

writers and geographers, above referred to, agree in fixing Mexico, New Spain, the Rio Grande del Norte, and the mountains of Mexico, as the true boundary anterior to the treaty of 1763. If she, then, by treaty, obtained from France that country, with these limits, as asserted by France, and different ones not being stipulated for by her, she cannot now, with any shadow of justice, propose others. Moreover, Spain, by the treaty of St. Ildefonso, retroceded this same country to France, with the same extent of boundary it had when originally in her possession, thereby confirming to France, without doubt, all she originally claimed, particularly, as no notice is then taken of the invalidity of the original French title to the full extent of their claim; at all events, it is believed, if there was difficulty in regard to it, during this last transfer would have been the time to adjust it; or, by the law of nations it is thought, as well as candor and good faith, she has not, or ought not, to be permitted to insist upon other boundaries. That law, in one place, declares, that "if the party making them (meaning grants or cessions) fails to express himself clearly and plainly, it is the worse for him: he cannot be allowed to introduce, subsequently, restrictions which he has not expressed."

It is proper, before this part of the subject is passed over, to remark, that, from the examination of the best records of the times, from the discovery of America until the year 1763, the bull of the Pope rather gave a title to the country, the coast of which had been examined by the Spaniards, those confirmed beyond the participation of other nations the hemisphere west of the Azores; but, where an extensive coast had been discovered by them, and no settlement attempted previous to 1763, that coast, and its extended interior, has been considered the property of the nation so discovering it, or discovering the interior; the unoccupied coasts become a part.

Great Britain, as was her interest, maintained for a long time the old notion of a right to grant by charter all the countries from sea to 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 equidistant 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