

Germany (Württemberg)

ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION

Convention signed at Berlin April 10, 1844

Senate advice and consent to ratification June 12, 1844

Ratified by the President of the United States June 22, 1844

Ratified by Württemberg September 18, 1844

Ratifications exchanged at Berlin October 3, 1844

Entered into force October 3, 1844

Proclaimed by the President of the United States December 16, 1844

Obsolete

8 Stat. 588; Treaty Series 373¹

CONVENTION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF WURTTENBERG

The United States of America and His Majesty the King of Wurttemberg having resolved, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine & taxes on emigration, have named for this purpose their respective Plenipotentiaries, namely the President of the United States of America has conferred full powers on Henry Wheaton their Envoy extraordinary and Minister plenipotentiary at the Royal Court of Prussia and His Majesty the King of Wurttemberg upon Baron de Maucler, His Captain of the Staff and chargé d'affaires at the said Court, who, after having exchanged their said full powers, found in due and proper form, have agreed to & signed the following Articles:

¹ For a detailed study of this convention, see 4 Miller 549.

ART. 1. 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 & subjects respectively.

ART. 2. 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, 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, & exempt from all duties of detraction.

ART. 3. 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, legatees, and donees, being citizens or subjects of the other contracting Party, shall succeed to their said personal property, 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.

ART. 4. 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 the person who has a right to sell the same according to Article 2., may take measures to receive or dispose of the inheritance.

ART. 5. 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.

ART. 6. All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

ART. 7. This convention is concluded subject to the ratification of the President of the United States of America,—by & with the advice and consent of their Senate, and of His Majesty the King of Wurttemberg, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the above Articles, as well in English as in German, and have thereto affixed their seals.

Done in triplicata in the city of Berlin on the tenth day of April, One Thousand Eight Hundred & forty four, in the sixty eighth year of the Independence of the United States of America, and the twenty-eighth of the Reign of His Majesty the King of Wurttemberg.

HENRY WHEATON	[SEAL]
FREIHERR VON MAUCLER	[SEAL]