

# Roots in English Common Law

As interpreted by the U.S. Supreme Court:

“The dominion and property in navigable waters, and in the lands under them, being held by the king as a public trust, the grant to an individual of an exclusive fishery in any portion of it, is so much taken from the common fund intrusted to his care for the common benefit. In such cases, whatever does not pass by the grant, still remains in the crown, for the benefit and advantage of the whole community. . . . it will not be presumed, that he intended to part from any portion of the public domain, unless clear and especial words are used to denote it.”

*Martin v. Waddell's Lessee*, 41 U.S. 367, 411 (1842) (emphasis added).