

enjoy them subject to the laws of the sovereignty, within which such tenancy-in-common had been granted.

The Anglo-American Treaties of 1854 and 1871, and the signed, though unratified, Treaties of 1874 and 1888, furnish another effective argument. None of them required the assent of any of the State Legislatures of the United States; while in each of them there is an acknowledgement by the United States that the British Colonies had a co-ordinate legislative sovereignty with Great Britain in assenting to the fishery articles, in the words that the fishery articles "shall take effect so soon as the laws to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Newfoundland."

But these Anglo-American treaties are also unchallengeable authorities supporting the Foreign Office Memorandum of 1906, for they conceded to colonial fishermen the reciprocal privilege of free fishing in certain "bays, harbours, and creeks, on the sea-coasts and shores of the United States, and of its said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States, and of the islands aforesaid, for the purpose of drying their nets, and curing their fish." If the recent diplomatic repudiation of the obligatory force of British and colonial laws on American fishermen within British territorial coast-waters, as formulated by Secretaries Evarts and Root, is part of the Law of Nations, then it logically follows that, while such reciprocal fishery privileges were in force, colonial fishermen, exercising their treaty-privileges of fishing within the marine belt of territorial coast-waters of the several States of the Union, along the Atlantic, and of landing on the State coasts for their trade purposes, were not subject to any of the Federal or State Fishery Laws. And the Government of Great Britain might have similarly contended that it could not recognize the authority of the United States to determine under what laws, or on what days, Canadian fishermen could fish; nor permit their treaty fishery rights, in the territorial