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EXCHANGE OF NOTES.

ESTABLISHING A

MODUS VIVENDI

BETWEEN

THE UNITED KINGDOM
AND THE UNITED STATES OF AMERICA

WITH REGARD TO

THE NEWFOUNDLAND FISHERIES.

September 4 and 6, 1907.

*Presented to both Houses of Parliament by Command of His Majesty.
October 1907.*

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September 4 and 6, 1907.

No. 1.

*The United States' Ambassador to Sir Edward Grey.—(Received
 September 5.)*

*American Embassy, London,
 September 4, 1907.*

Sir,

I AM authorized by my Government to ratify a *modus vivendi* in regard to the Newfoundland fishery question as follows:—

It is agreed that the fisheries shall be carried on during the present year, substantially as they were actually carried on for most of the time by mutual agreement, under the *modus vivendi* of 1906.

1. It is understood that His Majesty's Government will not bring into force the Newfoundland Foreign Fishing-Vessels Act of 1906, which imposes on American fishing-vessels certain restrictions in addition to those imposed by the Act of 1905, and also that the provisions of the first part of section 1 of the Act of 1905, as to boarding and bringing into port, and also the whole of section 3 of the same Act, will not be regarded as applying to American fishing-vessels.

2. In consideration of the fact that the shipment of Newfoundlanders by American fishermen outside the 3-mile limit is not to be made the basis of interference or to be penalized, my Government waives the use of purse seines by American fishermen during the term governed by this Agreement, and also waives the right to fish on Sundays.

3. It is understood that American fishing-vessels will make their shipments of Newfoundlanders as fishermen sufficiently far from the exact 3-mile limit to avoid reasonable doubt.

4. It is further understood that American fishermen will pay light dues when not deprived of their rights to fish, and will comply with the provisions of the Colonial Customs Law as to reporting at a custom-house when physically possible to do so.

I need not add that my Government is most anxious that the provisions of this *modus vivendi* should be made effective at the earliest possible moment, and that, in view of this, and of the actual presence of our fishing fleet on the Treaty Shore, we do not feel that an exchange of ratifications should be longer delayed.

But my Government has every desire to make the arrangement, pending arbitration, as agreeable as possible to the Newfoundland authorities, consistent with the due safeguarding of Treaty rights which we have enjoyed for nearly a century. If therefore the proposals you have recently shown me from the Premier of Newfoundland, or any other changes in the above *modus vivendi* should be proposed by mutual agreement between the Newfoundland authorities and our fishermen, having due regard to the losses that might be incurred by a change of plans so long after preparations for the season's fishing had been made, and the voyage begun, my Government will be ready to consider such changes with you in the most friendly spirit, and if found not to compromise our rights, to unite with you in ratifying them at once.

I am glad to be assured by you that this note will be considered as sufficient ratification of the *modus vivendi* on the part of my Government.

I have, &c.

(Signed) WHITELAW REID.

No. 2.

Sir Edward Grey to the United States' Ambassador.

Your Excellency,

Foreign Office, September 6, 1907.

I HAVE the honour to acknowledge receipt of your Excellency's note of the 4th instant, containing the terms of the *modus vivendi* with regard to the Newfoundland fisheries, which you are authorized by your Government to ratify.

I am glad to assure your Excellency that His Majesty's Government agree to the terms of the *modus vivendi*, and that your Excellency's note will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of the United States' Government.

His Majesty's Government fully share the desire of your Government that the provisions of the *modus vivendi* should be made effective at the earliest possible moment, and the necessary steps will be taken by His Majesty's Government to secure its observance.

His Majesty's Government take note of the conciliatory offer of the United States' Government to consider in a most friendly spirit any changes in the *modus vivendi* which may be agreed upon locally between the Newfoundland authorities and the United States' fishermen, and which may be acceptable both to the United States' Government and to His Majesty's Government.

I have, &c.
(Signed) E. GREY.
