

H A N O V E R .

[All the treaties with Hanover are regarded as having terminated in consequence of the conquest of that kingdom and its incorporation with Prussia in 1866.]

HANOVER, 1840.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF HANOVER, CONCLUDED AT BERLIN MAY 20, 1840; RATIFICATION ADVISED BY SENATE JULY 15, 1840; RATIFIED BY PRESIDENT JULY 28, 1840; RATIFICATIONS EXCHANGED AT BERLIN NOVEMBER 14, 1840; PROCLAIMED JANUARY 2, 1841.

May 20, 1840.

[Annulled by Article XIII, treaty of 1846.]

Treaty with the King of Hanover.

The United States of America and His Majesty the King of Hanover, equally animated by the desire of extending as far as possible the commercial relations between, and the exchange of the productions of their respective States, have agreed, with this view, to conclude a treaty of commerce and navigation.

Contracting parties.

For this purpose, the President of the United States of America has furnished with full powers Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Prussia; and His Majesty the King of Hanover has furnished with the like full powers Le Sieur Auguste de Berger, his Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Prussia, Lieutenant General, Knight Grand Cross of the Order of Guelph, the Red Eagle of Prussia, the Order of Merit of Oldenburg, &c.;

Negotiators.

Who, after exchanging their said full powers, found in good and due form, have concluded and signed, subject to ratification, the following articles :

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

Reciprocal liberty of commerce and navigation.

The inhabitants of their respective States shall mutually have liberty to enter, with or without their ships and cargoes, the ports, places, waters, and rivers of the territories of each party wherever foreign commerce is permitted.

They shall be permitted to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Privileges of residents.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, in all the territories subject to the jurisdiction of each party, in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being, in all these cases, to be treated as the citizens or subjects of the country in which they reside, it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

Management of business, &c.

Access to courts. They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of the country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents as they may judge proper.

ARTICLE II.

Equality of duties on vessels. No higher or other duties shall be imposed in any of the ports of the United States on Hanoverian vessels than those payable in the same ports by vessels of the United States; nor in the ports of the Kingdom of Hanover on the vessels of the United States than shall be payable in the same ports on Hanoverian vessels.

Vessels to which privileges extend. The privileges secured by the present article to the vessels of the respective high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prize of war, or adjudged to be forfeited for a breach of the municipal laws of either of the parties, and belonging wholly to their citizens or subjects respectively, and of which the master, officers, and two-thirds of the crew shall consist of the citizens or subjects of the country to which the vessel belongs.

Equality of duties on imports. The same duties shall be paid on the importation into the ports of the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the Kingdom of Prussia, from whatsoever ports of the said country the said vessels may depart, whether such importation shall be in vessels of the United States or in Hanoverian vessels; and the same duties shall be paid on the importation into the ports of the Kingdom of Hanover of any articles the growth, produce, or manufacture of the United States and of every other country of the continent of America and the West India Islands, from whatsoever ports of the said countries the vessels may depart, whether such importation shall be in Hanoverian vessels or the vessels of the United States.

Equality of duties on exports. The same duties shall be paid and the same bounties allowed on the exportation of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the Kingdom of Prussia, to the United States, whether such exportation shall be in vessels of the United States, or in Hanoverian vessels, departing from the ports of Hanover; and the same duties shall be paid and the same bounties allowed on the exportation of any articles the growth, produce, or manufacture of the United States and of every other country on the continent of America and the West India Islands, to the Kingdom of Hanover, whether such exportation shall be in Hanoverian vessels or in vessels of the United States departing from the ports of the United States.

ARTICLE III.

Equality of duties on produce of either country. No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, and no higher or other duties shall be imposed on the importation into the Kingdom of Hanover of any articles the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the exportation or importation of any articles the growth, produce, or manufacture of the United States, or the Kingdom of Hanover, to or from the ports of said Kingdom or of the said United States, which shall not equally extend to all other nations.

Equality of prohibitions.

ARTICLE IV.

The preceding articles are not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own citizens or subjects.

Coasting trade.

ARTICLE V.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account or in reference to the national character of the vessel, whether it be of the one party or of the other in which such article was imported.

No preference of importation.

ARTICLE VI.

The contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, agents, and commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Consular officers.

The Consuls, Vice-Consuls, and commercial agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported.

Settlement of disputes between masters and crews.

It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls, Vice-Consuls, and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country.

Deserters from vessels.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced his sentence, and such sentence shall have been carried into effect.

ARTICLE VII.

Disposal and inheritance of personal property.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other, by sale, donation, testament, or otherwise.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato.

They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duties only as the inhabitants of the country wherein the said personal property is situate shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Heirs to real estate.

Where, on the decease of any person, holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of détraction on the part of the Government of the respective States.

No duties of détraction, &c.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicile, shall likewise be exempt from all duties of détraction or emigration on the part of the respective Governments.

ARTICLE VIII.

Wrecked and damaged vessels.

The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the property belonging to the citizens or subjects of the contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts, or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

Salvage.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except as are payable in the like cases by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposite, destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE IX.

Duration of treaty.

The present treaty shall be in force for the term of twelve years from the date hereof; and further until the end of twelve months after the Government of the United States on the one part, or that of Hanover on the other, shall have given notice of its intention of terminating the same.

ARTICLE X.

Ratifications.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of their Senate; and by His Majesty the King of Hanover; and the rati-

fications thereof shall be exchanged at the city of Berlin, within the space of ten months from this date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles as well in French as in English, and have affixed thereto the seals of their arms, declaring at the same time that the signature in the two languages shall not hereafter be cited as a precedent, nor in any manner prejudice the contracting parties.

Done in quadruplicate at the city of Berlin the twentieth day of May, in the year of our Lord one thousand eight hundred and forty, and the sixty-fourth of the Independence of the United States of America.

HENRY WHEATON. [L. s.]
 AUGUSTUS DE BERGER. [L. s.]

Signatures.

Date.

HANOVER, 1846.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF HANOVER, CONCLUDED AT HANOVER JUNE 10, 1846; RATIFICATION ADVISED BY SENATE JANUARY 6, 1847; RATIFIED BY PRESIDENT JANUARY 8, 1847; RATIFICATIONS EXCHANGED AT HANOVER MARCH 5, 1847; PROCLAIMED APRIL 24, 1847.

June 10, 1846.

The United States of America and his Majesty the King of Hanover, equally animated with a desire of placing the privileges of their navigation on a basis of the most extended liberality, and of affording otherwise every encouragement and facility for increasing the commercial intercourse between their respective States, have resolved to settle in a definitive manner the rules which shall be observed between the one and the other, by means of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on A. Dudley Mann, their Special Agent to His Majesty the King of Hanover; and His Majesty the King of Hanover has furnished with the like full powers the Baron George Frederick de Falcke, of his Privy Council, Knight Grand Cross of the Royal Guelphick Order;

Contracting parties.

Negotiators.

Who, after exchanging their full powers, found in good and due form, have concluded and signed, subject to ratification, the following articles.

ARTICLE I.

The high contracting parties agree that whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in vessels of the Kingdom of Hanover; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel of the United States or in a Hanoverian vessel. And in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the Kingdom of Hanover in its own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or the other.

Importations in vessels of either party.

Tonnage duties.

Whatever may be lawfully exported or re-exported by one party in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other. And the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other. Nor shall higher or other charges of any kind be imposed in the ports of the one party on vessels of the other than are or shall be payable in the same ports by national vessels.

Exportations in vessels of either party.

Port charges.

And further, it is agreed that no higher or other toll shall be levied or collected at Brunshausen or Stade, on the River Elbe, upon the ton-

Brunshausen tolls.

nage or cargoes of vessels of the United States, than is levied and collected upon the tonnage and cargoes of vessels of the Kingdom of Hanover; and the vessels of the United States shall be subjected to no charges, detention, or other inconvenience by the Hanoverian authorities, in passing the above-mentioned place, from which vessels of the Kingdom of Hanover are or shall be exempt.

ARTICLE II.

Coasting trade. The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

ARTICLE III.

No preference of importation. No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the national character of the vessel, whether it be of the one party or of the other, in which such article was imported.

ARTICLE IV.

Wrecked and damaged vessels. The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the citizens or subjects of the high contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

Salvage. They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

Repairs of vessels. If the operations of repairs shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE V.

To what vessels privileges extend. The privileges secured by the present treaty to the respective vessels of the high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prize of war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their citizens or subjects.

It is further stipulated that vessels of the Kingdom of Hanover may select their crews from any of the States of the Germanic Confederation, provided that the master of each be a subject of the Kingdom of Hanover.

ARTICLE VI.

Equality of duties on produce of either country. No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of its fisheries, and no higher or other duties shall be imposed on the importation into the Kingdom of Hanover of any articles the growth, produce, and manufacture of the United

States, and of their fisheries, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country, or of its fisheries.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country. Equality in ex-
portation.

No prohibition shall be imposed on the importation or exportation of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of its fisheries, or of the United States or their fisheries, from or to the ports of said Kingdom, or of the said United States, which shall not equally extend to all other Powers and States. Equality of pro-
hibitions.

ARTICLE VII.

The high contracting parties engage, mutually, not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party; who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation, as near as possible, if the concession was conditional. Favors granted
to other nations to
become common.

ARTICLE VIII.

In order to augment, by all the means at its bestowal, the commercial relations between the United States and Germany, the Kingdom of Hanover hereby agrees to abolish the import duty on raw cotton, and also to abolish the existing transit duties upon leaves, stems, and strips of tobacco, in hogsheads or casks, raw cotton in bales or bags, whale oil in casks or barrels, and rice in tierces or half tierces. Cotton and to-
bacco.
[See Article XI.]

And, further, the Kingdom of Hanover obligates itself to levy no Weser tolls on the aforementioned articles, which are destined for, or landed in, ports or other places within its territory on the Weser; and it moreover agrees that if the States bordering upon said river shall consent at any time, however soon, to abolish the duties which they levy and collect upon said articles destined for ports or other places within the Hanoverian territory, the Kingdom of Hanover will readily abolish the Weser tolls upon the same articles destined for ports and places in such States. Weser tolls.

It being understood, however, that the aforesaid stipulations shall not be deemed to prohibit the levying, upon the said articles, a tax sufficient for defraying the expense of maintaining the regulation respecting transit goods. But in no case shall such tax exceed eight pfennigs Hanoverian currency (two cents United States currency) for one hundred pounds Hanoverian weight, (one hundred and four pounds United States weight.) Transit duty.

ARTICLE IX.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, commercial agents, and vice-commercial agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place. Consular officers.

The Consuls, Vice Consuls, commercial and vice-commercial agents shall have the right as such to sit as judges and arbitrators, in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, commercial agents, or Settlement of
disputes between
masters and crews.

vice-commercial agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their own country.

Deserters from
vessels.

The said Consuls, Vice-Consuls, commercial agents, and vice-commercial agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, commercial agents or vice-commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

ARTICLE X.

Privileges of
residents.

The citizens and subjects of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Management of
business, &c.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business in all the territories subject to the jurisdiction of each party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside; it being, nevertheless, understood that they shall remain subject to the said laws and regulations; also in respect to sales by wholesale or retail.

Access to courts.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents as they may judge proper.

Disposal of per-
sonal property.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other by sale, donation, testament, or otherwise.

Succession to
personal property.

Their personal representatives being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato.

They may take possession thereof either by themselves or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situate shall be subject to pay in like cases.

Property of ab-
sent heirs.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of

a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

Heirs of real estate.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicil, shall likewise be exempt from all duties of detraction or emigration on the part of their respective Governments.

No duties of detraction, &c.

ARTICLE XI.

The present treaty shall continue in force for the term of twelve years from the date hereof, and further until the end of twelve months after the Government of Hanover on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same; but upon the condition hereby expressly stipulated and agreed, that if the Kingdom of Hanover shall determine, during the said term of twelve years, to augment the existing import duty upon leaves, strips, or stems of tobacco imported in hogsheads or casks, a duty which at this time does not exceed one thaler and one gutengroschen per one hundred pounds Hanoverian currency and weight, (seventy cents pr. one hundred pounds United States currency and weight,) the Government of Hanover shall give a notice of one year to the Government of the United States before proceeding to do so; and at the expiration of that year, or any time subsequently, the Government of the United States shall have full power and right to abrogate the present treaty by giving a previous notice of six months to the Government of Hanover, or to continue it (at its option) in full force until the operation thereof shall have been arrested in the manner first specified in the present article.

Duration of treaty.

Augmentation of duty on tobacco.

ARTICLE XII.

The United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic Confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such State or States shall confer similar favors upon the said United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations.

Other States of Germanic Confederation may accede to treaty.

ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Majesty the King of Hanover; and the ratifications thereof shall be exchanged at the city of Hanover, within the space of ten months from this date, or sooner if possible, when the treaty of commerce and navigation concluded between the high contracting parties, at Berlin, on the 20th day of May, 1840, shall become null and void to all intents and purposes.

Ratifications.

Treaty of 1840 annulled.

In faith whereof we, the Plenipotentiaries of the high contracting parties, have signed the present treaty, and have thereto affixed our seals.

[See pp. 403-407.]
Signatures.

Date. Done in quadruplicate at the city of Hanover, on the tenth day of June, in the year of our Lord one thousand eight hundred and forty-six, and in the seventieth year of the Independence of the United States of America.

A. DUDLEY MANN. [L. S.]
 GEORGE FREDERICK BARON DE FALCKE. [L. S.]

[For accessions to this treaty, under the twelfth article thereof, see names of the particular States.]

HANOVER, 1855.

Jan. 18, 1855.

EXTRADITION CONVENTION WITH HANOVER, CONCLUDED AT LONDON JANUARY 18, 1855; RATIFICATION ADVISED BY SENATE MARCH 3, 1855; RATIFIED BY PRESIDENT MARCH 8, 1855; RATIFICATIONS EXCHANGED AT LONDON APRIL 17, 1855; PROCLAIMED MAY 5, 1855.

Convention for the mutual extradition of fugitives from justice, in certain cases, concluded between the Government of the United States on the one part, and the Kingdom of Hanover on the other part.

Contracting parties.

The United States of America and His Majesty the King of Hanover, actuated by an equal desire to further the administration of justice, and to prevent the commission of crime in their respective countries, taking into consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that consequently provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as, having committed any of the offences hereafter enumerated in one country, shall have taken refuge within the territories of the other. The constitution and laws of Hanover, however, not allowing the Hanoverian Government to surrender their own subjects for trial before a foreign court of justice, a strict reciprocity requires that the Government of the United States shall be held equally free from any obligation to surrender citizens of the United States. For which purposes the high contracting Powers have appointed as their Plenipotentiaries:

Negotiators.

The President of the United States, James Buchanan, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the United Kingdom of Great Britain and Ireland; His Majesty the King of Hanover, the Count Adolphus von Kielmansegge, his Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of the Order of the Guelphs, &c., &c.;

Who, after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

For what crimes extradition may be demanded.

The Government of the United States and the Hanoverian Government promise and engage, upon mutual requisitions by them, or their Ministers, officers, or authorities, respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed;

Evidence of criminality.

and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Expenses.

ARTICLE II.

The stipulations of this convention shall be applied to any other State of the Germanic Confederation which may hereafter declare its accession thereto.

Accessions to this convention.

ARTICLE III.

None of the contracting parties shall be bound to deliver up its own subjects or citizens under the stipulations of this convention.

Neither party to surrender its own citizens.

ARTICLE IV.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up, under the stipulations of this convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

When extradition may be delayed.

ARTICLE V.

The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention, each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty-eight.

Duration of convention.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Hanover, and the ratifications shall be exchanged in London within three months from the date hereof, or sooner if possible.

Ratifications.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Signatures.

Done in duplicate in London, the eighteenth day of January, one thousand eight hundred and fifty-five, and the seventy-ninth year of the Independence of the United States.

Date.

JAMES BUCHANAN. [L. S.]
A. KIELMANSEGGE. [L. S.]

HANOVER, 1861.

Nov. 6, 1861.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF HANOVER FOR THE ABOLITION OF THE STADE OR BRUNSHAUSEN DUES, CONCLUDED AT BERLIN NOVEMBER 6, 1861; RATIFICATION ADVISED BY SENATE FEBRUARY 3, 1862; RATIFIED BY PRESIDENT FEBRUARY 7, 1862; RATIFICATIONS EXCHANGED AT BERLIN APRIL 29, 1862; PROCLAIMED JUNE 17, 1862.

Special treaty concerning the abolition of the Stade or Brunshausen dues.

Contracting parties.

The United States of America and His Majesty the King of Hanover, equally animated by the desire to increase and facilitate the relations of commerce and navigation between the two countries, have resolved to conclude a special treaty, to the end to free the navigation of the Elbe from the tolls known under the designation of the Stade or Brunshausen dues, and have for that purpose conferred full powers :

Negotiators.

The President of the United States of America upon Mr. Norman B. Judd, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Prussia, and His Majesty the King of Hanover upon his Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, the Lieutenant Colonel and Extraordinary Aid-de-Camp, Mr. August Wilhelm von Reitzenstein, Knight Commander of the 2d class of the Royal Guelphick Order, etc. ;

Who, after having exchanged their full powers, and having found them to be in due and proper form, have concluded the following articles :

ARTICLE I.

His Majesty the King of Hanover assumes towards the United States of America, who accept the same, the obligation—

Tolls, &c., abolished.

1. To abolish completely and forever the toll hitherto levied on the cargoes of American vessels ascending the Elbe, and passing the mouth of the river called Schwinge, designated under the name of the Stade or Brunshausen dues ;

2. To levy no toll of any kind, of whatever nature it may be, upon the hulls or cargoes of American vessels ascending or descending the Elbe, in place of those dues, the abolition of which is agreed upon in the preceding paragraph ;

3. Nor to subject hereafter, under any pretext whatever, American vessels ascending or descending the Elbe to any measure of control regarding the dues that are hereby abolished.

ARTICLE II.

His Majesty the King of Hanover obligates himself moreover to the United States of America—

Works necessary to free navigation of the Elbe.

1. To provide as hitherto, and to the extent of the existing obligations, for the maintenance of the works that are necessary for the free navigation of the Elbe ;

2. Not to impose, as a compensation for the expenses resulting from the execution of this obligation, upon the American marine, any charge whatever, in lieu and place of the Stade or Brunshausen dues.

ARTICLE III.

Indemnity to the King of Hanover.

By way of damage and compensation for the sacrifices imposed upon His Majesty the King of Hanover by the above stipulations, the United States of America agree to pay to His Majesty the King of Hanover, who accepts the same, the sum of sixty thousand three hundred and fifty-three thalers, Hanoverian currency, this being the proportional quota part of the United States in the general table of indemnification for the abolition of the Stade or Brunshausen dues.

ARTICLE IV.

The sum of sixty thousand three hundred and fifty-three thalers court, stipulated in Article III, shall be paid at Berlin, into the hands of such person as shall have been authorized by His Majesty the King of Hanover to receive it, on the day of the exchange of ratifications as hereinafter provided. Payment of the indemnity.

In consideration of the fact that the stipulations contained in Articles I and II have already been applied to the American flag since the first day of July, 1861, the United States of America agree to pay besides, and the same time with the capital above named, the interest of that sum, at the rate of four per centum per annum, commencing with the first day of October, 1861.

ARTICLE V.

The execution of the obligations contained in the present treaty is especially subordinated to the accomplishment of such formalities and rules as are established by the constitutions of the high contracting Powers, and the compliance with these formalities and rules be brought about within the shortest delay possible. Execution of stipulations.

ARTICLE VI.

The treaty of commerce and navigation concluded between the United States of America and His Majesty the King of Hanover on the tenth day of June, 1846, shall continue to remain in force, with the exception of the stipulation contained in paragraph 3, Article I, which shall cease to have effect after the present treaty shall have been ratified. Treaty of 1846 to remain in force.
Exception.
[See p. 407.]

ARTICLE VII.

This treaty shall be approved and ratified, and the ratifications shall be exchanged at the city of Berlin, within six months from the present date, or sooner if possible. Ratifications.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the English and German languages, and they have thereto affixed their seals. Signatures.

Done in duplicate at Berlin the sixth day of November, in the year of our Lord one thousand eight hundred and sixty-one, and the Independence of the United States of America the eighty-sixth. Date.

N. B. JUDD. [L. S.]
WILHELM AUGUST VON REITZENSTEIN. [L. S.]

PROTOCOLE.

Nov. 6, 1861.

It remains understood that, until the execution of the stipulations contained in Articles V and VII of the treaty of to-day shall have taken place, the Hanoverian Government shall preserve the right, provisionally, by way of precaution, to maintain the dues which it has agreed to abolish. But as soon as the United States of America shall have fulfilled the stipulations therein mentioned, the Hanoverian Government shall order the discharge of that temporary measure of precaution, as regards merchandise transported in American vessels. Until, however, all the Powers, parties to the general treaty of the 22d day of June, 1861, concerning the abolition of the Stade or Brunshausen dues, shall have fulfilled the engagements contained in the Articles VI and VII of the last-named treaty, it shall have power to require of American vessels a proof of their nationality, without thereby causing them a delay or detention. Protocol.
Temporary precautions.

Done at Berlin the 6th November, 1861. Date.

N. B. JUDD. [L. S.]
WILHELM AUGUST VON REITZENSTEIN. [L. S.]