

April 27, 1908.

Naturalization Convention between the United States and Brazil. Signed at Rio de Janeiro, April 27, 1908; ratification advised by the Senate, December 10, 1908; ratified by the President, December 26, 1908; ratified by Brazil, December 6, 1909; ratifications exchanged at Rio de Janeiro, February 28, 1910; proclaimed, April 2, 1910.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Naturalization with
Brazil.
Preamble.

Whereas a Naturalization Convention between the United States of America and the United States of Brazil was concluded and signed by their respective Plenipotentiaries at Rio de Janeiro on the twenty-seventh day of April, one thousand nine hundred and eight, the original of which Convention, being in the English and Portuguese languages, is word for word as follows:

Convention

Convenção

establishing the status of naturalized citizens who again take up their residence in the country of their origin.

determinando a condição dos cidadãos naturalizados que renovam a sua residencia no paiz de origem.

Contracting Powers.

The United States of America and the United States of Brazil, led by the wish to regulate the status of their naturalized citizens who again take up their residence in the country of their origin, have resolved to make a Convention on this subject, and to this end have appointed for their Plenipotentiaries, viz:

Os Estados Unidos do Brasil e os Estados Unidos da America, desejando regular a condição dos cidadãos naturalizados em uma e outra Republica e que renovam a sua residencia no paiz de origem, resolveram ajustar uma Convenção, e para esse fim nomearam Plenipotenciarios, a saber:

Plenipotentiaries.

The President of the United States of America, the Ambassador Extraordinary and Plenipotentiary of the United States of America near the Government of the United States of Brazil, Irving B. Dudley; and

O Presidente dos Estados Unidos do Brasil nomeou o Ministro de Estado das Relações Exteriores, José Maria da Silva Paranhos do Rio-Branco; e

The President of the United States of Brazil, the Minister of State for Foreign Relations, José Maria da Silva Paranhos do Rio-Branco;

O Presidente dos Estados Unidos da America, o Embaixador Extraordinario e Plenipotenciario dos Estados Unidos da America junto ao Governo dos Estados Unidos do Brasil, Irving B. Dudley;

Who, thereunto duly authorized, have agreed upon the following articles:

Os quaes, devidamente autorizados, convieram nos artigos seguintes:

ARTICLE I

Citizens of the United States of America who may or shall have been naturalized in the United States of Brazil upon their own application or by their own consent, will be considered by the United States of America as citizens of the United States of Brazil. Reciprocally, Brazilians who may or shall have been naturalized in the United States of America upon their own application or by their own consent will be considered by the United States of Brazil as citizens of the United States of America.

ARTICLE II

If a citizen of the United States of America, naturalized in the United States of Brazil, renews his residence in the United States of America, with the intention not to return to the United States of Brazil, he shall be held to have renounced his naturalization in the United States of Brazil; and, reciprocally, if a citizen of the United States of Brazil, naturalized in the United States of America, renews his residence in the United States of Brazil, with the intention not to return to the United States of America, he shall be held to have renounced his naturalization in the United States of America.

The intention not to return may be held to exist when the person naturalized in one of the two countries resides more than two years in the other; but this presumption may be destroyed by evidence to the contrary.

ARTICLE III

It is agreed that the word "citizen", as used in this Convention, means any person whose nationality is that of the United States of America or the United States of Brazil.

ARTIGO I

Os Brasileiros que por seu proprio pedido ou consentimento venham a ser ou tenham sido naturalizados nos Estados Unidos da America serão considerados pelos Estados Unidos do Brasil como cidadãos dos Estados Unidos da America.

Reciprocamente, os cidadãos dos Estados Unidos da America que, por seu proprio pedido ou consentimento, venham a ser ou tenham sido naturalizados no Brasil serão considerados pelos Estados Unidos da America como cidadãos dos Estados Unidos do Brasil.

ARTIGO II

Se um cidadão dos Estados Unidos do Brasil naturalizado nos Estados Unidos da America renovar a sua residencia no Brasil com a intenção de não voltar aos Estados Unidos da America será considerado como tendo renunciado á sua naturalisação nos Estados Unidos da America.

Reciprocamente, se um cidadão dos Estados Unidos da America naturalizado no Brasil renovar a sua residencia nos Estados Unidos da America com a intenção de não voltar ao Brasil será considerado como tendo renunciado a sua naturalisação no Brasil.

A intenção de não regressar será presumida quando a pessoa naturalizada em um dos dois paises residir mais de dois annos no outro. Essa presumpção, porém, poderá ser destruída por prova em contrario.

ARTIGO III

Fica entendido que a palavra "cidadão", empregada nesta Convenção, indica qualquer pessoa cuja nacionalidade seja a brasileira ou a americana.

Recognition of naturalization by United States.

By Brazil.

Renunciation of naturalization.

Intent not to return.

Definition of word "citizen."

ARTICLE IV

ARTIGO IV

Offenses committed
before emigration.

A naturalized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

O cidadão naturalizado em um dos dois paizes voltando ao seu paiz de origem continúa sujeito a processo e pena por qualquer facto punivel segundo as leis d'este, e commettido antes de ter emigrado, mas não pelo proprio acto de emigrar, salva sempre a prescripção estabelecida nas leis do seu paiz de origem e qualquer outra remissão de responsabilidade penal.

ARTICLE V

ARTIGO V

Effect of declaration
of intention.

The status of a naturalized citizen may be acquired only through the means established by the laws of each of the countries and never by one's declaration of intention to become a citizen of one or the other country.

A qualidade de cidadão naturalizado só se adquire pelos meios legaes estabelecidos em cada um dos paizes e não pelo facto de declarar alguém o seu intento de se tornar cidadão de um ou outro paiz.

ARTICLE VI

ARTIGO VI

Exchange of ratifications.

The present Convention shall be submitted for the approval and ratification of the competent authorities of the contracting parties and the ratifications shall be exchanged at the city of Rio de Janeiro within two years from the date of this Convention.

A presente Convenção será submettida á aprovação e ratificação dos Poderes competentes nos dois paizes contractantes e as ratificações serão trocadas na cidade do Rio de Janeiro dentro de dois annos da sua data.

Effect.

It shall enter into full force and effect immediately after the exchange of ratifications, and in case either of the two parties notify the other of its intention to terminate the same, it shall continue in force for one year counting from the date of said notification.

Entrará em vigor immediatamente após a troca das ratificações, e se for denunciada por uma das Partes continuará em vigor por mais um anno a contar da data da denuncia.

Duration.

Signatures.

In witness whereof the Plenipotentiaries above mentioned have signed the present Convention, affixing thereto their seals.

Em fé do que os Plenipotenciarios acima declarados assignam a presente Convenção e nella apõem os seus sellos.

Done in duplicate, each in the two languages, English and Portuguese, at the city of Rio de Janeiro, this twenty seventh day of April nineteen hundred and eight.

Feita em dois exemplares, cada um nas duas linguas, portugueza e ingleza, na cidade do Rio de Janeiro, aos vinte e sete dias de Abril do anno de mil novecentos e oito.

[SEAL.] IRVING B DUDLEY
[SEAL.] RIO-BRANCO.

[SEAL.] RIO-BRANCO
[SEAL.] IRVING B DUDLEY

Ratification.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Rio de Janeiro, on the twenty-eighth day of February, one thousand nine hundred and ten;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

Proclamation.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this second day of April in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States of America the one hundred and thirty-fourth.

WM H TAFT

By the President:

P C KNOX,

Secretary of State.