

archs of England, they were not well apprized of the extent of country they were giving away, but from their reservations, in regard to the title of christian princes or people, they were apprized of the title of Spain upon the western ocean, though not informed of its extent; as it is evident, from the words christian and infidel often occurring, both in the charters of the monarchs and the bulls of the Pope, the legitimate sovereigns, as well as people of this country in that day, were considered as possessing no rights. With whatever care they avoided collisions with each other respecting territory, which might produce a war with a power equally skilled in the military art with themselves, they were not scrupulous in dispossessing the natives of both Americas of their country, all of whom, as brave, as generous, and magnanimous as themselves, and some of whom as far advanced in civilization and the arts of peace, though not professing to be christians, or skilled in war.

The opinion of Europe undergoing another change upon the subject of discoveries in unknown regions, were now reduced to a more definite and reasonable extent, consequently, in a few years, a third mode of obtaining territory came to be admitted by all as the basis on which they could safely rely for a just decision of their claims, should difficulties present themselves; and one which, to a moderate extent, gave to all nations the benefit of their own labors. By this rule too, all the territory thus acquired was vested in the state, rather than the crown, which Spanish jurisprudence, under the authority of the Pope, seemed to consider.

Hence, the power which discovered a country, was entitled to the whole extent of soil, watered by the springs of the principal river or water course passing through it, provided there was settlement made, or possession taken, with the usual formalities, in the name, and on the behalf, of the government to whom the individual owed allegiance. Though the tacit consent of all seemed to yield the sovereignty from sea to sea, where no settlement or express possession was had of an intermediate country; and such right was held good to the whole extent, but not wholly confirmed until another settlement was made at a distinct point upon the same territory beyond the water of the first, or so distant as not manifestly to encroach upon the establishments of the coast: other powers though might avail themselves of the failure of the first to occupy another principal stream, or distant point, and become thereby vested with a full right of sovereignty. This seems to have been the condition of America until the close of the war of 1812; since which time all treaties have yielded to the different powers, in full right, all they claimed, either by settlement, or from the failure of others to occupy the principal streams when they might do so. There is now no longer territory to be obtained by settlement or discovery, and if there should be any difficulty it will be where the different limits of the different powers shall be fixed.

Impressed with a belief, that, under this mode, valuable possessions might be added to the French monarchy, it is presumed, Sicurus