

arrest the attention of either government or people, but those which contained the precious metals; this morbid thirst for gold may be the cause why no settlements were made north of California, as no metal of that description is believed to be found in that region.

About this time, it became the interest of the British crown to think differently on the subject of religion from the See of Rome, and, separating entirely from it, assumed the right of annexing to their crown all the territories discovered by their subjects, and of bestowing them by charter upon individuals. To this end, grants were issued by Elizabeth in the year 1578 and 1584, the one to Sir Humphrey Gilbert, the other to Sir Walter Raleigh, which were limited to a certain number of leagues; but those issued in 1606, and 1608, and 1611, by James I, in the charters for Virginia, were declared to embrace the whole extent of country from thirty-four to forty-five degrees of north latitude, extending from sea to sea, always excepting the territories of any Christian prince or people.

It is believed, that when these charters were granted by the monarchs 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