

writers are agreed as to what are the rules to dimensions and configurations, which, apart from other considerations, would lead to the conclusion that a bay is or is not a part of the territory of the state possessing the adjoining coasts; and it has never, that they can find, been made the ground of any judicial determination."

The Court, however, held that in this case it was not necessary to lay down a rule, for it seemed to them sufficient ground for their decision "that in point of fact, the British Government has for a long period exercised dominion over this bay, and that their claim has been acquiesced in by other nations, so as to shew that the bay has been for a long time occupied exclusively by Great Britain, a circumstance which in the tribunals of any country would be very important; and, moreover (which in a British tribunal is conclusive), the British legislature has by Acts of Parliament declared it to be part of the British territory and part of the country made subject to the Legislature of Newfoundland."

In the American case of *Manchester v. Massachusetts*, 139 U.S. 240, Mr. Justice Blatchford giving the judgment of the Supreme Court of the United States said:—"We think it must be regarded as established that, as between nations, the minimum limit of the territorial jurisdiction of a nation over tide-waters is a marine league from its coast; that bays wholly within its territory not exceeding two marine leagues in width at the mouth are within the limit;" and that included in this territorial jurisdiction is the right of control over fisheries &c. This also was the rule adopted by the Halifax Commission in 1877, and, as above stated, seems to be the first case cited.

It is obvious, however, that while this rule may be properly applicable to an ordinary coast line there are many cases in which its application would bring about results not in the contemplation of those by whom it has been laid down. It would, for instance, upset the judgment of the Privy Council, in the Conception Bay case. It would oust the British Government from the control which it has always exercised, and will always continue to exercise over the Narrow Seas. It would make open ocean not only of the Gulf of St. Lawrence, but of many miles of the estuary of the river St. Lawrence. It would prevent Russia from controlling the White Sea; and last, but not least in the present contention, would deprive the Government of the United States of their jurisdiction