



D.H.

THE CONSTITUTION  
OF  
N O R W A Y

TRANSLATION PUBLISHED  
BY THE MINISTRY OF JUSTICE



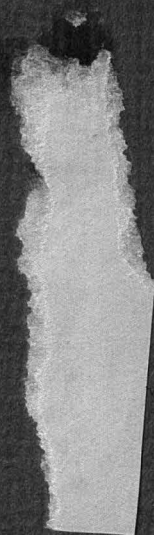
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1937



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## The Constitution of Norway.

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### A.

#### FORM OF GOVERNMENT AND RELIGION.

##### 1.

The Kingdom of Norway is a free, independent, indivisible and inalienable kingdom. Its form of Government is a limited and hereditary monarchy.

##### 2.

The Evangelical-Lutheran religion shall remain the public religion of the State. The inhabitants professing it shall be bound to bring up their children in the same. Jesuits shall not be tolerated.

### B.

#### THE EXECUTIVE POWER, THE KING, AND THE ROYAL FAMILY.

##### 3.

The Executive Power is vested in the King.

##### 4.

The King shall always profess the Evangelical-Lutheran religion, and maintain and protect the same.

##### 5.

The King's person shall be sacred; he cannot be blamed nor accused. The responsibility shall rest upon his Council.

##### 6.

The order of succession shall be lineal and agnatic, whereby only male, born in lawful wedlock, may succeed male; the nearer line shall pass before the more remote, and the elder in the line before the younger.

Among those entitled to the succession shall be reckoned

also the child unborn, who shall immediately take his proper place in the line of succession the moment he is born into the world after the death of his father.

When a Prince entitled to succeed to the crown of Norway is born, his name and the time of his birth shall be notified to the first Storthing thereafter held, and be entered in the record of its proceedings.

7.

If there is no Prince entitled to the succession, the King may propose his successor to the Storthing, which has the right to decide the election if the King's proposal is not agreed to.

8.

The age of majority for the King shall be fixed by law.

As soon as the King has attained the age of majority fixed by law, he shall make public declaration that he has arrived at his majority.

9.

As soon as the King, being of full age, assumes the Government, he shall take before the Storthing the following oath: „ I promise and swear that I will govern the Kingdom of Norway in accordance with its Constitution and Laws, so truly help me God, the Almighty and Omniscient! ”

If the Storthing is not in session at the time, then the oath shall be delivered in writing to the Council of State, and be repeated solemnly by the King to the first Storthing.

10.

(Repealed.)

11.

The King shall reside in the Kingdom and may not, without the consent of the Storthing, stay outside the Kingdom for more than six months at a time; otherwise he shall have forfeited, for his person, his right to the crown.

The King may not accept any other crown or government without the consent of the Storthing, a majority of two-thirds of the votes being required.

12.

The King chooses himself a Council of Norwegian citizens, who must not be under thirty years of age. The Council shall consist of a Prime Minister and at least seven other members.

More than half the number of the members of the Council of State shall profess the public religion of the State.

The King shall apportion the business among the members

of the Council of State, as he deems suitable. On extraordinary occasions, the King may summon other Norwegian citizens to take a seat in the Council of State, beside the ordinary members of the Council of State, not however any member of the Storting.

Husband and wife, parents and children, or brothers and sisters, may not, at the same time, have a seat in the Council of State.

13.

During his travels within the Kingdom, the King may make over the administration of the Kingdom to the Council of State. The Council of State shall carry on the Government in the King's name and on his behalf. They shall inviolably observe the provisions of this Constitution as well as the particular directions in accordance therewith which the King in an instruction shall communicate to them.

The matters of business shall be disposed of by vote; in the case of an equality of votes, the Prime Minister, or, in his absence, the first member present of the Council of State, is to have two votes.

The Council of State shall present to the King a report of the business thus disposed of.

14.

(Repealed.)

15.

(Repealed.)

16.

The King shall give directions for all public Church and Divine service, all meetings and assemblies relating to religious matters, and ensure that the public teachers of religion follow the rules prescribed for them.

17.

The King may issue and repeal regulations concerning commerce, customs, trade and industry, and police; they must not, however, be at variance with the Constitution or the laws passed by the Storting (as hereinafter prescribed in sections 77, 78 and 79). They shall operate provisionally until the next Storting.

18.

The King shall, as an ordinary rule, cause the taxes and duties imposed by the Storting to be collected.



19.

The King shall superintend the management of the estates and regalia belonging to the State, to ensure that they are utilized and administered in the manner determined by the Storthing and to the best advantage of the community.

20.

The King in Council shall have the right of pardoning criminals after sentence has been passed. The criminal shall have the choice whether he will accept the King's grace or submit to the punishment awarded to him.

In the actions which the Odelsting<sup>1)</sup> causes to be brought before the High Court of the Realm<sup>2)</sup> no other pardon than exemption from capital punishment may be granted.

21.

The King, with the advice of his Council of State, shall choose and appoint all civil, ecclesiastical, and military officials. Such officials shall swear, or, if by law exempted from taking the oath, solemnly affirm obedience and allegiance to the Constitution and the King. The Royal Princes may not hold civil offices.

22.

The Prime Minister and the other members of the Council of State, as well as officials attached to the Government offices or to the Diplomatic or Consular services, Chief civil and ecclesiastical officials,<sup>3)</sup> Chiefs of regiments and other military forces, Commandants of forts and Commanders-in-chief of warships, may, without any preceding judicial sentence, be dismissed by the King, who shall previously have heard the opinion of the Council of State on the subject. Whether or no pensions should be granted to officials thus dismissed, shall be determined by the next Storthing. In the meantime they shall receive two-thirds of their previous pay.

Other officials may only be suspended by the King, and shall then at once be prosecuted before the tribunals; but they may not, unless judgment has been pronounced against them, be removed from office, nor may they, against their will, be transferred to another place.

All officials may, without any preceding judicial sentence,

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<sup>1)</sup> A Division of the Storthing. See section 73.

<sup>2)</sup> The Riksrett, dealing with impeachment for political offences. (See section 86.)

<sup>3)</sup> Chief civil officials, practically meaning the chief administrative authority in a county (a prefect, lord-lieutenant); chief ecclesiastical officials, practically meaning bishops.

be dismissed when they have attained a limit-of-age determined by law.

23.

The King may confer decorations on whomever he pleases as a reward for distinguished services, which must be publicly notified; but he may not confer any other rank or title than such as each office carries with it. The order exempts no one from the common duties and burdens of the citizens, nor does it carry with it any preferential admission to the offices of the State. Officials who are released from office with assurances of Royal favour, retain the title and rank of the office they have filled. This does not, however, apply to the members of the Council of State.

No personal or mixed hereditary privileges may henceforth be granted to any one.

24.

The King chooses and dismisses at his own pleasure his Royal household and Court attendants.

25.

The King is Commander-in-chief of the Army and the Navy of the Kingdom. These forces may not be increased or reduced without the consent of the Storthing. They may not be transferred to the service of foreign powers, nor may any military forces in the service of foreign powers, excepting auxiliary troops against hostile attack, be brought into the Kingdom without the consent of the Storthing.

The territorial levy (landevern) and the other troops that cannot be classed among the line troops, may never, without the consent of the Storthing, be employed beyond the borders of the Kingdom.

26.

The King shall have the right to assemble troops, to commence war in the defence of the Kingdom and to conclude peace, to make and denounce treaties, to send and to receive diplomatic envoys.

Treaties bearing on matters of special importance, and, in any case, such treaties as, according to the Constitution, necessitate a new law or a decision on the part of the Storthing in order to be carried into effect, shall not be binding until the Storthing has given its consent thereunto.

27.

All the members of the Council of State shall, unless being by lawful impediment prevented from attending, be present

in the Council of State, and no resolution may be taken there unless more than half the number of its members be present.

Members of the Council of State who do not profess the public religion of the State, do not take part in the consideration of matters which concern the Established Church.

28.

Reports on the subject of appointments to offices and other matters of importance shall be introduced in the Council of State by the member to whose department they belong, and the decisions are to be carried out by him in accordance with the resolution taken in the Council of State. Matters strictly relating to military command may, however, to the extent determined by the King, be excepted from being dealt with in the Council of State.

29.

If a member of the Council of State is by lawful impediment prevented from attending the meeting and from introducing the matters belonging to his department, these may be introduced by another member whom the King may depute for the purpose.

If so many, by lawful impediment, are prevented from attending that not more than half of the fixed number are present, other men or women shall, to the number required, be deputed to take seats in the Council of State.

30.

All the proceedings of the Council of State shall be entered in the minutes of the Council. Diplomatic matters which the Council of State have decided to keep secret shall be entered in a special record. The same applies to matters relating to military command which the Council of State have decided to keep secret.

Every one who holds a seat in the Council of State is in duty bound to express fearlessly his opinions, to which the King is bound to listen. But it remains with the King to take a resolution according to his own judgment.

If any member of the Council of State finds that the King's resolution is at variance with the form of government or the laws of the Kingdom, or is manifestly prejudicial to the Kingdom, it is his duty to make strong representations against it, and also to record his opinion on the minutes. A member who has not thus protested, shall be deemed as having agreed with the King, and shall be answerable therefor in such manner as may be subsequently decided, and may be impeached by the Odelsthing before the High Court of the Realm.

31.

All resolutions taken by the King shall in order to become valid be countersigned. The resolutions relating to military command shall be countersigned by the person who has introduced the report; other resolutions shall be countersigned by the Prime minister or, if he has not been present, by the first of the members of the Council of State present.

32.

The resolutions taken by the Government during the absence of the King, shall be drawn up in the King's name and be signed by the Council of State.

33.

(Repealed.)

34.

The nearest heir to the Throne, if he is the son of the reigning King, shall bear the title of Crown Prince. The other persons entitled to succeed to the Crown, are to be called Princes, and the daughters of the Royal House Princesses.

35.

As soon as the Heir to the Throne has completed his eighteenth year, he is entitled to take a seat in the Council of State, but without vote or responsibility.

36.

No Prince of the Royal House may marry without the sanction of the King. Nor may he accept any other crown or government without the sanction of the King and the Storting; to obtain the sanction of the Storting two-thirds of the votes are required.

If he acts contrary to this rule, he, as well as his descendants, forfeit their rights to the Norwegian Throne.

37.

The Royal Princes and Princesses shall not be answerable personally to any other than the King, or to such person as he may appoint to sit in judgment on them.

38.

(Repealed.)

39.

If the King dies, and the Heir to the Throne is still under age, the Council of State shall immediately summon the Storting.



40.

Until the Storthing have assembled and made provisions for the government during the minority of the King, the Council of State shall carry on the administration of the Kingdom in accordance with the Constitution.

41.

If the King is absent from the Kingdom, otherwise than by reason of his being in the field, or if he is prevented by illness from attending to the government, the Prince next entitled to succeed to the Throne shall conduct the government as being temporarily invested with the Royal power, provided that he has attained the age fixed for the King's majority. If that be not the case, the Council of State shall carry on the administration of the Kingdom.

42.

(Repealed.)

43.

The election of guardians who are to conduct the government on behalf of the King during his minority, shall rest with the Storthing.

44.

The Prince who in the cases mentioned in section 41 conducts the government, shall deliver to the Storthing the following oath in writing: „I promise and swear that I will conduct the government in accordance with the Constitution and the Laws, so truly help me God, the Almighty and Omniscient!”

If the Storthing is not in session at the time, the oath shall be delivered to the Council of State and be afterwards transmitted to the next Storthing.

The Prince who has once taken the oath, shall not repeat it later on.

45.

As soon as their administration of the State ceases, they shall render to the King and the Storthing an account of the same.

46.

If the persons in question neglect to immediately summon the Storthing in accordance with section 39, it becomes the unconditional duty of the Supreme Court of Justice,<sup>1)</sup> as soon as four weeks have elapsed, to cause this summons to be issued.

<sup>1)</sup> The Høiesterett, see section 88.

47.

The superintendence of the education of the King during his minority shall, if his father has not left any directions for the purpose in writing, be determined by the Storthing.

It shall be an indispensable rule that the King, in his minority, be given sufficient instruction in the Norwegian language.

48.

If the male line of the Royal family has become extinct, and no successor to the Throne has been elected, then a new King shall be chosen by the Storthing. Meanwhile the Executive Power shall be exercised in accordance with section 40.

C.

#### CITIZENSHIP AND THE LEGISLATIVE POWER.

49.

The People shall exercise the Legislative Power through the Storthing, which consists of two divisions, a Lagthing and an Odelstthing.

50.

The right of voting shall belong to Norwegian citizens, men and women, who have completed their twenty-third year, have been domiciled in this country for five years and are residing there.

Norwegian officials attached to the Diplomatic or Consular services, as well as their households, shall, when otherwise fulfilling the above conditions, have the right of voting in the polling district in Norway in which they had their last residence.

51.

The rules concerning the electoral registers and the registration of the persons entitled to vote, shall be determined by law.

52.

The right of voting shall be suspended in the case of any one person who —

- (a) is prosecuted by the Crown for criminal offences, subject to such provisions as may be laid down by law;
- (b) is declared incapable of managing his (her) own affairs;
- (c) (Repealed.)
- (d) (Repealed.)

53.

The right of voting shall be lost in the case of any one person who —

- (a) is sentenced for criminal offences, subject to such provisions as may be laid down by law;
- (b) enters the service of a foreign power without the consent of the Government;
- (c) acquires citizenship in a foreign State. In the case of women who are domiciled in the Kingdom and have acquired such citizenship through marriage with a foreign subject, the loss shall not take effect until they have left the Kingdom;
- (d) is found guilty of having bought votes, or sold his (her) own vote, or having voted at more than one poll.

54.

The electoral Things (meetings) shall be held every three years. They shall be over by the end of November.

55.

The electoral Things shall be conducted in such manner as shall be determined by law. Disputes as to the right of voting shall be settled by the conductors of the poll, from whose decision an appeal may be brought to the Storthing.

56.

Before the elections commence, sections 50—64 of the Constitution shall be read out aloud by the presiding officer of the poll.

57.

The number of representatives to be elected as members of the Storthing shall be fixed at one hundred and fifty.

The number of the representatives of the country districts and the number of the representatives of the towns shall always be in the proportion of two to one.

58.

Of the number of representatives to be elected by the country districts, the county of Østfold shall elect six; the county of Akershus seven; the county of Hedmark seven; the county of Opland six; the county of Buskerud five; the county of Vestfold four; the county of Telemark five; the county of Aust-Agder four; the county of Vest-Agder four; the county of Rogaland five; the county of Hordaland eight; the county of Sogn og Fjordane five; the county of Møre<sup>1)</sup> seven; the county of Sør-Trøndelag six; the county of Nord-Trøndelag five; the county of Nordland eight; the county of Troms five; and the county of Finnmark three.

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<sup>1)</sup> Now called „Møre og Romsdal”.

Of the number of representatives to be elected by the towns, the towns of the counties of Østfold and Akershus shall elect, together, four; Kristiania<sup>1)</sup> seven; the towns of the counties of Hedmark and Opland, together, three; the towns of the county of Buskerud, together, three; the towns of the county of Vestfold, together, four; the towns of the counties of Telemark and Aust-Agder, together, five; the towns of the counties of Vest-Agder and Rogaland, together, seven; Bergen five; the towns of the county of Møre, together, three; the towns of the counties of Sør-Trøndelag and Nord-Trøndelag, together, five; and the towns of the counties of Nordland, Troms, and Finnmark, together, four. Any town in a county not mentioned here shall be included in such electoral town district as may be determined by law.

59.

Every town and, in the country districts, every municipality, as well as every non-chartered town (ladested) possessing a municipal council of its own, shall constitute a separate polling district. The towns may, by law, be divided into several polling districts.

The electoral Things shall be held separately for each polling district. At the poll the votes are given, by the mode of direct election, for the representatives in the Storting of the whole electoral district and their substitutes.

The system of election is proportional. The rules to be applied hereunto, as well as the particular regulations concerning the elections, shall be determined by law, subject to the provisions laid down in the Constitution.

60.

How far and in what manner qualified voters may be allowed to deliver their ballot papers without meeting personally at the poll, shall be determined by law.

61.

No one may be elected as a representative unless he is thirty years of age, has resided in the Kingdom for ten years, and has the right of voting in the district from which he is chosen.

Any one, however, who is or has been a Prime Minister or a member of the Council of State, may be chosen as a representative in an electoral district in which he is not entitled to vote, provided that he is otherwise qualified for election.

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<sup>1)</sup> Now called „Oslo“.



62.

The officials employed in the Government offices and the attendants or servants and pensioners of the Court are debarred from being chosen as representatives. The same applies to persons attached to the Diplomatic or Consular services.

The members of the Council of State may not attend at the Storthing as representatives as long as they have a seat in the Council of State.

63.

Every one who is elected as a representative shall be in duty bound to accept the election, unless he is elected under the circumstances mentioned in section 61, 2d paragraph, or is prevented by an impediment which the Storthing judges to be valid. If any one has attended as a representative at the three ordinary Storthings following one election, he shall not be obliged to accept election at the next election for the Storthing.

If any one is elected as a representative without being obliged to accept such election, he must, within the time and in the manner prescribed by law, make a declaration stating whether he accepts the election or no.

The time within which a person returned for two or more electoral districts shall state which election he accepts, and the manner in which this shall be done, shall likewise be fixed by law.

64.

The representatives elected shall be furnished with certificates, the validity of which is submitted to the judgment of the Storthing.

65.

Every representative and every substitute called to the Storthing shall be entitled to receive, as fixed by law, reimbursement from the Exchequer for travelling expenses to and from the Storthing, and from the Storthing to his home and back again, during vacations lasting at least fourteen days, and also for expenses for medical treatment in the case of illness.

He is further entitled to receive compensation, as determined by law, for sitting in the Storthing.

66.

The representatives shall be exempt from personal arrest while on their way to and from the Storthing, as well as during their stay there, unless they are caught in public crimes; nor shall they be called to account outside the meetings of the Storthing for the opinions they have expressed there. Every representative shall be bound to conform to the rules of the Storthing.

67.

The representatives elected in the manner aforesaid shall constitute the Storthing of the Kingdom of Norway.

68.

The Storthing shall as a rule assemble on the first week-day after the 10th of January every year in the capital of the Kingdom, unless the King, by reason of extraordinary circumstances, such as hostile invasion or infectious disease, shall appoint for the purpose another town in the Kingdom. Such an appointment must then be publicly notified in good time.

69.

In extraordinary cases the King shall have the right to summon the Storthing at a time other than the ordinary.

70.

Such an extraordinary Storthing may be dismissed by the King when he thinks fit.

71.

The members of the Storthing shall act as such for three successive years in extraordinary as well as in the ordinary Storthings held during that period.

72.

If an extraordinary Storthing is still sitting at the time when an ordinary Storthing is to open, the former shall be dismissed before the latter assembles.

73.

The Storthing shall nominate from among its members one-fourth part, which constitutes the Lagthing; the remaining three-fourths form the Odelsting. This nomination shall take place at the first ordinary Storthing that assembles after a new general election, and thereafter the Lagthing shall remain unchanged at all Storthings that meet after the same election, except in so far as any vacancy which may occur among its members, has to be filled by special nomination.

Each Thing shall hold its meetings separately and nominate its own President and Secretary. Neither of the Things may hold its meetings, unless at least one half of its members are present. Bills concerning amendments of the Constitution may not be dealt with unless at least two-thirds of the members of the Storthing are present.

74.

As soon as the Storthing is constituted, the King or the person he appoints for the purpose, shall open its proceedings with a speech, in which he shall inform it of the condition of the Kingdom and of the subjects to which he particularly desires to call the attention of the Storthing. No deliberation may take place in the presence of the King.

When the proceedings of the Storthing are opened, the Prime Minister and the members of the Council of State have the right to attend in the Storthing, as well as in both of its divisions, and like the members of the same, without, however, giving a vote, the right to take part in the proceedings of the day, in so far as these are conducted with open doors, but in such matters as are discussed with closed doors only in so far as the Thing in question may grant permission.

75.

It belongs to the Storthing —

- (a) to enact and to repeal laws; to impose taxes, duties, customs, and other public charges, which, however, shall not remain operative longer than till the first of July of the year in which the next ordinary Storthing assembles, unless they are expressly renewed by the same;
- (b) to open loans on the credit of the Kingdom;
- (c) to control the finances of the Kingdom;
- (d) to vote the sums of money necessary to meet the expenditure of the State;
- (e) to decide how much shall yearly be paid to the King for his Royal household, and to determine the appanage of the Royal family, which must not, however, consist in real property;
- (f) to have laid before it the minutes of the Council of State, and all public reports and documents; the records of such diplomatic matters and of such matters relating to military command as, in pursuance of a decision in that behalf, are to be kept secret, shall, however, be laid before a committee consisting of at most nine members chosen from among the members of the Odelsting, and may also be referred to the Odelsting if any member of the committee moves that the Odelsting give its opinion on the subject, or that an action should be brought in the High Court of the Realm;
- (g) to have communicated to them the treaties and agreements that the King, on behalf of the State, has entered into with foreign powers; the provisions contained in paragraph (f) concerning such matters as are to be kept secret,

- shall apply equally well in relation to secret articles, which, however, must not be at variance with the public ones;
- (h) to have power to summon any one to meet before it in matters of State, the King and the Royal family excepted; this exception, however, does not apply to the Royal princes in case they hold any public office.
  - (i) to revise the lists of salaries and pensions temporarily granted and to make therein such alterations as it finds necessary;
  - (k) to appoint five auditors, who shall annually examine the accounts of the State and publish extracts of the same in print, which accounts shall for this purpose be delivered to the auditors within six months of the expiration of the year for which the grants of the Storthing are made; and to provide for the organization of a service to approve the accounts of the accountants of the State;
  - (l) to naturalize aliens.

76.

Every bill shall first be introduced in the Odelstthing, either by one of its own members, or by the Government through a member of the Council of State.

If the bill is passed, it is sent to the Lagthing, which either approves or rejects it, and in the latter case sends it back with comments appended. These are taken into consideration by the Odelstthing, which either drops the bill or again sends it to the Lagthing, with or without alteration.

When a bill from the Odelstthing has twice been laid before the Lagthing and has been a second time rejected by it, the whole Storthing shall meet in a joint sitting, and the bill is then disposed of by a majority of two-thirds of the votes.

Between each of these deliberations there shall be an interval of at least three days.

77.

When a bill passed by the Odelstthing has been approved by the Lagthing or by the Storthing in joint sitting, it shall be sent to the King, with a request that it may obtain the King's assent.

78.

If the King assents to the bill, he shall provide it with his signature, whereby it becomes law.

If he does not assent to it, he shall return it to the Odels-thing with the declaration that he does not for the time being find it expedient to give his assent to it. In this case the bill may not again be submitted to the King by the Storthing then assembled.



79.

If a bill has been passed unaltered by three ordinary Storthings, constituted after three different successive elections and separated from each other by at least two ordinary Storthings between them, without any divergent bill having been passed by the Storthing in the period between the first and the last passing, and is then submitted to the King with the petition that His Majesty will not refuse his assent to a bill which, after the most mature deliberation, the Storthing considers to be for the benefit of the country, it becomes law, even if the Royal assent is not accorded before the Storthing separates.

80.

The Storthing shall remain in session as long as it may find it necessary. When, having finished its business, it is dismissed by the King, he shall at the same time communicate his decision with regard to the bills that have not already been disposed of (see sections 77—79), by either assenting to them or rejecting them. All such bills as he does not expressly assent to, are considered as having been rejected by him.

81.

All Acts (with the exception of those mentioned in section 79) shall be drawn up in the King's name, under the seal of the Kingdom of Norway, and in the following terms: „We N. N. make it publicly known that the following resolution of the Storthing of (such and such a date) in the following terms has been laid before us (here follows the resolution). In consequence whereof We have assented to and confirmed, as We hereby assent to and confirm the same as a law under Our hand and the seal of the Kingdom.”

82.

(Repealed.)

83.

The Storthing may demand the opinion of the Supreme Court of Justice<sup>1)</sup> on questions of law.

84.

The Storthing shall be held with open doors, and its proceedings shall be published in print, except in those cases in which a majority decides to the contrary.

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<sup>1)</sup> See section 88.

85.

Any person who obeys an order the purpose of which is to disturb the liberty and the security of the Storthing, shall thereby be guilty of treason against the country.

D.

#### THE JUDICIAL POWER.

86.

The High Court of the Realm shall pronounce judgment in the first and last instance in such actions as are brought by the Odelsting against members of the Council of State, or against members of the Supreme Court of Justice or against members of the Storthing for criminal offences which they may have committed in that capacity.

The particular rules concerning impeachments by the Odelsting according to this section shall be determined by law. The period within which a prosecution may be instituted in the High Court of the Realm, shall not, however, be fixed at less than fifteen years.

The ordinary members of the Lagthing and the permanent members of the Supreme Court of Justice shall be judges of the High Court of the Realm. The provisions contained in section 87 shall apply to the constitution of the High Court of the Realm in each particular case. In the High Court of the Realm the President of the Lagthing takes the chair.

A person sitting in the High Court of the Realm as a member of the Lagthing, does not vacate his seat in the Court if the period for which he is elected a member of the Storthing, should expire before the High Court of the Realm has terminated the trial of the case. If, for some other reason, he ceases to be a member of the Storthing, he shall resign as a judge of the High Court of the Realm. The same shall apply if a judge of the Supreme Court of Justice, sitting as a member of the High Court of the Realm, retires as a member of the Supreme Court of Justice.

87.

The accused and the person prosecuting on behalf of the Odelsting have the right to challenge members of the Lagthing and the Supreme Court of Justice, provided that fourteen of the members of the Lagthing and seven members of the Supreme Court of Justice remain as judges in the High Court of the Realm. Each party has the right to challenge an equal number of the members of the Lagthing, the accused having, however, the preferential right of challenging one more,

if the number to be challenged is not divisible into two equal parts. The same shall apply to the challenging of the members of the Supreme Court of Justice. If, in an action, there are more than one accused, they shall exercise the right of challenge collectively in accordance with rules to be determined by law. If challenge is not made to the extent admitted, the number of the members of the Lagthing and of the Supreme Court of Justice which may be in excess of fourteen and seven respectively shall withdraw as determined by ballot.

When the action comes on for judgment, the members of the Court who are in excess of fifteen shall withdraw from the Court, the selection being made by ballot; the remaining judges who are to pass judgment, shall number ten members at most of the Lagthing and five of the judges of the Supreme Court of Justice.

The President of the High Court of the Realm and the President of the Supreme Court of Justice shall not in any case retire as a result of a ballot.

If the High Court of the Realm cannot be constituted so as to contain the number of members of the Lagthing and the Supreme Court of Justice prescribed in the preceding paragraphs, the case may nevertheless be tried and judgment be passed when the Court numbers at least ten judges.

Further provisions as to the manner in which the High Court of the Realm is to be constituted, shall be laid down by law.

88.

The Supreme Court of Justice shall pronounce judgment in the last instance. The right to bring an action in the Supreme Court of Justice may, however, be limited as determined by law.

The Supreme Court of Justice shall consist of a President and at least six other members.

89.

(Repealed.)

90.

The judgments of the Supreme Court of Justice may not in any case be appealed against.

91.

No one may be appointed a member of the Supreme Court of Justice before he is thirty years of age.

E.

GENERAL PROVISIONS.

92.

To official posts in the State shall be appointed only Norwegian citizens who speak the language of the country, and at the same time —

- (a) either have been born in the Kingdom of parents who at that time were subjects of the State;
- (b) or have been born in a foreign country of Norwegian parents who were not at that time subjects of another state;
- (c) or shall hereafter have resided ten years in the Kingdom;
- (d) or are naturalized by the Storthing.

Others may, however, be appointed as teachers at the University and the secondary schools (de lærde Skoler), as physicians and surgeons, and as consuls in foreign places.

No one may be appointed as a chief civil or ecclesiastical official before he is thirty years of age, or as burgomaster, judge of an inferior court, or as sub-prefect (foged) before he is twenty-five years of age.

How far women having the qualifications prescribed for men by the Constitution, may become State officials, shall be determined by law.

93.

(Repealed.)

94.

The first, or if this is not possible, the second ordinary Storthing, shall make provision for the publication of a new general civil and criminal code. In the meantime the laws of the State now in operation shall remain in force, provided that they are not at variance with this Constitution or the provisional ordinances that may be issued in the meantime.

The existing permanent taxes shall likewise continue in operation until the next Storthing.

95.

No dispensations, protections, postponements of payments, or redresses may be granted after the new general code has come into operation.

96.

No one may be convicted except according to law, or be punished except according to judicial sentence. Examination by torture must not take place.



97.

No law may be given retroactive effect.

98.

To fees paid to officials of the Courts of Justice shall not be annexed taxes to the Exchequer.

99.

No one may be arrested and committed to prison except in the cases determined by law and in the manner prescribed by the laws. For unjustifiable arrest and illegal detention the officer concerned shall be responsible to the person imprisoned.

The Government is not entitled to employ military force against subjects of the State, except in accordance with the forms prescribed by law, unless any meeting should disturb the public peace and do not immediately disperse after the articles of the Statute-book relating to riots have been read out aloud three times by the civil authority.

100.

There shall be liberty of the Press. No person may be punished for any writing, whatever its contents may be which he has caused to be printed or published, unless he wilfully and manifestly has either himself shown or incited others to disobedience to the laws, contempt of religion or morality or the constitutional powers, or resistance to their orders, or has advanced false and defamatory accusations against any other person. Every one shall be free to speak his mind frankly on the administration of the State or on any other subject whatsoever.

101.

New and permanent privileges implying restrictions on the freedom of trade and industry may not be granted to any one in future.

102.

Domiciliary visits shall not be made except in criminal cases.

103.

Asylum for the protection of debtors shall not be granted to such as hereafter become bankrupt.

104.

Forfeiture of lands and goods shall be abolished.

105.

If the welfare of the State shall demand that any person shall surrender his movable or immovable property for the

public use, he shall receive full compensation from the Exchequer.

106.

The purchase-money, as well as the revenues of the landed property constituting ecclesiastical benefices, shall be applied solely to the benefit of the clergy and to the promotion of education. The property of charitable institutions shall be applied solely to the benefit of their purpose.

107.

The Odels and Åsæte rights<sup>1)</sup> shall not be abolished. The further conditions under which these rights shall continue for the greatest benefit of the State and the best advantage of the country population, shall be determined by the first or second Storthing following.

108.

No earldoms, baronies, majorats or perpetuities may be created in future.

109.

Every citizen of the State shall, as a general rule, for a certain time, be liable to military service, without regard to birth or fortune.

The application of this principle and the restrictions it may become subject to, shall be determined by law.

110.

(Repealed.)

111.

The form and the colours of the Norwegian flag shall be determined by law.

112.

If experience should show that any part of this Constitution of the Kingdom of Norway requires to be altered, the proposition therefor shall be submitted to the first or second ordinary Storthing after a new election, and be published in print. But it is only the first or second ordinary Storthing after the next election following which shall have power to decide whether the proposed alteration should be made or no. Such an alteration, however, must never be inconsistent with the

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<sup>1)</sup> The Odelsrett (right of allodial possession) is the ancient right to complete ownership of land in the country districts, including the right of redemption by the family if it has been sold.

The Åsæterett (right of succession to landed property) is the right of the eldest son to retain possession of the property at a moderate price.

principles of this Constitution, but must only bear on such modifications of particular provisions as do not change the spirit of this Constitution; and two-thirds of the Storthing must agree to such an alteration.

An amendment of the Constitution adopted in the manner aforesaid shall be signed by the President and the Secretary of the Storthing, and be sent to the King for public notification in print, as forming an integral part of the Constitution of the Kingdom of Norway.

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