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HISTORIAN

**PAPERS RELATING TO THE FOREIGN RELATIONS OF THE UNITED STATES, WITH THE ANNUAL MESSAGE OF THE PRESIDENT TRANSMITTED TO CONGRESS DECEMBER 7, 1911**

File No. 711.3212/15.

**[Untitled]**

*Signed at Washington, January 23, 1909.*

*Ratification advised by the Senate, January 27, 1909.*

*Ratified by the President, March 1, 1909.*

*Ratified by Brazil, January 2, 1911.*

*Ratifications exchanged at Washington, July 26, 1911.*

*Proclaimed, August 2, 1911.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an arbitration convention between the United States of America and the United States of Brazil was concluded and signed by their respective plenipotentiaries at Washington on the twenty-third day of [Page 35] January, one thousand nine hundred and nine, the original of which convention, being in the English and Portuguese languages, is word for word as follows:

The President of the United States of America and the President of the United States of Brazil, desiring to conclude an arbitration convention in pursuance of the principles set forth in Articles XV to XIX and in Article XXI of the Convention for the Pacific Settlement of International Disputes, signed at The Hague on July 29, 1899, and in Articles XXXVII to XL and Article XLII of the convention signed at the same city of The Hague on October 18, 1907, have named as their plenipotentiaries, to wit:

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

The President of the United States of Brazil, His Excellency Senhor Joaquim Nabuco, ambassador extraordinary and plenipotentiary to the Government of the United States of America, member of the Permanent Court of Arbitration of The Hague;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two high contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague, provided, nevertheless, that they do not affect the vital

interests, the independence, or the honor of the two high contracting parties, and do not concern the interests of third parties, and it being further understood that in case either of the two high contracting parties shall so elect any arbitration pursuant hereto shall be had before the chief of a friendly State or arbitrators selected without limitation to the lists of the aforesaid Hague Tribunal.

ARTICLE II.

In each individual case the two high contracting parties, before appealing to the Permanent Court of Arbitration of The Hague or to other arbitrators or arbitrator, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrator or arbitrators and the periods to be fixed for the formation of the court, or for the selection of the arbitrator or arbitrators, and for the several stages of the procedure. It is understood that, on the part of the United States of America such special agreement will be made by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the United States of Brazil with the approval of the two Houses of the Federal Congress thereof.

ARTICLE III.

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The present convention will be in force for a period of five years, dating from the day of the exchange of its ratifications, and, if not denounced six months before the end of the aforesaid term, will be renewed for an equal period of five years, and so on successively.

ARTICLE IV.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the United States of Brazil, with the authorization of the Federal Congress thereof. The ratifications shall be exchanged in the city of Washington as soon as possible, and the convention shall take effect immediately after the exchange of the ratifications.

In testimony whereof, we, the aforesaid plenipotentiaries, have signed the present instrument in duplicate, in the English and Portuguese languages, and have affixed thereto our seals.

Done in the city of Washington, this 23d day of January, in the year one thousand nine hundred and nine.

ELIHU ROOT. [SEAL.]

JOAQUIM NABUCO. [SEAL.]

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 twenty-sixth day of July, one thousand nine hundred and eleven;

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.

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

[SEAL.] Done at the city of Washington this second day of August in the year of our Lord one thousand nine hundred and eleven, and of the independence of the United States of America the one hundred and thirty-sixth.

WM. H. TAFT.

By the President:

P. C. KNOX,

*Secretary of State.*