

narrow westward, and is scarce in any place four leagues broad, I mean from any point of this imaginary line to the opposite English shore."

And in a third Report, October 11, 1675 (vol. ii, p. 780), he gives his opinion that a Hamburg vessel captured by a French privateer should be set free, upon a full and clear proof that she was within one of "your Majesty's Chambers at the time of seizure, which the Hamburger in his first memorial sets forth as being eight leagues at sea over against Harwich."

This doctrine is fully in accordance with the textbooks. Thus Azuni writes in his *Droit Maritime de l'Europe*, chap. ii, art. 3, § 3: "Les obligations relatives aux ports sont également applicables aux baies et aux golfes, attendu qu'ils font aussi partie de la souveraineté du Gouvernement dans la domination et le territoire duquel ils sont placés, et qui les tient également sous sa sauvegarde: en conséquence, l'asile accordé dans une baie ou dans un golfe, n'est pas moins inviolable que celui d'un port, et tout attentât commis dans l'un comme dans l'autre, doit être regardé comme une violation manifeste du droit des gens." Valin, *Comment. à l'Ordonnance de France*, tit. "Des Rades," art. i, may be cited in confirmation of this doctrine.

Mr. Wheaton, in the last edition of his *Elements of International Law*, part. ii, chap. iv, § 6, writes: "The maritime jurisdiction of every State extends to the ports, harbours, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands belonging to the same State."

It has been urged, however, on the American side, that supposing the English interpretation as to the measuring the distance of three marine miles from the entrance of bays to be correct, the Bay of Fundy is not a bay from which American fishermen are prohibited—

First, because the Bay of Fundy is not a bay which a vessel would enter for the purpose of taking shelter.

Secondly, because it is not a bay of Her Majesty's dominions, as it is bounded in part by the State of Maine.