

Convention and Protocol between the United States of America and Sweden and Norway. Naturalization. Signed May 26, 1869; Ratified December 17, 1870; Exchanged June 14, 1871; Proclaimed January 12, 1872.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: May 26, 1869.

A PROCLAMATION.

WHEREAS a convention and protocol between the United States of America and his Majesty the King of Sweden and Norway were concluded and signed by their respective plenipotentiaries, at the city of Stockholm, on the twenty-sixth day of May, 1869, which convention and protocol as amended by the Senate of the United States, and being in the English and Swedish languages, are word for word as follows:—

The President of the United States of America and his Majesty the King of Sweden and Norway, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Sweden and Norway and their dependencies and territories, and from Sweden and Norway to 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, Joseph J. Bartlett, Minister Resident; and his Majesty the King of Sweden and Norway, Count Charles Wachtmeister, Minister of State for Foreign Affairs; who have agreed to and signed the following articles:—

ART. I.

Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years, and during such residence have become and are lawfully recognized as citi-

Presidenten i Förenta Staterna af Amerika och Hans Majt. Konungen af Sverige och Norge, lifvade af önskan att reglera de personers nationalitet som utflytta från Förenta Staterna af Amerika till Sverige och Norge och dess underlydande länder och områden, och från Sverige och Norge till Förenta Staterna af Amerika, hafva beslutat att derom öfverenskomma, och till detta ändamål förordnat Fullmäktige att afsluta en konvention, nemligen:—

Presidenten i de Förenta Staterna af Amerika: Minister Presidenten Joseph J. Bartlett; och

Hans Majt. Konungen af Sverige och Norge: Herr Grefve Carl Wachtmeister, dess Stats Minister för Utrikes Arendena; hvilka hafva antagit och undertecknat följande artiklar:—

ART. I.

Medborgare i de Förenta Staterna, som hafva uppehållit sig i Sverige eller Norge under en tid af åtminstone fem år och under detta uppehåll hafva blifvit och äro lagligen erkända såsom Svenske eller

Contracting parties.

When citizens of the United States are to be treated as citizens of Sweden and Norway.

zens of Sweden or Norway, shall be held by the government of the United States to be Swedish or Norwegian citizens, and shall be treated as such.

When citizens of Sweden and Norway are to be treated as citizens of the United States.

Reciprocally, citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the government of Sweden and Norway to be American citizens, and shall be treated as such.

Declaration of intent not to effect naturalization.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

ART. II.

Naturalized citizens liable on return to their original country for offences committed before emigration.

A recognized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

ART. III.

Provision as to restoration to citizenship in original country.

If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country and applies to be restored to his former citizenship, the government of the last-named country is authorized to receive him again as a citizen on such conditions as the said government may think proper.

ART. IV.

Convention for the extradition of fugitives from justice not to be changed. Vol. xii. p. 1125.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Sweden and Norway on the other part, the 21st March, 1860, remains in force without change.

Norske medborgare, skola af de Förenta Staternas Regering anses som Svenske eller Norske medborgare och behandlas såsom sådana.

Reciprokt: Svenske eller Norske medborgare, som hafva uppehållit sig i de Förenta Staterna af Amerika utan af brott under en tid af åtminstone fem år, och under detta uppehåll hafva blifvit naturaliserade såsom medborgare i de Förenta Staterna, skola af Sveriges och Norges Regering anses som Amerikanska medborgare och behandlas såsom sådana.

Tillkännagifvande om afsigten att blifva medborgare i det ena eller det andra landet har icke för någon af parterna verkan af lagligen förvärfvad medborgareskap.

ART. II.

Om en såsom medborgare i det ena landet erkänd utvandrare återvänder till det andra landets område, förblifver han underkastad åtal och straff för en enligt det sednare landets lagar straffbar handling, som han begått före sin utvandring, men icke för sjelfva utvandringen; städsse med förbehåll af den i hans ursprungliga hemlands lagar fastställda preskription samt af hvarje annan omständighet som medför frihet från ansvar.

ART. III.

Om en medborgare i det ena landet, som blifvit inom det andra såsom medborgare erkänd, åter bosätter sig i sitt ursprungliga hemland, kan Regeringen i detta sistnämnda land, på hans egen ansökning och under de vilkor denna Regering finner lämpligt föreskrifva, åter upptaga honom till medborgare.

ART. IV.

Den emellan Förenta Staterna, å ena, samt Sverige och Norge, å andra sidan, den 21 Mars 1860 afslutade konvention om ömsesidigt utlemnande af för vissa begångna brott förrymda förbrytare, kommer fortfarande att gälla utan förändring.

ART. 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 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.

ART. 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 Sweden and Norway; and the ratifications shall be exchanged at Stockholm within twenty-four months from the date hereof.

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

STOCKHOLM, *May* 26, 1869.

[SEAL.] JOSEPH J. BARTLETT.

PROTOCOL.

DONE AT STOCKHOLM, MAY 26, 1869.

The undersigned met to-day to sign the convention 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 Sweden and Norway, and from Sweden and Norway to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this convention, were entered in the following protocol:—

I. Relating to the first article of the convention.

It is understood that if a citizen of the United States of America has been discharged from his American citizenship, or, on the other side, if a Swede or a Norwegian has

ART. V.

Denna konvention skall träda i kraft omedelbart efter ratifikationernas utväxlande och skall förblifva gällande i tio år. Om ingendera af parterna sex månader förut meddelat den andra sin afsigt att densamma då upphäfva, förblifver den fortfarande gällande intill utgången af tolf månader efter det endera af de kontraherande parterna underrättat den andra om en dylik afsigt.

Convention when to go into effect, and how long to continue;

ART. VI.

Denna konvention skall ratificeras af Presidenten i de Förenta Staterna af Amerika, uppå och med Senatens derstädes tillstyrkande och bifall, samt af Hans Majt. Konungen af Sverige och Norge; och ratifikationerna skola utväxlas i Stockholm inom tjugu fyra månader från denna dag.

when to be ratified.

Till bestyrkande hvaraf Fullmäktige denna konvention undertecknat och med sina insegel bekräftat.

STOCKHOLM *den 26te Maj* 1869.

[SIGILL.] C. WACHTMEISTER.

PROTOKOLL.

Protocol.

UNDERTECKNADT I STOCKHOLM DEN 26 MAJ 1869.

May 26, 1869.

Undertecknade sammanträdde i dag för att underskrifva den i öfverensstämmelse med deras respektiva fullmakter afslutade konvention rörande de personers nationalitet som utvandra från de Förenta Staterna af Amerika till Sverige och Norge och från Sverige och Norge till de Förenta Staterna af Amerika; och blefvo vid detta tillfälle följande förklaranden i detta protokoll intagna, i ändamål att närmare bestämman och förklara innehållet af denna konvention:—

I. I afseende å konventionens första artikel:

Det är öfverenskommet att om en medborgare i de Förenta Staterna af Amerika blifvit lagligen befriad från sitt amerikanska medborgarskap, eller, å andra sidan, om en

The additional five years' residence not required, when, &c.

been discharged from his Swedish or Norwegian citizenship, in the manner legally prescribed by the government of his original country, and then in the other country in a rightful and perfectly valid manner acquires citizenship, then an additional five years' residence shall no longer be required; but a person who has in that manner been recognized as a citizen of the other country shall, from the moment thereof, be held and treated as a Swedish or Norwegian citizen, and, reciprocally, as a citizen of the United States.

II. Relating to the second article of the convention.

Swedes, &c., naturalized in the United States and returning to their original country, liable to fulfil their military service, &c.

If a former Swede or Norwegian, who under the first article is to be held as an adopted citizen of the United States of America, has emigrated after he has attained the age when he becomes liable to military service, and returns again to his original country, it is agreed that he remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the act of emigration itself, unless thereby have been committed any punishable action against Sweden or Norway, or against a Swedish or Norwegian citizen, such as non-fulfilment of military service, or desertion from the military force or from a ship, saving always the limitation established by the laws of the original country, and any other remission of liability to punishment; and that he can be held to fulfil, according to the laws, his military service, or the remaining part thereof.

III. Relating to the third article of the convention.

Swedes, &c., naturalized in the United States, and renewing their residence in Sweden, with the intent not to return to the United States, held to renounce their American citizenship.

It is further agreed that if a Swede or Norwegian, who has become a naturalized citizen of the United States, renews his residence in Sweden or Norway without the intent to return to America, he shall be held by the government of the United States to have renounced his American citizenship.

Svensk eller Norrman af sitt fiderneslands Regering blifvit lagligen befriad från sitt svenska eller norska medborgareskap, och han derefter i stadgad och giltig ordning vinner medborgareskap i det andra landet, skall i sådant fall ett femårigt vistande ej dessutom vara erforderligt, utan den utvandrare, som på så sätt blifvit erkänd såsom medborgare i det andra landet, skall från denna stund anses och behandlas såsom Svensk eller Norsk medborgare eller reciprokt såsom medborgare i de Förenta Staterna.

II. I afseende å konventionens andra artikel:

Om en Svensk eller Norsk utvandrare, som enligt Art. I. är att betrakta såsom upptagen till medborgare i de Förenta Staterna af Amerika, har utvandrat efter uppnåendet af den i lag bestämda utskriftsålder, och derefter ånyo återvändt till sitt ursprungliga hemland, så är det öfverenskommet att han förblifver åtal och straff underkastad för de efter hans ursprungliga hemlands lagar straffbara handlingar som han kan hafva begått före sin utvandring, men icke för sjelfva utvandringen, med mindre den innefattar någon särskild mot Sverige eller Norge, eller mot en Svensk eller Norsk medborgare förörfvad lagöfverträdelse, såsom ickefullgörande af värnepligten eller rymning ur krigstjenst eller från fartyg, städse med förbehåll af den i hans ursprungliga hemlands lagar fastställda preskription samt af hvarje annan omständighet som medför frihet från ansvar; samt att han kan tillhållas att, i enlighet med vederbörande lagstiftning, fullgöra sin värnepligt eller den återstående delen deraf.

III. I afseende å konventionens tredje artikel:

Det är vidare öfverenskommet att om en Svensk eller Norsk medborgare som blifvit naturaliserad såsom medborgare i de Förenta Staterna af Amerika, ånyo bosätter sig i Sverige eller Norge, utan afsigt att återvända till Amerika, skall han af Förenta Staternas Regering anses hafva afstått från sitt amerikanska medborgareskap.

The intent not to return to America may be held to exist when the person so naturalized resides more than two years in Sweden or Norway.

[SEAL.] JOSEPH J. BARTLETT.

Afsigten att icke återvända till Amerika anses förefinnas när den sålunda naturaliserade personen uppehållit sig mer än två år i Sverige eller Norge.

[SIGILL.] C. WACHTMEISTER.

And whereas the said convention and protocol as amended have been duly ratified on both parts, and the respective ratifications of the same were exchanged at Stockholm on the fourteenth day of June, in the year one thousand eight hundred and seventy-one, by C. C. Andrews, Minister Resident of the United States, and Count C. Wachtmeister, Minister of State for Foreign Affairs of his Majesty the King of Sweden and Norway;

Ratified.

And whereas the Senate, by their resolution of the eighth instant, (two-thirds of the Senators present concurring), did advise and consent to the said exchange, notwithstanding said exchange was delayed beyond the time appointed therefor, and resolved that the said exchange may be regarded as valid as if it had taken place within the time mentioned in the resolution of the Senate on the subject, of the 9th of December, 1870:

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States of America, have caused the said convention and protocol to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

Proclaimed.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twelfth day of January, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*