

in *United States v. Grush* (5 Mason, p. 300): "That such parts of rivers, arms, and creeks of sea, are deemed to be within the bodies of countries, where persons can see from one side to the other."

That the jurisprudence of the United States has recognised the principle of Courts of Municipal Law exercising jurisdiction over bays at a distance more than three miles from the shore, is shown by the decision of the Supreme Court in the case of *Church v. Hubbard*. (2 Cranch's *Reports*, p. 187.) In this case an American brigantine, the "*Aurora*," when at anchor in the Bay of Pará on the coast of Brazil, and four or five leagues from Cape Paxos, was seized and condemned by the Portuguese authorities for a breach of the laws of Portugal on a matter of illicit trade. Chief Justice Marshall, in delivering the opinion of the Court, said, "Nothing is to be drawn from the laws or usages of nations which proves that the seizure of the '*Aurora*' by the Portuguese Government was an act of lawless violence."

The same principle was also involved in the opinion of the Attorney-General of the United States upon the seizure of the British vessel "*Grange*" by a French frigate, within the Bay of Delaware, and which was accordingly restored to the owners. In his Report to the United States Government (14 May, 1793), the Attorney-General observed, "that the '*Grange*' was arrested in the Delaware, *within the capes*, before she had reached the sea," that is, in that part of the waters of the Delaware which is called *the Bay of Delaware*, and which extends to a distance of sixty miles within the capes. It is worthy of remark that the Bay of Delaware is not within the body of a county; its northern headland, Cape May, belonging to the State of New Jersey in property and jurisdiction, and its southern headland, Cape Henlopen, being part of the State of Delaware; yet the whole bay was held to be American territory.

The same principle was also involved in the judgment of the Supreme Court of the United States in the case of *Martin and others v. Waddell* (16 Peter's *Reports*, 367), in which it was agreed on all sides that the prerogative of the Crown prior to