

HOUSE JOINT RESOLUTION NO. 919

By Representatives Odom, Pitts, Eldridge, McManus, Lundberg, Dean, Bass, Hood, Bibb, Curtiss, Bone, Shaw, Coleman, Curt Cobb, Fincher, Hackworth, Cooper, Phillip Johnson, Towns, Hardaway, Miller, Ulysses Jones, John DeBerry, Larry Turner, Floyd, Bell, Coley and Mr. Speaker Naifeh and Representatives Vaughn, Williams, Roach, Ford, Curtis Johnson, Harrison, Dunn, Overbey, McCord, Niceley, Matlock, Borchert, West, Yokley, Rowland, Lollar, Matheny, Richardson, Lois DeBerry, Todd, Baird, Kevin Brooks, Watson, Mumpower, Fitzhugh, Gilmore, Pruitt, Sherry Jones, Harmon, Fraley, Mike Turner, McDonald, Harwell, Maddox, Shepard, Buck, Hawk, Tidwell, Pinion, Hill, Maggart, McDaniel, Lynn, Strader, Hensley, Montgomery, Sargent, DuBois, Gresham, Litz, Brown, Favors, Winningham, Briley, Harry Brooks, Campfield, Casada, Jim Cobb, Crider, Ferguson, Kelsey, Kernell, McCormick, Moore, Rinks, Sontany, Swafford, Tindell, Windle

and

Senators Berke, Watson, Beavers, Black, Bunch, Burchett, Burks, Crowe, Lowe Finney, Raymond Finney, Harper, Haynes, Henry, Herron, Jackson, Johnson, Ketron, Kilby, Kurita, Kyle, Marrero, McNally, Norris, Roller, Southerland, Stanley, Tate, Tracy, Wilder, Williams, Woodson and Mr. Speaker Ramsey

A RESOLUTION relative to the Tennessee-Georgia boundary.

WHEREAS, action recently taken by the Georgia General Assembly calls into question the border between the State of Tennessee and the State of Georgia; and

WHEREAS, the Georgia General Assembly has passed legislation claiming a boundary dispute between Georgia and Tennessee at the 35th Parallel and proposing to settle such dispute by the creation of a Boundary Line Commission composed of legislators from both States; and

WHEREAS, the Georgia General Assembly claims that erroneous surveys conducted in 1818 and 1826 have deprived Georgia of access to the Tennessee River; and

WHEREAS, this General Assembly realizes that the Tennessee-Georgia boundary has been well established for nearly 200 years, and that there is no valid reason for Tennessee to revisit this issue; and

WHEREAS, in addition to the doctrine of adverse possession, in which long-term possession of real property trumps survey boundaries, all other pertinent legal precedent favors the State of Tennessee; and

WHEREAS, the United States Supreme Court, the highest court in the land, has held in *Oklahoma vs. Texas* that there is a "general principle of public law" that, as

between States, a "long acquiescence in the possession of territory under a claim of right and in the exercise of dominion and sovereignty over it, is conclusive of the rightful authority" and has held in *Georgia vs. South Carolina* that "long acquiescence in the practical location of an interstate boundary, and possession in accordance therewith, often has been used as an aid in resolving boundary disputes" between States; and

WHEREAS, this General Assembly understands that original jurisdiction in boundary disputes between the several States of this great nation resides with the United States Supreme Court; and

WHEREAS, this General Assembly is presently considering substantive measures to address Tennessee's water supply and water shortages; and

WHEREAS, it is this General Assembly's duty to protect the borders and waters of our State for present and future generations of Tennesseans; now, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that on behalf of the State of Tennessee and all Tennesseans, this General Assembly respectfully declines to participate in the Boundary Line Commission proposed by the Georgia General Assembly, or any similar commission established for such purpose.

BE IT FURTHER RESOLVED, that it is the sense of this General Assembly that the Tennessee-Georgia boundary has been legally established since 1818.

BE IT FURTHER RESOLVED, that enrolled copies of this resolution be delivered to the Speaker of the House of Representatives and the President of the Senate of the Georgia General Assembly.

ADOPTED: April 10, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED: April 15, 2008



PHIL BREDESEN, GOVERNOR