

**THE TREATIES OF 1785, 1799, AND 1828
BETWEEN THE UNITED STATES AND
PRUSSIA, AS INTERPRETED IN OPINIONS
OF ATTORNEYS GENERAL, DECISIONS
OF COURTS, AND DIPLOMATIC
CORRESPONDENCE**

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The treaties of 1785, 1799, and 1828 between the United States and Prussia, as interpreted in opinions of attorneys general, decisions of courts, and diplomatic correspondence by James Brown Scott

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JAMES BROWN SCOTT

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Carnegie Endowment for International Peace

DIVISION OF INTERNATIONAL LAW

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Courts, and Diplomatic Correspondence

EDITED BY

JAMES BROWN SCOTT
DIRECTOR

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Prefatory Note

On January 31, 1917, the German Government informed the United States that

from February 1, 1917, all sea traffic will be stopped with every available weapon and without further notice in the following blockade zones [describing them in detail] around Great Britain, France, Italy and in the Eastern Mediterranean.

On the third day of February, the President of the United States addressed both Houses of Congress in joint session, and, after stating in detail the relations between Germany and the United States and the apparent intention on the part of the German Government to deprive the United States of the rights which neutrals possessed upon the high seas, he informed the Congress that he had

directed the Secretary of State to announce to his Excellency the German Ambassador that all diplomatic relations between the United States and the German Empire are severed, and that the American Ambassador at Berlin will immediately be withdrawn; and, in accordance with this decision, to hand to his Excellency his passports.

The passports were accordingly handed to his Excellency the German Ambassador the same day, and diplomatic relations between the two countries were thus severed.

There are three treaties which in whole or in part in the opinion of the German Empire and of the United States affected their international relations. The treaties in question are: First, the treaty of amity and commerce concluded between Prussia and the United States of America on September 10, 1785; secondly, the treaty of amity and commerce concluded between Prussia and the United States of America on July 11, 1799; and, thirdly, the treaty of commerce and navigation concluded between Prussia and the United States of America on May 1, 1828.

These treaties have been held by the Governments of the contracting parties to apply not only to Prussia, but to the North German Confederation, of which Prussia was the leading member, and also to the

German Empire, of which the King of Prussia is the German Emperor. The opinions of the Attorneys General of the United States, the decisions of Federal Courts and the correspondence between the German Empire on the one hand and the United States on the other, relating to the nature and binding effect of the treaties, were collected from official sources and issued in pamphlet form in March, 1917.

War was then imminent and, as the conduct whereof the United States complained was not stopped, on April 2 the President advised the Congress to declare the existence of a state of war between the United States and the Imperial German Government, which the Congress did on April 6, 1917. The treaties, with the exception of Articles XXIII and XXIV of that of 1799, were, in so far as binding, suspended or abrogated by the outbreak of the war. They have, however, a distinct place in international law as well as in the relations of the two contracting countries. The pamphlet containing them is therefore reissued in revised and permanent form.

JAMES BROWN SCOTT,

Director of the Division of International Law.

WASHINGTON, D. C.,

March 1, 1918.

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