

ARBITRATION

Agreement and exchange of notes signed at Washington September 5, 1923, extending convention of April 6, 1908, as extended
Senate advice and consent to ratification January 7, 1924
Ratified by Portugal February 26, 1926
Ratified by the President of the United States April 8, 1926
Ratifications exchanged at Washington April 16, 1926
Entered into force April 16, 1926; operative from November 14, 1923
Proclaimed by the President of the United States April 16, 1926
Expired November 14, 1928

44 Stat. 2376; Treaty Series 735

AGREEMENT

The Government of the United States of America and the Government of the Portuguese Republic being desirous of extending for another five years the period during which the Arbitration Convention concluded between them on April 6, 1908,¹ and extended by the Agreements concluded between the two Governments on June 28, 1913² and September 14, 1920,³ shall remain in force, have authorized the undersigned to conclude the following Agreement:

ARTICLE I

The Convention of Arbitration of April 6, 1908, between the Government of the United States of America and the Government of Portugal, the duration of which by Article III of the said Convention was fixed at a period of five years from the date of the exchange of ratifications thereof, which period, by the Agreement of June 28, 1913, between the two Governments, was extended for five years from November 14, 1913, and was further extended for a period of five years from November 14, 1918, by the Agreement concluded by the two Governments on September 14, 1920, is hereby renewed and continued in force for a further period of five years from November 14, 1923.

¹ TS 514, *ante*, p. 312.

² TS 601, *ante*, p. 329.

³ TS 656, *ante*, p. 336.

ARTICLE II

The present Agreement shall be ratified by the Government of the United States of America and by the Government of the Portuguese Republic in accordance with their respective constitutional methods, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and Portuguese languages, at Washington, this 5th day of September one thousand nine hundred and twenty-three.

WILLIAM PHILLIPS [SEAL]
ALTE [SEAL]

EXCHANGE OF NOTES

The Acting Secretary of State to the Portuguese Minister

DEPARTMENT OF STATE
WASHINGTON, *September 5, 1923*

SIR:

In connection with the signing today of an agreement for the renewal of the Convention of Arbitration concluded between the United States and Portugal, April 6, 1908, and renewed from time to time, I have the honor, in pursuance of the note of July 26, 1923, of the Secretary of State, and your note of August 8, 1923, to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

On February 24 last the President proposed to the Senate that it consent under certain stated conditions to the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague. As the Senate does not convene in its regular session until December next, action upon this proposal will necessarily be delayed. In the event that the Senate gives its assent to the proposal, I understand that the Government of the Portuguese Republic will not be averse to considering a modification of the Convention of Arbitration which we are renewing, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Accept, Sir, the renewed assurances of my highest consideration.

WILLIAM PHILLIPS
Acting Secretary of State

Viscount D'ALTE,
Minister of Portugal.

The Portuguese Minister to the Acting Secretary of State

[TRANSLATION]

LEGATION OF PORTUGAL TO THE
UNITED STATESWASHINGTON, *September 5, 1923*

MR. SECRETARY OF STATE:

Under instructions from His Excellency the Minister for Foreign Affairs of the Portuguese Republic, I have the honour to confirm your understanding of the attitude of the Government of the Republic with reference to the point mentioned in your note of this date and to state that, should the Senate of the United States approve the President's proposal the Government of the Portuguese Republic will be prepared to consider with the United States Government the conclusion of an agreement for the reference to the Permanent Court of International Justice of disputes mentioned in the Arbitration Convention between the two countries.

Accept, Sir, the renewed assurance of my highest consideration.

ALTE

His Excellency

WILLIAM PHILLIPS

*Acting Secretary of State of
the United States of America
etc., etc., etc.*