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IN THE  
**Supreme Court of the United States**  
OCTOBER TERM 1969

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**NO. 35, Original**

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UNITED STATES OF AMERICA,  
*Plaintiff,*  
-VS-  
STATE OF MAINE, et al.,  
*Defendants.*

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**MOTION OF THE STATE OF GEORGIA FOR  
REFERENCE OF CASE TO A MASTER**

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COMES NOW the State of Georgia, a defendant in the above styled proceeding, and joins in the previously filed motions of the States of Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, South Carolina, Virginia and New York for reference of the case to a Special Master instructed by the Court to inquire into, consider and prepare detailed findings upon the claims of the various State defendants, including the State of Georgia, to the submerged lands in question. In support of said motion, the State of Georgia shows the Court as follows:

1. In its brief in support of its motion for judgment.

the United States concedes that this Court has not directly adjudicated the rights of the original States in the submerged lands in question [p. 23 of brief]. While the United States appears to contend that evidence is not needed on the point because of this Court's decision in *United States v. California*, 332 U.S. 19 (1947), we think the lack of merit in such contention is seen in the fact that that decision shows on its face that California's claim was rejected for insufficiency of proof. As stated by this Court:

"From all the wealth of material supplied, however, we cannot say that the thirteen original colonies separately acquired ownership to the three-mile belt or the soil under it, even if they did acquire elements of the sovereignty of the English Crown by their revolution against it." 332 U.S. at 31.

For this and the various other reasons which have already been set forth in detail in the motions of the above named co-defendant States, the State of Georgia respectfully submits that crucial threshold questions as to the scope and validity of State claims to the submerged lands can most appropriately be adjudicated by the taking of evidence by a Master. To reiterate all that which has already been said in the motion and supporting argument of Delaware, et al. would be superfluous and of no service to the Court. Suffice it to say that such argument of Delaware, et al. is adopted by reference by the State of Georgia.

2. The contention of the United States that the existence of exploitive rights in the marginal seas was unknown at the time the Union was formed [p. 11 of brief] is directly disputed by the State of Georgia, which is hopeful of being permitted to introduce evidence to

show that in fact such rights were recognized when the Union was formed, and that Georgia neither at that time nor at any time thereafter granted, sold or in any way conveyed “dominium” (as contradistinct from “imperium”) rights in the marginal sea to the United States.

3. The State of Georgia further desires the opportunity of introducing evidence to show that whatever the situation may have been as to the existence of a concept of exploitive rights in marginal seas at the time the Union was formed, the United States of America had claimed international sovereignty by 1793 and in any event prior to 1802 when in return for lands received from the State of Georgia under the “Georgia Cession”, it ceded to Georgia all of its claim, right and title to lands extending eastward from Georgia’s new western boundary and south of the southern boundaries of the States of Tennessee, North Carolina and South Carolina—without reservation or limitation respecting the by then well-recognized rights in the marginal sea.

WHEREFORE, the State of Georgia prays that this its motion that the case be referred to a Master be inquired into and sustained by the Court and that such Special Master be directed to take evidence, inquire into, consider and prepare detailed findings upon the claims of the various States to the submerged lands in question. Should this motion be denied the alternative prayers of Delaware, et al. respecting the reservation of right to introduce evidence directly before the Court and the time

for filing of briefs and oral arguments are adopted by reference as alternative prayers of the State of Georgia.

Respectfully submitted,

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