

HESSE.

HESSE CASSEL, 1844.

March 26, 1844. CONVENTION WITH HESSE CASSEL CONCLUDED AT BERLIN MARCH 26, 1844; RATIFICATION ADVISED BY SENATE JUNE 12, 1844; RATIFIED BY PRESIDENT JUNE 22, 1844; RATIFICATIONS EXCHANGED AT BERLIN OCTOBER 16, 1844; TIME FOR EXCHANGE OF RATIFICATIONS EXTENDED TO JULY 4, 1845, AND EXCHANGE OF THEM PREVIOUS THERETO DECLARED REGULAR BY SENATE JANUARY 13, 1845; PROCLAIMED MAY 8, 1845.

Convention for the mutual abolition of the droit d'aubaine and taxes on emigration between the United States of America and the Grand Duchy of Hesse.

Contracting parties. The United States of America, on the one part, and His Royal Highness the Grand Duke of Hesse, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiation for this purpose.

Negotiators. For the attainment of this desirable object the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, and His Royal Highness the Grand Duke of Hesse, upon Baron Schaeffer-Bernstein, his Chamberlain, Colonel, Aide-de-Camp, and Minister Resident near His Majesty the King of Prussia;

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

ARTICLE I.

Droit d'aubaine, &c., abolished. Every kind of droit d'aubaine, droit de retraite, and droit de détraction, or tax on emigration, is hereby, and shall remain, abolished, between the two contracting parties, their States, citizens, and subjects respectively.

ARTICLE II.

Heirs to real property. Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged, according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

ARTICLE III.

Disposal and inheritance of personal property. The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato, and may take possession thereof, either by themselves or by other acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or a person who has a right to sell the same, according to article 2, may take measures to receive or dispose of the inheritance.

Property of absent heirs.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

Disputes concerning inheritances.

ARTICLE VI.

This convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Royal Highness the Grand Duke of Hesse, and the ratifications shall be exchanged at Berlin, within the term of six months from the date of the signature hereof, or sooner if possible.

Ratifications.

In faith of which the respective Plenipotentiaries have signed the above articles, both in French and English, and have thereto affixed their seals; declaring, nevertheless, that the signing in both languages shall not hereafter be cited as a precedent, nor in any way operate to the prejudice of the contracting parties.

Signatures.

Done in quadruplicate in the city of Berlin, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and forty-four, and the sixty-eighth of the Independence of the United States of America.

Date.

HENRY WHEATON.

B'ON DE SCHAEFFER-BERNSTEIN.

[L. S.]

[L. S.]

[For stipulations of June 16, 1852, for the mutual delivery of criminals fugitives from justice in certain cases, between the United States and the Elector of Hesse, the Grand Duke of Hesse and on Rhine, and the Landgrave of Hesse-Homburg, see convention of that date with Prussia and other states of the Germanic Confederation.]

GRAND DUCHY OF HESSE, 1868.

[That portion of the Grand Duchy of Hesse north of the Main was incorporated into the North German Union, by the constitution of the latter, July 1, 1867.]

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF HESSE, RELATIVE TO NATURALIZATION, CONCLUDED AT DARMSTADT AUGUST 1, 1868; RATIFICATION ADVISED BY SENATE APRIL 12, 1869; RATIFIED BY PRESIDENT APRIL 18, 1869; RATIFICATIONS EXCHANGED AT BERLIN JULY 23, 1869; PROCLAIMED AUGUST 31, 1869.

August 1, 1868.

Whereas an agreement was made on the 22d of February, 1868, between the United States of America and the North German Confederation, to regulate the citizenship of those persons who emigrate from the United States of America to the territory of the North German Confederation, and from the North German Confederation to the United States of America; and whereas this agreement by publication in the bulletin of the laws of that Confederation has obtained binding force in the parts of the Grand Duchy of Hesse belonging to the North German Confederation, it has seemed proper in like manner to establish regulations respecting the citizenship of such persons as emigrate from the

Preamble.

[See pp. 575, 576.]

United States of America to the parts of the Grand Duchy of Hesse not belonging to the North German Confederation, and from the above-described parts of Hesse to the United States of America.

Contracting parties.

The President of the United States of America and His Royal Highness the Grand Duke of Hesse and by Rhine have therefore resolved to treat on this subject, and for that purpose have appointed Plenipotentiaries to conclude a convention, that is to say:

Negotiators.

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary, and His Royal Highness the Grand Duke of Hesse and by Rhine, &c., Dr. Frederick Baron von Lindelof, President of his Council of State, Minister of Justice, and Actual Privy Counsellor;

Who have agreed to and signed the following articles:

ARTICLE I.

Who to be deemed naturalized citizens.

Citizens of the parts of the Grand Duchy of Hesse not included in the North German Confederation, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the Grand Ducal Hessian Government to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America, who have become or shall become naturalized citizens of the above-described parts of the Grand Duchy Hesse, and shall have resided uninterruptedly therein five years, shall be held by the United States to be citizens of the Grand Duchy Hesse, and shall be treated as such.

Effect of declaration of intention.

The declaration of an intention to become a citizen of the one or the other country, has not for either party the effect of naturalization.

ARTICLE II.

Offenses committed before emigration.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country.

ARTICLE III.

Extradition convention remains in force.

The convention for the mutual delivery of criminals fugitives from justice in certain cases, concluded between the United States of America and the Grand Duchy Hesse, on the 16th of June, 1852,* remains in force, without change.

ARTICLE IV.

Renunciation of naturalization.

If a Hessian, naturalized in America, but originally a citizen of the parts of the Grand Duchy not included in the North German Confederation, renews his residence in those parts without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally, if an American, naturalized in the Grand Duchy of Hesse, (within the above-described parts,) renews his residence in the United States without the intent to return to Hesse, he shall be held to have renounced his naturalization in the Grand Duchy.

Intent not to return.

The intent not to return may be held to exist, when the person naturalized in the one country resides more than two years in the other country.

ARTICLE V.

Duration of convention.

The present convention shall go into effect immediately, on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice

* See "Prussia and other States of the Germanic Confederation."

of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States of America, and by His Royal Highness the Grand Duke of Hesse and by Rhine, etc. The ratification of the first is to take effect by and with the advice and consent of the Senate of the United States; on the Grand Ducal Hessian side, the assent of the States of the Grand Duchy is reserved, in so far as it is required by the constitution.

Ratifications.

The ratifications shall be exchanged at Berlin within one year of the present date.

Signatures.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Darmstadt, the 1st of August, 1868.

Date.

GEO. BANCROFT.

FRIEDRICH FREIHERR VON LINDELOF. [L. S.]

[L. S.]
[L. S.]