

SKETCHES
ON A
TOUR TO COPENHAGEN,
THROUGH
NORWAY AND SWEDEN;

INTERSPERSED WITH
HISTORICAL AND OTHER ANECDOTES OF PUBLIC
AND PRIVATE CHARACTERS.

TO WHICH IS ADDED
AN APPENDIX,
RELATIVE TO
THE PRESENT POLITICAL STATE OF NORWAY.

BY JENS WOLFF, ESQ.

*"Inspicere tanquam in speculum in vitas omnium,
Jubeo, atque ex aliis sumere exemplum sibi."* **TERENCE.**

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The New Constitution of Norway.

OF THE FORM OF GOVERNMENT AND RELIGION.

Article 1. The kingdom of Norway is declared free, independent, and indivisible. The forms of Government limited, and the Monarchy hereditary.

2. The Evangelical Lutheran Religion shall remain the public religion of the country. The inhabitants who profess the public religion of the State, are bound to bring up their children to the same. Jews are excluded the kingdom. Jesuits and Monks not to be tolerated.

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

3. The King's title to be We, N. N. by the grace of God, and by virtue of the National Constitution, King of Norway. The Executive power is vested in him.

4. The King's person is sacred, he is above all blame and accusation. Responsibility alone attaches to his ministers.

5. The right of inheritance is in the male line alone, from father to son. The nearest of kin to take precedence, and the eldest of that branch to precede the younger.

6. The eldest son born in marriage of the elected king is to inherit, as specified in the above paragraph, so that one alone shall reign; the remaining princes who have a right of inheritance, in the mean time to have a separate allowance, to be settled by the Storthinget or Diet.

7. At the birth of a prince, his name and day of birth to be communicated at the first sitting of the Diet, and to be duly registered.

8. Amongst the heirs, is to be considered the one unborn, so that if his birth ensues after the death of the father, he is thereupon to have his right duly established.

9. In default of regular heirs, the King may propose a successor to the Diet, to be then approved of by them, or not, at their option.

10. The King to be of age on completing the 20th year ; and on entering the 21st, he is publicly to declare himself to that effect.

11. As soon as the King shall have entered upon the administration of the public affairs of the kingdom, he shall take the following oath before the Diet : " I promise and swear, to govern the Kingdom of Norway according to the established laws and Constitution. So help me God, and his holy word." In case the Diet shall not at that period be assembled, he shall deliver a written oath to the Council, which is to be formally repeated at the next meeting of the Diet.

12. The King's Coronation and Inauguration to take place in the Cathedral of Trondhiem, when he shall be of age, at a time, and with such ceremonies he may himself choose to appoint.

13. The King shall invariably reside within the boundaries of his dominions, and shall not remain absent from them longer than 6 months at a time, without the consent of the Diet, under forfeiture of his right to the crown.

14. The King shall not accept of any other Crown or Government, without the consent of the Diet, for which purpose two thirds of their votes will be necessary.

15. The King shall always have professed, and is to profess, the Evangelical Lutheran Religion, and shall maintain and support the same.

16. The King shall ordain all public worship and divine Service, all Meetings, and Convocations in religious matters, and is to see public preachers or teachers obey the established forms of religion.

17. The King may issue and abolish temporary ordinances respecting trade, public duties, means of subsistence, and measures of police, provided they do not militate against the Constitution, or laws enacted by the Diet. They are to remain provisionally in force until the meeting of the ensuing Diet.

18. The King is in general to levy the taxes and duties, that are imposed by the Diet.

19. The King is to watch, that the property of the State and Royalties be appointed and used as directed by the Diet, and in the most profitable way for the general good of the community.

20. The King has the privilege, in his Council, of pardoning criminals, after sentence is past and opinions are given. It shall, however, depend on the malefactor whether he will accept of such pardon, or submit to the execution of the sentence. In such cases where the Allodial law (Odelsthinget) is ordered to be laid before the Court of State, no pardon, except that of exemption from sentence of death, can take place.

21. The King may select and appoint, after taking the advice of his Privy Council, all civil, military, and ecclesiastical persons.

22. The members of the Council, and those in office in the different departments, ministers and consuls, civil and ecclesiastical magistrates, the commanders of regiments and other military corps, governors of fortresses, or commanders of ships of war, may, without previous sentence, be dismissed by the King, after having heard the advice of his Privy Council. How far pensions are to be allowed to such discharged persons is to be afterwards determined by the Diet; they are in the mean time to retain two thirds of their former salaries: official persons, in other capacities, cannot be dismissed without previous sentence, or removed against their inclinations.

23. The King may grant orders to whom he pleases, as a reward for signal services, which are to be made publicly known; but is not to confer any other rank or

title than what belongs to the office. No honorable distinction can exempt any person from participating in the duties and burthens of a citizen, or entitle him to a preference in the offices of Government. Men in office, who may be graciously dismissed, are nevertheless to retain their official rank and titles. Neither exclusive personal nor hereditary privileges are to be granted hereafter.

24. The King may choose and dismiss his household or servants about the Court, according to his will and pleasure. The pay of such persons, and the expences of the Court, to be annually provided for by the Diet.

25. The King shall have full authority over all the forces by land and sea. They are, however, not to enter in the service of foreign powers, and no foreign troops, unless they are auxiliary troops acting against an attack of an enemy, shall be admitted into the kingdom, without the consent of the Diet.

26. The King has a right to call out his army, declare war, or make peace, to form or annul alliances, and to receive and appoint embassies.

27. The Government is not entitled to direct the military power to act against the members of the state, but according to the forms established by the laws; unless by any meeting which should disturb the public tranquillity, and which does not disperse after reading the article relative to the Riot Act, three times by the civil authorities.

28. The King may choose his council from Norwegian citizens, who are not younger than 30 years. This council is to consist of at least 5 members; but, on particular occasions, the King may appoint additional citizens of Norway to take a seat in the council, provided they are not members of the Diet. The public affairs may be distributed amongst them according to his pleasure. Father and son, or two brothers, are not to be united together in the same council.

29. All counsellors of State, when not on other duty, are to be present in the Council; and no resolutions can be valid, unless one half of the members are present.

30. Representations of filling vacant places, and all weighty affairs (diplomatic and military affairs of command excepted), are to be laid before the Council, by the member in whose department such transaction occurs. The furtherance thereof is then to be executed by him, agreeable to the resolutions adopted by the King in Council.

31. In case a member in whose department it may be to execute certain duties, should be absent, the King may appoint another counsellor to fulfil the duties of his office. If more than half the members are prevented by other duties, from attending, the King may in such case appoint others, in order that at least one half the usual number of members may be assembled.

32. The Privy Council is to keep a register of all its transactions. Any person having a seat in the Council, is bound frankly to deliver his opinion, to which the King is to listen; but who, nevertheless, may form his own judgment thereon. In case any member of the council is of opinion that the determination of the King militates against the regulations of the State, the laws of the realm, or is evidently to the detriment of the kingdom, it is his duty to make strong remonstrances on the subject, and to enter his sentiments in the register. Whoever shall thus omit to enter his protest against such measure in the register, shall be deemed to be of the King's opinion, and shall be answerable for the result as may be hereafter determined.

33. The member of the council, who has the management of the foreign department, shall keep a separate *portfeuille*, wherein such matters shall be entered as shall not be deemed advisable to be laid before the Privy Council. In other respects the same rules are to be observed as specified in § 32.

34. All acts of government, and proclamations, to be in the King's name.

35. All proclamations and official acts of the King (military concerns excepted), are to be countersigned by such person whose duty it may be to represent the case in question, as a proof that it is consonant to the resolutions entered in the register, for which he is responsible.

36. The nearest heir to the throne, if he be the King's son, to assume the title of Crown Prince of Norway. The other branches of succession to be called Princes, the daughters Princesses.

37. As soon as the heir to the Crown has completed his 18th year, he is enabled to take a seat in the council, yet without a vote or responsibility.

38. No Prince of the Blood to quit the country, marry, or enter into foreign service, without the King's special leave. If he act otherwise, he forfeits his right to the Crown.

39. The Royal Princes and Princesses to be alone responsible in their persons to the King, or such judges as he may appoint for that purpose.

40. In the absence of the heir to the Crown, on the demise of the King, he shall return within six months, after notice of such an event, in case insurmountable obstacles do not exist, under forfeiture of his right of succession.

41. If, at the King's death, the next heir to the Crown should not be of age, the Queen Dowager, if she be the actual mother and widow, shall reign in conjunction with the Privy Council until the King comes of age. In default of a Queen Dowager, the next heir to the Crown to reign, if he be 25 years of age, with title of Regent. If the Regency shall fall to the lot of a distant branch, by reason of the nearest kin not having attained the age of 25 years; the former shall yield to the latter at arriving at that period. In this case the determination to be by a plurality of votes in the Council: the Queen Dowager, or if she does not exist, the Regent, to have two votes.

42. In default of a Prince of this description, the Regency to consist of the Privy Council, in conjunction with such persons as the Diet may appoint, under responsibility as § 45. In this case, the first member of the Privy Council to take precedence, and have two votes.

43. The determination, in § 42, to be equally observed, in case the mental or

corporeal faculties of the King should render him unfit to reign, or that he be absent from the kingdom.

44. Such members as may by these regulations be called upon to govern, either in the incapacity, nonage, or absence of the King, are individually to take the following oath before the Diet:—" I promise and swear, to administer the government according to the laws and constitution, So help me God and his holy Word."

45. At the expiration of their government, they are to render an account thereof to the King, and the Diet.

46. At the death of the King, or in such cases where a Regency shall be appointed, an extraordinary Diet to be convened by the Privy Council, or others concerned. In case the Privy Council should neglect this duty longer than four weeks, the summons to be then made out by the counsellors of justice and members of the Court of Appeal.

47. The management of the education of the King, during his minority, in case his father should not have left written directions to that effect, to be entrusted to certain members of the Council chosen by the Diet, in conjunction with the Queen Dowager, in case of her being his actual mother, to the exclusion of the nearest heir to the Crown, his heirs, the Council, and other appointments of the Regency.

48. If the male branch in the royal line be extinct, and no successor to the Crown chosen, a Diet then to be summoned, as in § 46, to elect a new royal stock. In the interim, the executive power to be exercised, as in § 42.

49. The representatives of the people are to execute the legislative power, which consists of two sections. The *Lagthing* or Court of *Law*, and the *Odelsting* or Allodial Court.

THE LEGISLATIVE POWER AND RIGHTS OF CITIZENS.

50. Norwegian citizens alone are entitled to vote, who have completed their

25th year, who have resided in the country 5 years, and are, or have been in office, or either own, or during more than 5 years have farmed matriculated land in the country, or have rights of citizenship in commercial towns, or possess house and land to the value of at least 300 rigsbank dollar in silver.

51. Within six months after the acceptance of the present Constitution, the magistrates of all towns and the clergymen and bailiffs of every parish shall make out a list of every person entitled to vote. Such alterations as this may hereafter be subject to, shall be entered accordingly. Every person, previous to his being entered on the list of voters, shall publicly take his oath to be faithful to the Constitution.

52. Votes to be suspended—1. on accusation of misdemeanors; 2. in cases of imbecility; 3. bankruptcy, or failures, unless they have occurred from accidents by fire, or other unfortunate and known circumstances.

53. Votes not to be valid—1. where the parties have been sentenced to the house of correction, slavery, or other dishonourable punishment; 2. entering foreign service without permission of the Diet; 3. taking up the rights of citizenship in foreign states; 4. on proof of having purchased votes, sold their own, or voting at more than one place of election.

54. Elections and meetings of the districts to be held every three years. They are to be completed before the end of the month of December.

55. Elections to be held, in the country, in the church of the different parishes; in cities, in churches, or at the town-halls, or other fit places. Proceedings in the country to be regulated by the parish priest, with assistants. In towns, by magistrates and other leading men. The order of voting to be according to the list of voters. Disputes relative to votes to be settled by the Committees, or if necessary, to be referred to the Diet.

56. Previous to the election, the Constitution to be publicly read, in country towns, by the resident clergymen; in cities, by the magistrates.

57, 58, 59, 60. Contain some further minute regulations, as to the nature of elections.

61. No person can be chosen as a Representative, who is not 30 years of age, and has not resided 10 years in the kingdom.

62. The Members of the Council, or official persons in its employment, servants of the court, and pensioners, cannot be elected as Representatives.

63. Every person elected, is bound to accept the office, unless prevented by circumstances which may appear satisfactory to the electors, whose opinion shall be subject to the decision of the Diet. Whoever has fulfilled his duties as a Representative in two successive diets, is not bound to act in the following diet. The Representatives, who may be legally prevented from being elected, is to be succeeded by him, who, in succession, has the greatest number of votes.

64. On a Representative being chosen, he is to be furnished with an authentic power signed in the country by the persons in authority, in towns by the magistrate, as well as by the electors, as a proof of his being chosen according to the established regulations ; such powers to be determined by the Diet.

65. Every Representative to be repaid, from the public treasury, the expences of his coming to and from the Diet, and his maintenance while there.

66. Representatives, during their stay at the Diet, or going and returning, to be free from personal arrest, unless guilty of public misdemeanors ; they are not to be responsible out of the Diet for sentiments expressed in it. Every one is bound to attend to the regulations of the Diet.

67. Representatives, chosen in the above manner, constitute the kingdom of Norway's *Storthing*, or Diet.

68. The Diet to be opened, in general, the first day in the week, in the month of February, every third year, in the capital, unless the king should appoint any other place in consequence of the invasion of an enemy, or contagious disorders, of which timely notice is to be given.

69. In particular cases, the King may summons the Diet out of the limited periods, by issuing a proclamation, and giving six weeks notice thereof.

70. Such extraordinary meetings may be dissolved at the King's pleasure.

71. The Representatives to act for three years, as well in the ordinary as extraordinary meetings.

72. If an extraordinary meeting be called at the time of the ordinary one being about to sit, the functions of the first to cease, on the latter being established.

73. None of the different Sections of the general Diet can be held, unless two thirds of the members are assembled together.

74. As soon as the Diet shall be assembled, the King or his deputy is to open the sessions by a speech, stating the objects to which its attention is to be particularly directed. No debate is to take place in the King's presence. The *Storthinget*, or Diet, is, amongst its members, to elect one fourth part, which is to constitute the *Lagthinget*; the remaining three fourths to constitute the *Odelstthinget*. Each *Thing*,* or Section, to be held separately, and have their distinct President and Secretary.

75. The duties of the Diet are :

(a) To create and dissolve laws, to levy taxes, contributions, duties, and other public burthens, which are, however, only to exist to the 1st of July of that year, when the Diet may be sitting, unless renewed in the ensuing year.

(b) To create loans on the public credit.

(c) To superintend the finances of the state.

(d) To regulate the public expenditure.

(e) To appoint the annual allowance to the King and his household, together with the *Apanage* of the royal family; which, however, is not to consist in landed property.

(f) To revise the protocol of the Council, and all public accounts and papers, military concerns of command excepted.

* An old Norwegian term, meaning Court of Justice.

(g) To examine treaties and alliances, the King may, on behalf of the realm, have contracted with foreign powers, secret articles excepted, which are however not to militate against those publicly agreed upon.

(h) To cite the personal appearance of all concerned in State affairs, the King and Royal Family excepted; this exception, however, not to extend to the Royal Princes, in case of their being employed in office.

(i) To revise temporary salaries, or lists of pensions, and alter or amend the same.

(k) To appoint five revisors, who are annually to examine the public accounts, and public extracts thereof; which accounts are to be delivered to the said revisors annually, made up to the 1st July.

(l) To naturalize foreigners.

76. Every law is to be first proposed in the *Odelstinget*, either by one of its members, or a Counsellor of State. If it be there approved, it is to be sent to the *Lagthinget*, who either approve or throw it out; in the latter case, the proposition is to be returned with accompanying remarks, which are to be taken into consideration by the *Odelstinget*, which may either reject the proposed law, or again return it to the *Lagthinget*, with or without alteration. In case of a proposition being thus sent, and twice returned from the upper to the lower assembly, the whole Diet or National Assembly is then to be collected, and two-thirds of its body are to determine the question in debate. Three days shall in the mean time elapse, between each discussion.

77. When the motion in the first Section is approved in the second, or by the assembled Diet, it is to be sent by a deputation from both Houses to the King, desiring the royal assent.

78. If the King approves of the measure, it is to be sanctioned by his signature, and thus becomes a law of the land. In case of his disapprobation, it is to be returned to the first Section, with an intimation, that he does not at that time approve of it.

79. The Resolution is thereupon not again to be laid before the King, during the sittings of that Diet, but the same measures may again be adopted by the second

Diet. And if approved of at the third Diet, after being again discussed by both Sections, to be sent up again to the King, requesting he will not refuse his sanction to the bill which the Diet conceives necessary for the general benefit of the kingdom: it shall then pass as a law, although the King may not have given his sanction during the sitting of that Diet.

80. The sittings of the Diet to continue as long as it may be expedient to its members; but not to extend beyond three months, without the King's express permission. When the session is broken up, either by the business before the House being finished, or by the limited period expressed, the King is to signify his assent to the proposed measures. Such as may not be expressly approved, are considered as rejected.

81. Every law (those in Section 79 excepted) is to be issued in the King's name, accompanied by the Royal signet, in the following lines: "We ——— by the Grace of God and the National Constitution, King of Norway,—Do hereby make known, that the resolutions of the Diet of such a date (*here follows the bill*) is by us accepted and approved, as we by these presents do accept and approve of the same, and is to constitute a law of the realm.—Under our hand and seal———."

82. The provisional ordinances, which the King may cause to be issued, when the Diet is not assembled, as well as all other ordinances, and acts of government, appertaining solely to the executive branch, are to be in the following form: "We ——— &c. do hereby make known, that, by virtue of the power delegated to us by the Constitution of the Realm, we have, and do hereby decree, &c."

83. The King's sanction is not requisite to the Diet's determination, wherein

- (a) It publishes its first sessions agreeably to the Act of the Constitution.
- (b) Its internal policy, or regulations.
- (c) The acceptance or refusal of the member's powers.
- (d) Item, of disputes as to votes.
- (e) Naturalised aliens.

(f) . And lastly, the resolutions, by which the first section may choose to call the members of the Council to account.

84. The Diet may take the opinions of the High Court of Justice, as to matters of jurisprudence.

85. The sittings of the Diets are to be public, and its acts published, unless the plurality of votes determine otherwise.

86. Whoever obeys an order, the purport of which may be to disturb the liberty and privileges of the Diet, becomes thereby guilty of treason to his country.

THE LEGISLATIVE POWER.

87. The members of the *Lagthinget*, or second Section, together with those of the Upper Tribunal, constitute the *Rigs Ret*, or Court of the realm; which, in the first and last instance, passes judgment in such cases as may be preferred by the first Sections, either against the members of the Council or the High Court, for transgressions in official situations, or against the members of the Diet, for such as they may happen to commit. In the *Rigs Ret*, the President of the second Section is to preside.

88. The person accused may, without assigning cause, reject one third of the members of the Diet; yet in such manner, that the Court shall not consist of less than fifteen members.

89. In order to give judgment in the last instance, a Court of Appeal shall be organised without delay, which is not to consist of less than one *Justitiarius*, and six Constituents.

90. In peaceable times, this Court, together with two officers, to be appointed by the King, shall be considered as an Appeal Court, in the second and third instance, in all Court Martials which may concern cases of death, loss of honour, or deprivation of liberty, for a space of time beyond three months.

91. The sentence of the High Court of Appeal can in no instance be subject to revision or controul.

92. No person can be a member of the Court of Appeal, who has not attained his thirtieth year.

93. To employments in the State, Norwegian citizens are alone eligible, who acknowledge the Evangelical Lutheran Religion, who have taken the oath to the Constitution and the King, and speak the language of the country: and

(a) Are born in the country, of parents, who at the time were subjects of the State.

(b) Are born in foreign parts, of Norwegian parents, who at the time were not subjects of another power.

(c) Who have at this time a fixed residence in the kingdom, and have not refused to take the oath to support the independence of Norway.

(d) Or hereafter may reside in the country during a space of ten years.

(e) Or may be naturalized by the Diet.

Yet aliens may be appointed as teachers in the University and public schools, as physicians, and as consuls abroad. No one to be appointed to the superior offices of the State, under 30 years; or to be magistrates, inferior judges, or bailiffs, under 25 years of age.

94. A new and general civil and criminal code of Laws shall be published by the first, or if not practicable, by the second meeting of the Diet. In the mean time, the now existing laws are to be in full force, inasmuch as they may not militate against the fundamental law, or the provisional regulations that may in the mean time be established. The now existing permanent taxes to continue to the next meeting of the Diet.

95. No dispensations, protections, respites, or restitutions, to be accorded after the new general laws be published.

96. No one can receive sentence but according to law, or punished without a previous sentence: torture in no case to be inflicted.

97. No law to have a retro-active force.

98. Perquisites of office, appertaining to the officers of the law courts, are not to be attended with taxes to the treasury.

99. No person can be imprisoned, unless in lawful cases, or as determined by the law. In cases of false imprisonment, or illegal detention, the offender is amenable to the law.

100. The liberty of the press shall exist. No one can be punished for any publication, be the subject what it may, which he has caused to be printed or published; unless he has, expressly and openly, either by himself or has caused others to shew and evince a disobedience to the laws, disrespect for religion, morality, and the constitutional powers, and resistance to its ordinances, or brought false and dishonorable accusations against any one. Free discussions relative to the government, or other matters of any description, are freely allowed.

101. New and permanent limitations, as to privileges in trade, are not in future to be granted to any one.

102. Domestic inquisitorial visits are not to be allowed, except in criminal cases.

103. Asylums are not to be allowed to such persons as hereafter may fail in business, or be bankrupts.

104. Personal property not to be confiscated in any case.

105. In case the State should require any one to surrender up his moveable or immoveable property for public purposes, full indemnification is to be allowed from the government.

106. The purchase money, as well as the revenues of ecclesiastical property or benefices, are solely to be employed for the use of the clergy, and in the furtherance of knowledge and science. The funds of charitable institutions to be employed in such purposes alone.

107. *ODELS* and *AASÆDES RET*, the rights of inheritance, and redemption of hereditary property, are not to be abolished. The conditions under which they may continue for the best interests of the state, and the advantage of the peasantry and lauded property, shall be determined at the first or ensuing Diet.

108. No counties, baronies, fee simples, and *fidei* commissions, are to be hereafter established.

109. Every citizen of the State, is, in general, equally bound for a certain period to act in defence of his country, without reference to birth or property. The construction of this maxim, and such limitations to which it may be subject, may be determined at the next meeting of the Diet, after every information shall be collected by a committee, to be chosen before the present Diet shall be closed. In the mean time, the existing regulations to be adopted.

110. As soon as the Diet shall have sanctioned the present Constitution, it shall be deemed the fundamental law of the kingdom. Should experience prove that any alterations may be necessary, the proposition to such effect shall be made at the ordinary Diet, and publicly printed. But it will be for the ensuing Diet to determine whether such amendment shall take place or not. Such alteration is however never to be inconsistent with the principles of the Constitution, but alone consist in modifications of individual articles or resolutions, which may not alter the spirit of the Constitution; and two thirds of the Diet are to unite in opinion relative to such amendment or alteration.

We, the undersigned, the Representatives of the kingdom of Norway, do hereby declare the Constitution which has been adopted by the assembled Diet, to be the fundamental laws of the kingdom of Norway, for general observance. In proof whereof, we have hereunto set our hands and seals.

Eidsvold, the 17th May, 1814.

(Signed by 112 Representatives.)