

SAXONY.

SAXONY, 1845.

May 14, 1845.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF SAXONY, FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION, CONCLUDED AT BERLIN MAY 14, 1845; RATIFICATION ADVISED BY SENATE, WITH AMENDMENT, APRIL 15, 1846; RATIFIED BY PRESIDENT APRIL 22, 1846; RATIFICATIONS EXCHANGED AT BERLIN AUGUST 12, 1846; PROCLAIMED SEPTEMBER 9, 1846.

Contracting parties.

The United States of America, on the one part, and His Majesty the King of Saxony, 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 negotiations 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 Majesty the King of Saxony upon John DeMinckwitz, his Minister of State, Lieutenant-General, Envoy Extraordinary and Minister Plenipotentiary at the said Court;

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.

[See Article IV.]

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 citizen or subject of the other, were he not disqualified by alienage, or where such real property has been devised by last will and testament to such citizen or subject, he shall be allowed a term of two years from the death of such person—which term may be reasonably prolonged according to circumstances—to sell the same and to withdraw the proceeds thereof without molestation, and exempt from all duties of détraction 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 others 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 the property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

Property of absent heirs.

ARTICLE V.

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

Settlement of disputes.

ARTICLE VI.

All the stipulations of the present convention shall be obligatory in respect to property already inherited, devised, or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

Application of stipulations.

ARTICLE VII.

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 Majesty the King of Saxony, and the ratifications shall be exchanged at Berlin within the term of eighteen months from the date of the signature, or sooner if possible.

Ratifications.

In faith of which, the respective Plenipotentiaries have signed the above articles, both in German and English, and have thereto affixed their seals.

Signatures.

Done in triplicate, in the city of Berlin, on the 14th of May, in the year of our Lord one thousand eight hundred and forty-five, and the sixty-ninth of the Independence of the United States of America.

Date.

HENRY WHEATON. [L. S.]
MINCKWITZ. [L. S.]