

sea, where it did not interfere with the territory of any Christian prince or people; and her obstinate adherence to that system is considered as largely contributing to the production of the war of 1755, when she was opposed by France and Spain, as granting away almost all Mexico and the French possessions, both claiming much of the intermediate country, and the coast of the Pacific. Great Britain, at the close of that war, abandoned her pretensions, and gave manifestation of her sincerity, by revoking the first charter granted to Georgia, and in the second, in 1764, limited it to the Mississippi, and agreed, in 1763, to limit her whole territory to that river in the west.

Where territory has been acquired, as already shown, upon any coast, and the same coast actually settled, or occupied by another power, at such a distance as not manifestly to encroach upon the first, the point equi-distant from either is considered as the utmost limits of each; this principle, it is believed, was fixed and settled by all the most important treaties which have engaged the powers of Europe in affairs appertaining, in any way, to possessions in this country, and, it is believed, was acted upon and sanctioned, not only by the treaty of 1763, but, in some measure, by that of Utrecht, in 1713.

Spain, by virtue of her original discovery, and actual settlement in Mexico, together with her title to Louisiana, claimed the Pacific coast of North America, as high up as the sixtieth degree of north latitude; and, to enforce her claim, in the year 1789, sent a ship of war up coast to capture, or drive from those waters, several English vessels detained in the East Indies by English merchants, upon their own authority, and at their own risk, to trade with the natives in that quarter. This service was performed by Martinetz, of his Catholic majesty's navy; and, in the year 1790, became the subject of a message from the British king to his Parliament; although much debate ensued, and some resentment expressed towards Spain for her treatment of the British subjects who were made prisoners, yet no claim was alleged on the part of England to territory there. Great Britain, in the course of that transaction, seems to have recognized the claim of Spain, and was willing to treat for the enjoyment of privileges on that coast, which she obtained, and was, by stipulations, invested with the farther right to fish even as low down as the gulf of California.

The Spanish monarch, being in possession of the French title, regardless of that which the United States had obtained, according to the mode last adopted, felt great confidence in his negotiations with the British government, in the year 1790. But the territory, the title to which gave that confidence, has since, by the treaty of Paris, come into the possession of the United States, and it is believed the treaty of St. Ildefonso confirmed to France the full extent of boundary originally claimed, Spain taking no notice of the original error, if any existed.

Under this view of the case, the United States, being possessed of the title of France, and, by a just application of the law of nations,