

## *Germany (Nassau)*

### ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION

*Convention signed at Berlin May 27, 1846*

*Senate advice and consent to ratification July 21, 1846*

*Ratified by the President of the United States July 23, 1846*

*Ratified by Nassau July 29, 1846*

*Ratifications exchanged at Berlin October 13, 1846*

*Entered into force October 13, 1846*

*Proclaimed by the President of the United States January 6, 1847*

*Obsolete*

9 Stat. 849; Treaty Series 248 <sup>1</sup>

#### CONVENTION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION BETWEEN THE UNITED STATES OF AMERICA AND HIS ROYAL HIGHNESS THE DUKE OF NASSAU

The United States of America and His Royal Highness the Duke of Nassau having resolved, for the advantage of their respective citizens and subjects, to conclude a Convention for the mutual abolition of the droit d'aubaine and 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 Royal Highness the Duke of Nassau, upon His Minister Resident at the Royal Court of Prussia, Colonel and Chamberlain, Otto Wilhelm Carl von Roeder, Comthur [Commander] of the 1<sup>st</sup> Class of the Ducal Order of Henry, the Lion, etc. etc. who, after having exchanged their said full powers, found in due and proper form, have agreed to, and signed, the following articles.

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<sup>1</sup> For a detailed study of this convention, see 4 Miller 817.

## ARTICLE I

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

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, and exempt from all duties of detraction.

## ARTICLE III

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.

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

## ARTICLE V

If any disputes 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.

## ARTICLE VI

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.

ARTICLE VII

This Convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Royal Highness the Duke of Nassau, 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 27<sup>th</sup> day of May one thousand eight hundred and forty-six, in the 70<sup>th</sup> year of the Independence of the United States of America, and the seventh of the reign of His Royal Highness the Duke of Nassau.

HENRY WHEATON [SEAL]

OTTO WILHELM CARL V. RÖDER [SEAL]