

the operation of those laws which relate to its revenues, or fisheries."⁴⁶ And Sir Travers Twiss tersely states that "Treaty engagements in such matters (fisheries in common) do not give any other right than that which is expressed in the specific terms."⁴⁷

The ancient Anglo-Danish Treaty of 1670-1 (renewed after the War of 1814) early affirmed the doctrine of the subordination of foreign subjects to local laws, while availing themselves of the reciprocal privileges of fishing and trading within the territory of the other sovereign. It provided that the people and subjects of either sovereign "as well in going, returning and staying, as also in fishing and trading," should enjoy the same liberties, immunities, and privileges, which the people of any foreign nation whatsoever, abiding and trading thither, do or shall enjoy. "But so that the sovereign power of both Kings in their Kingdoms and ports, respectively to appoint and change customs, or any other matters, according to occasion, be preserved, and remain inviolate."⁴⁸ And by an Anglo-French Treaty of 1814, French subjects were permitted "to continue their residence and commerce in India, so long as they shall conduct themselves peaceable, and shall do nothing contrary to the laws and regulations of the Government."⁴⁹

Another view may also be suggested. The treaty, by granting to American fishermen the liberty of fishing in the Canada and Newfoundland territorial coast-waters, "in common with the subjects of His Britannic Majesty"—which subjects had a national title to the fishery within the marine belt of their territorial coast-waters—granted that which had some incidents of a tenancy-in-common; and therefore both such tenants-in-common,—subjects and aliens,—deriving their "common" titles from the same sovereignty, must logically be held to take and

⁴⁶*Regina v. Keyn*, 2 Exch. Div. 93.

⁴⁷Twiss on the Law of Nations in Time of Peace, page 265.

⁴⁸Hertslet's Treaties, vol. 1, page 181.

⁴⁹*Ibid.*, page 271.