

venience would result. It has therefore been agreed to draw an imaginary line from one promontory to another, for the place of departure of the cannon shot.

An illustration of this doctrine of International law was given by Mr. Justice Story: "Where there are islands enclosing a harbour, in the manner in which Boston Harbour is enclosed, with such narrow straits between them, the whole of its waters must be considered as within the body of the county. Islands so situated must be considered the opposite shores in the sense of the adjoining land down to a line running across." And, "in the sense of the common law, such waters seem to be within the *fauces terrae*, where the main ocean terminates." And Daniel Webster argued that, by the common law, ports and harbours are within the body of the county, consequently not part of the high seas; and a navigable arm of the sea, therefore, is no part of the high seas, which is the open ocean, outside the *fauces terræ*. And the term "coast" has been thus interpreted by another authority: "In general, the coastline follows the shore of the sea, but it crosses each inlet by an assumed straight line from headland to headland."

These rules of International Law as to the sea-mouths of inlets, have been incorporated into the municipal law of the United States. Some of their State laws enact:

The territorial limit of this Commonwealth extends to one marine league from its shore at low-water mark. When an inlet or arm of the sea does not exceed two marine leagues in width, between its headlands, a straight line, from one headland to the other, is equivalent to the shore line.

These laws have been upheld by their Supreme Court; and in giving judgment the Court held that,—

As between nations, the minimum limit of the territorial jurisdiction of a nation over tide-waters is a marine league from its coasts; and bays wholly within the territory of a nation, which do not exceed two marine leagues, or six geographical miles, in width at the mouth, are within the limit, and are part of the territory of the nation in which they lie.

Senator Morgan, in the *Behring Sea* case, stated that the claim of territorial waters over an area of the sea that is clearly demarked by land boundaries, though not entirely enclosed by the land, is dominion, or ownership of the land beneath those waters, and is clearly sufficient to support the municipal jurisdiction of the government.

The historic evolution of the limit of shore-defence is thus given in Bluntschli's *Law of Nations*:—