With the Georgia line fixed, North and South Carolina commissions tried repeatedly to agree on how to continue the boundary from where the survey ended back in 1772. In 1813 they recommended that the line continue west until it intersected the ridgeline dividing the Saluda River basin to the south and the North Pacolet, Green, and French Broad Rivers to the north; follow the meandering ridgeline to the Cherokee boundary of 1797; and finally close the boundary with a straight line to Ellicott Rock.

When the surveyors got into the woods, they discovered that a due-west line “would not strike the point of the ridge...in the manner contemplated.” They ran west four miles and ninety poles (4.58 miles) then made two arbitrary angles toward the south to hit the ridge line. This boundary achieves the watershed divide on Brushy Ridge, north of Hogback Mountain, following the divide

in a series of short, straight segments for fifty-four miles. It leaves the ridge at the “boundary of 1797,” a mile and a half east of U.S. Highway 178, and arrows just over twenty miles down to Ellicott’s famous rock. On October 25, 1815, forty-one days after they began, this survey party finally finished closing out the state lines.

And yet this boundary refuses to stay settled, especially the mountainous western section. The most recent of many joint commissions once again surveyed and re-established the ridge-line boundary in 2005. Nearly four hundred years after King Charles began the process, we have to wonder if the puzzle of South Carolina’s extremely complex state lines will ever be completely solved. ♦

Robert D. Temple, Ph.D., is the author of Edge Effects: The Border-Name Places, a travel guide to more than eighty North American border towns. When he isn’t traveling, he lives with his wife, Sue Auerbach, in Ohio, Virginia, and Yucatán, Mexico.