

except that their waters are subject to what is defined as the "imperfect right of free navigation."

Another practical effect of this "rounding" theory would make those inlets or arms of the sea, assume a Janus-faced, or, more properly, an amphibious, quality. By International Law they are the same as land; but by importing the "rounding" theory into the Treaty, they become ocean, and the *lisière* overlaps on British soil.

By another strange discordance the United States concede that the international boundary line crosses certain territorial waters, geographically designated "rivers and streams;" but deny that it crosses certain other territorial waters geographically designated "inlets, bays and canals,"—although as to their territorial sovereignty International law treats both classes as though they were land. The existence of such inlets, bays and canals cannot therefore authorize variations in the measurement of the inland width of the *lisière de côte*. All such territorial waters are expressly within the terms of the Behring Sea Regulations, which prohibit seal-hunting within "a zone of 60 miles around the Pribilof Islands, inclusive of the territorial waters."

But the British contention may be further tested by the acknowledged authorities on International Law. From the many judicial authorities on the law, the following may be cited from the judgments, in the *Keyn* case. Mr. Justice Brett (afterwards Lord Esher) said:—

By the law of nations,—made by the tacit consent of substantially all nations,—the open sea, within three miles of the coast, is a part of the territory of the adjacent nation, as much, and as completely, as if it were the land territory of such nation.

And Chief Justice Cockburn also said:—

If an offence was committed in a bay or gulf, *inter fauces terræ*, the common law could deal with it, because the parts of the sea, so circumstanced, would be within the body of the adjacent county or counties.

Wheaton on International law thus states the doctrine:—

The maritime territory of every State extends to the ports, harbours, bays, mouths of rivers, and adjacent parts of the sea, enclosed by headlands belonging to the same State. The general usage of nations superadds to this extent of territorial jurisdiction a distance of a marine league, or as far as a cannon shot will reach from the shore, along all the coast of the State. . . . The sea-coast does not present a straight and regular line; it is on the contrary almost always intersected by bays, capes, etc. If the maritime domain must always be measured from every one of these points, great incon-