

NATURALIZATION AND EXTRADITION

Treaty and explanatory protocol signed at Stuttgart July 27, 1868

Senate advice and consent to ratification April 12, 1869

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

Ratified by Württemberg

Ratifications exchanged at Stuttgart August 17, 1869

Entered into force August 17, 1869

Senate advice and consent to exchange of ratifications March 2, 1870

Proclaimed by the President of the United States March 7, 1870

Obsolete

18 Stat. 811; Treaty Series 375

TREATY

The President of the United States of America and his Majesty the King of Württemberg, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Württemberg, and from Württemberg to the territory of the United States of America, have resolved to treat on this subject and have for that purpose 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 Majesty the King of Württemberg, his Minister of the royal house and of foreign affairs, Charles Baron Varnbüler, who have agreed to and signed the following articles:

ARTICLE I¹

Citizens of Württemberg, 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 Württemberg 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 Württemberg and shall have resided uninterruptedly within Württemberg five years, shall be held by the United States to be citizens of Württemberg, 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.

¹ See also explanatory protocol, p. 119.

ARTICLE II ¹

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, or any other remission of liability to punishment.

ARTICLE III

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between Württemberg and the United States the 16 June, 1852 ² remains in force without change.
13 October, 1853,

ARTICLE IV ¹

If a Württemberger, naturalized in America, renews his residence in Württemberg 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 Württemberg, renews his residence in the United States without the intent to return to Württemberg, he shall be held to have renounced his naturalization in Württemberg. 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 high contracting parties shall have given notice to the other of such intention.

ARTICLE VI

The present convention shall be ratified by his Majesty the King of Württemberg, with the consent of the Chambers of the kingdom, and by the President by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Stuttgart as soon as possible, within twelve months from the date hereof.

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

² TS 374, *ante*, p. 116.

Stuttgart the twenty-seventh of July, one thousand eight hundred and sixty-eight.

GEO. BANCROFT [SEAL]
FREIHERR VON VARNBÜLER [SEAL]

PROTOCOL EXPLANATORY OF THE CONVENTION

Done at Stuttgart the 27th July, 1868

The undersigned met to-day to sign the treaty agreed upon, in conformity with their respective full powers, relating to the citizenship of those persons, who emigrate from the United States of America to Wurtemberg and from Wurtemberg to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this treaty were entered in the following protocol.

I. Relating to the first article of the Treaty

(1) It is of course understood that not the naturalization alone, but a five years uninterrupted residence is also required, before a person can be regarded as coming within the treaty; but it is by no means requisite, that the five years residence should take place after the naturalization.

Yet it is hereby agreed, that if citizens of the one state become legally naturalized in the other state before they have resided there five years; the persons so naturalized from the moment of their naturalization, have to exercise all civil rights and are liable to all civil duties in the state into which they have been adopted.

(2) The words "resided uninterruptedly" are obviously to be understood, not of a continual bodily presence, but in the legal sense; and therefore a transient absence, a journey or the like, by no means interrupts the period of five years contemplated by the first article.

II. Relating to the second article of the treaty

On the side of Wurtemberg, it is agreed that all former Wurtembergers, who under the first article of this treaty are to be held as American citizens may, whether they have emigrated before or after the age of liability to military service, return to their original country, free from military duties and penalties and with a claim to the delivery of the property which may have been sequestered, with the exception of those Wurtemberg emigrants liable to military duty who have taken to flight

(1) After their enrolment in the active army and before their discharge from the same, or

(2) after they (*a*) have been called into service with the class of their age or on occasion of placing the military force on a war footing, or (*b*) have been present at a muster and been designated as a part of the contingent.

III. *Relating to the fourth article of the treaty*

It is agreed that the fourth article shall *not* receive the interpretation, that the naturalized citizen of the one state who returns to the other state, his original country, and there takes up his residence, does by that act alone recover his former citizenship; nor can it be assumed, that the state to which the emigrant originally belonged is bound to restore him at once to his original relation. On the contrary it is only intended to be declared; that the emigrant so returning, is authorized to acquire the citizenship of his former country, in the same manner as other aliens in conformity to the laws and regulations which are there established, yet it is left to his own free choice, whether he will adopt that course, or will preserve the citizenship of the country of his adoption. With regard to this choice, after a two years residence in his original country he is bound if so requested by the proper authorities, to make a distinct declaration, upon which these authorities can come to a decision as the case may be, with regard to his being received again into citizenship or his further residence in the manner prescribed by law.

GEO. BANCROFT [SEAL]
FREIHERR VON VARNBÜLER [SEAL]