

## Germany (*North German Confederation*)

### NATURALIZATION

*Treaty signed at Berlin February 22, 1868; protocol signed at Berlin June 12, 1871*

*Senate advice and consent to ratification, with an amendment, March 26, 1868*<sup>1</sup>

*Ratified by the President of the United States, with an amendment, March 30, 1868*<sup>1</sup>

*Ratified by the King of Prussia April 11, 1868*

*Ratifications exchanged at Berlin May 9, 1868*

*Entered into force May 9, 1868*

*Proclaimed by the President of the United States May 27, 1868*

*Not revived after World War I*<sup>2</sup>

15 Stat. 615; Treaty Series 261

### TREATY

The President of the United States of America, and His Majesty the King of Prussia, in the name of the North German Confederation, led by the wish to regulate the citizenship of those persons who emigrate from the North German Confederation to the United States of America, and from the United States of America to the territory of the North German Confederation, 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 Extraor-

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<sup>1</sup> For U.S. amendment, see protocol, p. 72.

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> See art. 289 of Treaty of Versailles (*ante*, vol. 2, p. 173), the benefits of which were secured to the United States by the treaty restoring friendly relations dated Aug. 25, 1921 (TS 658, *post*, p. 145).

dinary and Minister Plenipotentiary from the said States near the King of Prussia and the North German Confederation, and His Majesty, the King of Prussia, Bernhard König, Privy Councillor of Legation, who have agreed to and signed the following articles:

#### ARTICLE I

Citizens of the North German Confederation, who become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

Reciprocally: citizens of the United States of America who become naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, 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.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

#### 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 on the one part, and Prussia and other States of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two,<sup>3</sup> is hereby extended to all the States of the North German Confederation.

#### ARTICLE IV

If a German naturalized in America renews his residence in North Germany, 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 North Germany renews his residence in the United States, without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany.

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.

<sup>3</sup> TS 296, *post*, p. 105.

## 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.

## ARTICLE VI

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Prussia in the name of the North German Confederation; and the ratifications shall be exchanged at Berlin within six months from the date hereof.

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

BERLIN, *the 22d of February, 1868.*

GEORGE BANCROFT [SEAL]

BERNHARD KÖNIG [SEAL]

## PROTOCOL

Whereas a convention was made on the 22d of February, 1868, between the United States of America and the North German Confederation, 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 the Senate of the United States of America, to leave no doubt of the true interpretation of the first article of the said convention, did, on the 26th day of March, 1868, adopt as the conclusion, of the said article an amendment in the words following, to wit:

“This article shall apply as well to those already naturalized in either country as those hereafter naturalized;”

And whereas this amendment was communicated by the United States to the Government of the North German Confederation before the exchange of ratifications of the convention, and was then accepted by the North German Confederation as the true and only just interpretation of the said first article of the said convention:

The undersigned Plenipotentiaries, who were formerly appointed to treat on the regulation of citizenship as aforesaid, and who concluded and signed the said convention of the 22d of February, 1868, that is to say:

George Bancroft, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and

Bernhard König, Privy Councillor of Legation, have this day met, and being duly authorized, have agreed to and signed and exchanged the present protocol.

The said amendment is recognized by the United States of America and by the North German Confederation as a part of the convention between the United States of America, and the North German Confederation, of which the ratifications were exchanged on the 9th day of May, 1868.

In faith whereof the Plenipotentiaries have signed, sealed, and exchanged this protocol.

Berlin, *the 12th day of June, 1871.*

GEORGE BANCROFT [SEAL]

BERNHARD KÖNIG [SEAL]