

May 7, 1908.

Naturalization convention between the United States and Portugal. Signed at Washington May 7, 1908; ratification advised by the Senate May 14, 1908; ratified by the President November 6, 1908; ratified by Portugal September 21, 1908; ratifications exchanged at Washington November 14, 1908; proclaimed December 14, 1908.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Naturalization with
Portugal.
Preamble.

Whereas a Convention between the United States of America and the Kingdom of Portugal, regulating the citizenship of those persons who emigrate from the one country to the other, was concluded and signed by their respective Plenipotentiaries at Washington on the seventh day of May one thousand nine hundred and eight, the original of which Convention, being in the English and Portuguese languages, is word for word as follows:

Contracting Powers.

The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of Portugal, and from the territories of Portugal to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a Convention, that is to say:

Sua Majestade Fidelissima o Rei de Portugal e dos Algarves e o Presidente dos Estados Unidos da America, animados do desejo de definir a nacionalidade das pessoas que dos territorios portuguezes emigram para os Estados Unidos e dos Estados Unidos para os territorios portuguezes, resolveram entabolar a tal respeito negociações e nomearam n'esse intuito seus Plenipotenciarios para concluir uma Convenção, a saber:

Plenipotentiaries.

The President of the United States of America, Elihu Root, Secretary of State; and

Sua Majestade Fidelissima o Rei de Portugal e dos Algarves ao Visconde de Alte, Seu Enviado Extraordinario e Ministro Plenipotenciario junto do Governo dos Estados Unidos da America; e

His Most Faithful Majesty the King of Portugal and of the Algarves, Viscount de Alte, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America;

O Presidente dos Estados Unidos da America a Elihu Root, Secretario d'Estado;

Who have agreed to and signed the following articles:

Os quaes convieram nos artigos seguintes e os assignaram:

ARTICLE I.

ARTIGO I.

Recognition of nat-
uralization.
By Portugal.

Subjects of Portugal who become naturalized citizens of the United States of America and

Os subditos portuguezes que se tornarem cidadãos naturalizados dos Estados Unidos da America,

shall have resided uninterruptedly within the United States five years shall be held by Portugal to be American citizens and shall be treated as such. Reciprocally, citizens of the United States of America who become naturalized subjects of Portugal and shall have resided uninterruptedly within Portuguese territory five years shall be held by the United States to be Portuguese subjects and shall be treated as such.

ARTICLE II.

A recognized 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.

The infraction of the legal provisions which in the country of origin regulate emigration shall not be held, for the purposes of this article, as pertaining to the emigration itself and, therefore, the transgressors of those provisions who return to the country of their origin are there liable to trial on account of any and whatever responsibility they may have incurred through such infraction.

ARTICLE III.

If a Portuguese subject naturalized in America, renews his residence in Portugal, without intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Portugal renews his residence in the United States, without intent to return to Portugal, he shall be held to have renounced his naturalization in Portugal.

The intent not to return may be held to exist when the person

e que tenham residido sem interrupção durante cinco annos nos Estados Unidos, serão considerados por Portugal cidadãos americanos e como taes serão tratados. Reciprocamente, os cidadãos dos Estados Unidos da America que se tornarem subditos naturalizados de Portugal e que tenham residido sem interrupção durante cinco annos em territorio portuguez, serão considerados pelos Estados Unidos subditos portuguezes e como taes serão tratados.

By United States.

ARTIGO II.

Os cidadãos de uma das Partes Contratantes regressando ao paiz d'origem, são passíveis n'elle de responsabilidade criminal pelos crimes que ali houverem practicado antes da emigração, mas não pelo proprio facto da emigração, podendo comtudo sempre invocar a prescripção da responsabilidade criminal ou qualquer outra remissão de penalidade derivada das leis do pais de origem.

Offenses committed before emigration.

A infracção dos preceitos legais que no pais de origem regularem a emigração, não constitue, para os effeitos d'este artigo, parte integrante do facto da emigração e podem, portanto, os infractores, quando forem encontrados no pais d'origem, ser ali demandados pela responsabilidade de qualquer natureza resultante da infracção.

Violation of emigration laws, etc.

ARTIGO III.

Se um antigo subdito portuguez naturalizado nos Estados Unidos tornar a residir em Portugal, sem intenção de volver á America, será havido como tendo renunciado á sua naturalização nos Estados Unidos. Reciprocamente, se um antigo cidadão americano, naturalizado em Portugal, tornar a residir nos Estados Unidos, sem intenção de volver a Portugal, será havido como tendo renunciado á sua naturalização em Portugal.

Renunciation of naturalization.

A intenção de não volver ao paiz onde se obteve a natura-

Intent not to return.

naturalized in one country resides more than two years in the other country.

lização pode considerar-se demonstrada quando as pessoas naturalizadas num paiz residirem mais de dois annos no outro.

ARTICLE IV.

ARTIGO IV.

Duration.

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications, but if neither party shall have given to the other six months previous notice of its intention to terminate the same, it shall continue in force till six months after one of the contracting parties shall have notified the other of its intention to do so.

A presente Convenção é ajustada por um prazo de cinco annos a contar do dia em que forem trocadas as suas ratificações, mas se nenhuma das Partes Contratantes notificar á outra, com a antecipação de seis mezes, a sua intenção de a dar por finda, continuará em vigor até seis mezes depois de uma das Partes ter feito á outra essa notificação.

Exchange of ratifications.

The ratifications of the present Convention shall be exchanged at Washington, as soon as possible.

As ratificações da presente Convenção serão trocadas em Washington, no mais breve prazo possível.

In witness whereof, the respective Plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Em testemunho do que, os respectivos Plenipotenciarios assignaram as clausulas acima estipuladas e lhe pozeram seus sellos.

Signatures.

Done in duplicate at Washington this seventh day of May one thousand nine hundred and eight.

Feito em duplicado em Washington, aos sete dias do mez de maio de mil novecentos e oito.

ELIHU ROOT [SEAL]
ALTE [SEAL]

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 Washington, on the fourteenth day of November one thousand nine hundred and eight;

Proclamation.

Now, therefore, be it known that I, Theodore Roosevelt, 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.

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

Done at the City of Washington this fourteenth day of December, in the year of our Lord one thousand nine hundred [SEAL.] and eight, and of the Independence of the United States of America, the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:
ELIHU ROOT
Secretary of State.