

## NATURALIZATION

*Convention signed at Darmstadt August 1, 1868*

*Senate advice and consent to ratification April 12, 1869*

*Ratified by the the President of the United States April 18, 1869*

*Ratified by Hesse July 2, 1869*

*Ratifications exchanged at Berlin July 23, 1869*

*Entered into force July 23, 1869*

*Proclaimed by the President of the United States August 31, 1869*

*Obsolete*

16 Stat. 743; Treaty Series 171

Whereas an agreement was made on the 22d of February, 1868, between the United States of America and the North German Confederation,<sup>1</sup> 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 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.

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, 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

Citizens of the parts of the Grand Duchy of Hesse not included in the North German Confederation, who have become or shall become naturalized citi-

<sup>1</sup> TS 261, *post*, p. 70.

zens 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 of Hesse, and shall have resided uninterruptedly therein five years, shall be held by the United States to be citizens of the Grand Duchy of Hesse, and shall be treated as such.

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

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

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 of Hesse, on the 16th of June, 1852,<sup>2</sup> remains in force, without change.

#### ARTICLE IV

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.

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

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 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.

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<sup>2</sup> TS 296, *post*, p. 105.

## 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 &c. 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.

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

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

*Darmstadt, the 1st of August, 1868.*

GEO. BANCROFT

[SEAL]

FRIEDRICH FREIHERR VON LINDELOF

[SEAL]