

Royal Governments, more defined in their territorial limits than in the original cessions. The right assumed by the Crown to make such disposition of unoccupied territory, was that of discovery. This conflict was only ended by treaty\* in 1763—the boundary then agreed upon between the Possessions of these Kingdoms, was the Mississippi river, from its source to the sea. "This treaty," says Judge Marshall, (*Johnson v. McIntosh*, 5 Peters 532;) "expressly cedes, and has always been understood to cede the whole country, on the English side of the dividing line between the two nations." Great Britain, on her part, secured to France all her pretensions to the country west of the Mississippi. By the 20th article of the same treaty, Spain ceded Florida, with all its dependencies, and all the country she claimed, east or south-east of the Mississippi, to Great Britain.

It will be thus perceived, that prior to the revolution, Great Britain was the proprietary of all the territory east of the Mississippi, subject only in her exercise of authority, to the restrictions which she had voluntarily acknowledged in her grants.

At that period, the Colonial Governments were New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North and South Carolina and Georgia. Of these, Virginia claimed as part of her territory, all the land north of the river Ohio, and west of Pennsylvania, limited only on the north by the ultimate boundary of the United States, and west by the Mississippi. Massachusetts, Connecticut, New York and North Carolina also alleged claims to all the vacant and unsettled lands within the limits of their respective charters. South Carolina and Georgia made pretensions to the vacant lands south of the 35th degree of north latitude.

The war of the revolution commenced, as is known, prior to the confederation of these States, and no question of disputed rights with reference to the unsettled territory, was mooted, until the articles of confederation were under discussion. The object of the contest was the achievement of independence—to break the fetter of colonial relation to Great Britain; and the consequence upon the successful prosecution of these purposes, was the acquisition of an uninhabited and unconquered territory of larger extent and more fertility of soil, than the limits of the old thirteen could boast. This territory was acquired by common energy, a common sacrifice of life, and appropriation of funds in