INTERNATIONAL LAW
CHIEFLY AS INTERPRETED AND
APPLIED BY THE UNITED STATES

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In Three Volumes
VOLUME ONE

Second Revised Edition

BOSTON
LITTLE, BROWN AND COMPANY
1945
ed Monterey Bay, of which part, to be within its limits. In 1927, the Supreme Court held that "any rule of international law which requires a State to be the owner of a bay or to control its waters is not to be applied to such bay or to the waters thereof, without prejudice to the rights that belong to Honduras in those non-littoral waters."

In an opinion and decision of March 9, 1917, the Central American Court of Justice concluded that the Gulf of Fonseca was "an historic bay possessed of the characteristics of a closed sea"; and also that a right of co-ownership existed between the Republics of El Salvador and Nicaragua in the non-littoral waters of the Gulf and certain others thereof, without prejudice to the rights that belonged to Honduras in those non-littoral waters. In a circular note of November 24, 1917, sent by the Government of Nicaragua to the other Central American Governments there was announcement of reasons for the rejection of the decision, embracing a denial of a co-dominion over the waters of the Gulf by the three interested republics.

§ 146A. Bays Bordered by Land Belonging to Two or More States. When the geographical relationship of a bay to the adjacent or enveloping land is such that the sovereign of the latter, if a single State, might not unlawfully claim the waters as a part of its territory, it is not apparent why a like privilege should be denied to two or more States to which such land belongs, at least if they are so agreed, and accept as between themselves a division of the waters concerned. No requirement of international law as such deprives them of that privilege, notwithstanding the disposition of some who would leave little room for its application.

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