

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 the coasts of the State. Within these limits its right of property and territorial jurisdiction are absolute, and exclude those of every other nation." (*Wheaton*, part ii. § 177.)

"The right of fishing in the waters adjacent to the coasts of any nation within its territorial limits belongs exclusively to the subjects of the State." (*Ibid.* § 180.)

Fishing in bays
and harbours.

B. As to rights to marine fishing in bays, harbours, creeks, &c.

In the case of bays, harbours, and creeks, strictly so named, it is a recognized custom to take the line joining the extreme parts of the bay, creek, or harbour, instead of the coast-line, and to measure from that the line from which the distance of a marine league or the length of a cannon-shot is to be measured.

On this point *Wheaton* writes :—

"The exclusive territorial jurisdiction of the British Crown over the enclosed parts of the sea along the coasts of the island of Great Britain has immemorially extended to those bays called King's Chambers; that is, portions of the sea cut off by lines drawn from one promontory to another. A similar jurisdiction is asserted by the United States over the Delaware Bay, and other bays and estuaries forming portions of their territory. . . . So also the British Hovering Act (9 Geo. II. c. 35) assumes, for certain revenue purposes, a jurisdiction of four leagues from the coast, by prohibiting foreign goods to be transhipped within that distance without payment of duties. A similar provision is contained in the revenue laws of the United States; Act, 2nd March, 1797, § 27; and both these provisions have been declared by judicial authority in each country to be consistent with the law and usage of nations." (*Kent's Com.*, vol. i. p. 31, and *Church v. Hubbard*, 2 Cranch, p. 187.)

Definition
of "bay."

The difficulty of this rule is contained in defining what is a "bay," inasmuch as that word is used equally for small indentations of the shore and large portions of the sea, as the Bay of Biscay, Bay of Fundy, Hudson's Bay, &c. Attempts have been made in special conventions or treaties to give definiteness to the conception of a "bay." Thus in the treaty between Great

be
lin