

## NEWFOUNDLAND FISHERIES

*Exchange of notes at London July 15 and 23, 1908, modifying and extending agreement of September 4 and 6, 1907*<sup>1</sup>

*Entered into force July 23, 1908*

*Modified and extended by agreement of July 22 and September 8, 1909*<sup>2</sup>

I Malloy 832; Treaty Series 504

*The Secretary of State for Foreign Affairs to the American Ambassador*

FOREIGN OFFICE, July 15, 1908

YOUR EXCELLENCY, On the 18th ultimo Your Excellency proposed on behalf of the United States Government that, as arbitration in regard to the Newfoundland fisheries question could not be arranged before the forthcoming fishery season, the "modus vivendi" of last year should be renewed with the same elasticity as before for the parties concerned to make local arrangements satisfactory to both sides.

I have the honor to inform Your Excellency that the Newfoundland government, having been consulted on the subject, have expressed the desire that the herring fishery during the ensuing season should be conducted on the same principles as in the season of 1907, and formally undertake to permit during this year the conduct of the herring fishery as last year.

As the arrangements for last year were admittedly satisfactory to all concerned in the fishing, His Majesty's Government hope that the United States Government will see their way to accept this formal assurance on the part of the Newfoundland government as a satisfactory arrangement for the season of 1908. If this course be adopted it would seem unnecessary to enter into any further formal arrangements, seeing that the communication of this assurance to the United States Government and its acceptance by them would be tantamount to a modus vivendi.

I have the honor to be, with the highest consideration, your excellency's most obedient, humble servant,

For Sir Edward Grey,  
LOUIS MALLETT

His Excellency the Honorable WHITELAW REID,  
*etc., etc., etc.*

<sup>1</sup> TS 488, *ante*, p. 290.

<sup>2</sup> TS 533, *post*, p. 339.

*The American Ambassador to the Secretary of State for Foreign Affairs*

AMERICAN EMBASSY,  
London, July 23, 1908

SIR, The reply, in your letter of July 15th, 1908, to my proposal of June 18th, for a renewal of last year's modus vivendi for the approaching Newfoundland fisheries season, with the same elasticity as before for local arrangements, has been duly considered.

I am gratified to learn that the Newfoundland Government was so well satisfied with the result of these arrangements under the modus vivendi for last year that it offers a formal undertaking that the American fishermen shall be permitted to conduct the herring fisheries this year in the same way.

It is proper to observe that our fishermen would have preferred last year, and would prefer now to work the fisheries with purse seines, as heretofore, as provided in the modus vivendi of 1906. But they yielded last year to the strong wishes of the Newfoundland Government in this matter, and joined in the arrangement under the elastic clause at the close of the modus vivendi of 1907 by which, with the approval of the British and American Governments, they gave up also other claims in return for certain concessions. I must reserve their right to these and to purse seines, as heretofore enjoyed, as not now abandoned, and therefore to be duly considered in the pending arbitration before the Hague Tribunal.<sup>3</sup>

But with this reservation and with the approval of my Government, I now have pleasure in accepting the offer that the herring fishery during the ensuing season shall be conducted on the same principles as in the season of 1907, and the formal undertaking against interference with this by the Newfoundland Government, as a substantial agreement on my proposal of June 18th.

We unite also with you in regarding this exchange of letters as constituting in itself a satisfactory agreement for the season of 1908, without the necessity for any further formal correspondence.

I am glad to add that Mr. Alexander of the United States Fish Commission, will be sent again this year to the treaty shore, and that my Government feels sure that, through his influence, there will be general willingness to carry out the spirit of the understanding and work on the lines of least resistance.

I have the honor to be, with the highest consideration, Sir, your most obedient, humble servant,

WHITELAW REID

The right honorable Sir EDWARD GREY, Bt.,  
*etc., etc., etc.*

<sup>3</sup> See convention signed at Washington Apr. 4, 1908 (TS 494), *ante*, p. 295.