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### **Transcriber's note:**

There are many typographical and orthographical errors in the original. They are indicated like this. No corrections have been made. Storting is sometimes spelled Storting; the use of apostrophes for possessives is inconsistent; and a number of words are inconsistently hyphenated. Neither these nor the frequent neologisms are noted explicitly.

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# **THE SWEDISH-NORWEGIAN UNION CRISIS**

A HISTORY WITH DOCUMENTS

BY  
K. NORDLUND

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## Author's Introductory Remarks.

The following work is intended to give an insight into the Swedish-Norwegian Crisis. It has been the Author's endeavour to attain this object, partly by a condensed account of the events of the last few years, partly by a collection of suitable extracts from documents referring to this crisis. Choice in the last items has been confined to the most important ones. Touching the Consular negotiations only the discussions on the most disputed points are given.

In dealing with some of the statements in Nansen's brochure the author does not intend a exhaustive criticism of the said work, but has only tried to show, by a few instances, the treatment pure and distinct facts have been submitted to, in these days, by Norwegian agitation. The number of instances could be multiplied many times over. If the following representation has caught the tone of present feeling in Sweden, it must be excused. The Author is, however, convinced that this has not disadvantageously affected his account of the actual facts of the case.

Upsala. August 1905.

*The Author.*

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## I.

Not till the present day has the Swedish-Norwegian Union Crisis presented itself in the eyes of Europe in a thoroughly acute phase. Its origin, in reality, dates as far back as the foundation of the Union itself.

*The object of the Union dispute.*

The original cause of the agitating union disputes has been that Sweden, from the very commencement of the Union, has internationally borne the responsibility for the same, in other words, conducted the political affairs of both Kingdoms. The inequality produced hereby, the Norwegians on their part have striven to efface. Sweden has also for a long time shown herself willing to establish full equality in the Union, at the same time that she has accommodated herself to Norway in questions of detail. As far back as 1835 it

*The efforts to give Norway a better position in the Union.*

was acknowledged, on the part of Sweden, that Norway's position in the Union was not in accordance with the claims of equity. Thus by a Royal Decree that year the Norwegian Minister of State at Stockholm was admitted into the Swedish so-called Ministerial Council to take part in foreign matters which concerned Norway. In 1839 the first great Union-Committee was formed, and both in this one, and two later — the last 1895-98 — Norway was offered from the Swedish side complete equality in the Union on certain conditions. Added to this Sweden has on several occasions granted partial concessions. Some have been accepted by Norway — as for instance the law passed in 1844 concerning equality in Government Symbols etc. etc. — others again were refused — as the offer in 1885 and 1891 of increased influence in the administration of Foreign affairs. If offers of equality worded in more general terms are added — as in 1893 and during the present year —, NANSEN'S characterising Sweden's Union policy as »90 years' labour to procure a supremacy for Sweden», — ought to appear in its true colours<sup>2:1</sup>.

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The accusations against Sweden for endeavouring to acquire the supremacy have, time after time, arisen from a mixture of various matters, partly the different conceptions of the legal character of the existing Union, partly the different programmes for the reformation of the Union.

*Unauthorized accusations against Sweden for endeavouring to gain the supremacy.*

Owing to the very indistinct and confused wording in the legal documents of the Act of Union the Swedish and Norwegian conceptions of the Union itself have finally become so antagonistic to each other, that the unionistic transactions have, in an excessive degree, taken the character of a continual judicial process, and the real questions have been more or less ignored<sup>2:2</sup>. Swedish Policy on its part has always maintained that Sweden's supremacy in the Union is based on legal grounds. It has especially insisted that the administration of Foreign affairs was, from the first, placed in Sweden's hands<sup>2:3</sup>, and this Swedish standpoint has also been acknowledged as the right one by the most eminent of Norwegian writers on State law<sup>3:1</sup>. But of late those on the Norwegian Left Side have made stronger and stronger efforts to prove, that the order existed on no legal grounds, that Norway, as a Sovereign Kingdom, had the right, for instance, to create an entire Foreign Office of its own. And under this influence the Norwegian sensitiveness has in Sweden's defence of her conception of Union Law persisted more and more in seeing insulting »designs of supremacy».

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Meanwhile future prospects and reform programmes have had little to do with the Swedish conception of the legal character of the Union. The most extreme representatives of the so-called supremacy partizans — to mention one, the late professor OSCAR ALIN — have on different occasions maintained reform programmes, built on the principle of perfect equality within the Union, and it must be asserted that *no Swedish political party in recent times has refused perfect equality to Norway*<sup>3:2</sup>.

That the result seems to become the rupture of the Union, and not the reorganization of the same has depended on more and more insurmountable oppositions in opinions concerning *the manner* and *the aim* for a reform.

*The different programmes of Sweden and Norway for reforming the Union.*

Sweden has, as a rule, preferred the *entire* reorganization, Norway the *partial* — the consequence being, for instance, the struggles in the so-called Stadtholder disputes in the sixties of the last century. Sweden has held her standpoint, especially as she has considered it to the interest of the Union to insist on creating perfect equality by concessions also from Norway, and it seemed that these demands could not gain sufficient consideration unless the reorganization was complete<sup>4:1</sup>.

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Sweden has furthermore insisted on *negotiations* and *agreements*, as the natural road to reform; how Norway has more and more allowed herself to take matters into her own hands, shall now be more clearly explained.

Above all, however, the differences of opinion respecting the *aim* of the reform have become more and more pronounced. Sweden has adhered to a Union, which outworldly represents a perfect unity, and tried to create a safe and secure Union. Norway has, by degrees, in her ever increasing overwrought sensitiveness, developed her reform programme towards a purely personal union, behind which the rupture of the Union has stood as the main object in view.

The connection of the Norwegian Union with the inner party struggles in Norway, has had a disastrous effect on the development of the Norwegian programme, especially since 1885.

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Through the Constitutional Crisis in 1884, when the Royal Powers were forced — practically if not legally — to capitulate in essentials to the orthodox parliamentarism, the Norwegian party champions became in need of new programmes upon which to fling themselves. It was then, that the Norwegian radicals through the demand for their own Minister of State for Foreign Affairs cast a firebrand into the very midst of the Norwegian people<sup>5:1</sup>, who to that time had stood unanimous towards the claim of a mutual Foreign Minister of State for the Union. In the struggle for the political ascendancy chauvinistic strongwords became more and more rife. The national sensitiveness, already considerable, became excited to the utmost under the influence of the suggestive eloquence of BJÖRNSON and other agitators. The suspiciousness disaffection towards Sweden increased. The Swedish brethren were pointed at by BJÖRNSON as the only enemy Norway had, and even in the schoolrooms and school-books their (Swedish) hereditary enemy was spoken of with curses. Simultaneously the »Norwegians of the Future» buried themselves deeper and deeper in the study of »Ancient Glorious Norway». Imagination was fed on Norwegian heroic Sagas and Viking exploits, and the ancient National Saint of Norway, Olaf the Holy, was unearthed from his long-forgotten hiding place for renewed worship<sup>5:2</sup>.

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This overwrought sentimental policy, of course, caused national pride and all its requisite claims, to raise a cloud over Sweden and the Union, and the essential principles in the Union Question became of less and less importance. How totally void of essential principles the recent Norwegian Union Policy has been, is most obvious in the matter of effacing the Union Symbol from the mercantile flag having for a long period of years played a dominating rôle in Norwegian party politics<sup>6:1</sup>. It became the more and more hopeless task of Sweden and the Union King to maintain the cause of the Union without support from the dominant left party in Norway. The Norwegian radical party in their blind fanaticism were scarcely capable of rational action with any feeling of real political responsibility; the friendly attitude towards Russia as their friend in need, of BJÖRNSON and other radicals, was quite sufficient proof of this. It is true, that one party — the Norwegian Right Side —, for a long time inclined to a more favourable view of the Union, has supported the King in his efforts to oppose the dissolving of the Union, but in the fight for the political supremacy, the power of nationalism over minds has gradually undermined its position as a pillar of the Union, and at the present period of violently agitated feeling, the party has almost entirely vanished from the »national junction.»

During the process of this chauvinistic hysteria, Swedish politicians have naturally had an exceedingly delicate problem to solve. On one point opinion in Sweden has been unanimous. It has emphatically refused to accept a mere personal Union as a solution of the question. This on two grounds: one for the Union, the other for the Nation. The interests of the Union imperatively demanded outward unity, in order that the Union might be able to fulfil its purpose preserving security to the Scandinavian Peninsula in relation to Foreign powers. National interest saw in a personal union, and generally in every more radical rupture of the bonds of the Union, a risk that the influence of Sweden would thereby become unduly lessened. For if Sovereign power

*Sweden's later Union policy.*

became the only essential bond of Union, there would be the risk of the balance of power drifting into the hands of the Storthing (especially after the events of 1884 when the Sovereign power of the King was weakened), a risk that has at the present conjuncture of affairs already made itself felt.

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But if Sweden has thus been unanimous in demanding a joint administration of Foreign affairs, it might be found within the range of possibilities, for the sake of peace and quietness, to grant concessions in certain matters, which in reality from an union point of view seemed both unnecessary and undesirable. They may have complain as much as they like of the Norwegian national obstinacy, of their sickly fears of any sort of »*confusion*»; their inability to comprehend the requirements of the Union; it remained, however, a fact, that it was necessary to take into account, and indeed, it was a duty to respect it to a certain extent, as it originated in no slight degree from feelings fed by the subordinate position Norway had always held in years gone by. Swedish policy had thus to face two alternatives, either firmly and inexorably to insist on the Swedish demands for the amendment of the Union, conscious that they were in the interests of the Union, and like wise the real interest of Norway; or make a compromise, be contented with a partially disorganized Union, which by its bonds outwardly at least, preserved the appearance of the Scandinavian Peninsula's unity to Europe. The currents of the Union Policy in Sweden have swayed between these two possibilities, but if we follow it along the whole of its course, we shall see that Swedish Policy has always made a way for concessions. In the Union Committee of 1867 the Swedish members insisted on a Union Parliament as the stipulation of a joint Foreign Office; the Swedish majority in the Committee of 1898 abandoned that decision and contented itself with a joint Court of impeachment as a forum for appeal against the mutual Foreign Minister of the Union, but it insisted on maintaining the necessity of having mutual Consular representatives; during the present year, the King and the Riksdag have unanimously approved of the principles of a new arrangement with separate Consuls for Sweden and Norway. It is perhaps too soon to now judge between the lines followed by Swedish Union politicians, but in any case, it can scarcely be a matter of surprise that Swedish Policy has but slowly and gradually given up its claims. In order to preserve harmony, Sweden has been forced to do it, on account of the responsibility she once undertook on behalf of the Union, but no direct national interests have influenced the concessions and the enticing reward — harmony within the Union, the prospect of getting Norway honestly to meet her half way — has been sufficiently uncertain, in fact, the above mentioned concessions have seemed to possess a remarkable faculty for drawing forward new claims.

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2:1 NANSEN (English edition). The same author writes (page 62): »Finally in 1903(!) the Swedish Government declared openly that the present arrangement was not in accordance with Norway's just demands for equality in the Union.» How such a statement can be made is simply incomprehensible.

2:2 How the Norwegian Storthing, made up as it is, of large numbers of lawyers, has contributed to this, is well known to all.

2:3 On this account, it has especially been vindicated that the Act of Union plainly indicates a joint Foreign Policy, which is scarcely possible without a joint Foreign Administration; that the same Act of Union only acknowledges the Swedish Foreign Minister of State as the head of the Foreign Administration for the Union; that in the »Eidsvold Constitution», at the commencement of the Union, the paragraph referring to the Norwegian Foreign Minister of State was simply ignored. This last inconvenient fact is interpreted by the modern Norwegian theory of State Law as implying, that the Norwegian Constitution has left the administration of Foreign affairs to the King personally, who, in his turn on the grounds of this authority has placed it in the hands of the Swedish Minister of Foreign Affairs. NANSEN (page 49 and following.) The artfulness of this legal construction becomes immediately obvious. It is exceedingly remarkable also to find that Norwegian parliamentarism can commit such a blasphemy towards the Constitution, that it has conferred a position of importance on the King Himself.

3:1 The Norwegian Right Side (Conservative) has not either emphatically disputed the Swedish conception.

- 3:2 Illustrative of the Norwegian way of confusing the Swedish *legal conception* and the Swedish *amendment programme* in the Union question is an expression of NANSEN (page 61). According to him »the Swedish government as late as 1891 appeared, as already mentioned, inclined to deny Norway every right of taking part in the administration of foreign affairs», while in 1893 the Swedish Government offered a joint Minister for Foreign Affairs for the Union. The state of the case was, that the Swedish Government in 1891 offered Norway *increase* of influence in Foreign affairs, but in motioning this offer the Swedish legal point of view was maintained, that the administration of Foreign (diplomatic) affairs for the Union by the Swedish Minister for Foreign Affairs was founded on legal right. Reflections arise of themselves.
- 4:1 Sweden has especially tried to annul the paragraph 25 of Norway's fundamental law which limits the duty of its Union defence. According to this paragraph, the Yeomanry and other Norwegian troops, that cannot be reckoned as belonging to the line, may not be employed outside the boundaries of the Kingdom. This law has proved so much the more pernicious, as the Norwegians by their recruiting regulations have illoyally withdrawn from the Union-defence part of their fighting forces, by outrageously entering into the line a limited number only of the annual classes of recruits.
- 5:1 Mr HAGERUP also affirmed openly in the Storting of 1904 that the Union question had in quite too high a degree come to be regarded by the Norwegian parties as a workshop of weapons for elections campaigns.
- 5:2 We get a glimpse of this romance, in the midst of the ultra modern »glorious» revolution. At a large meeting at Hamar it was decreed, that the new King should bear a name after one on the ancient Kings of Norway. In a festival number of a »Vordens Gang» in honour of the revolution we find printed a »Psalm on Olaf's Day» written by BJÖRNSON.
- 6:1 That Norway in carrying out the law (1899) respecting the flag, broke an agreement with Sweden made in 1844, was of course only in conformity with everything else.
- 

## II.

The Consular Question is a red thread running through the history of the Union struggles during the last fourteen years—

*The Consul question.*

The Norwegians on their part in attempting to defend the way in which the Left Side started the Union Policy in the beginning of 1890, always allude to what happened in Sweden in 1885<sup>8:1</sup>.

*The change in the Swedish Constitution of 1885.*

What was it then that happened in 1885?

By the amendment of the Swedish Constitution, the Prime Minister was also in the Ministerial Council (for Foreign affairs), so that the Council instead of having only two members, ever after had three, the object being to guarantee that the Cabinet Council should be more fully represented in they the in administration of Foreign affairs. Now, as previously mentioned, by a Royal Decree in 1835 the Norwegian Prime Minister at Stockholm was admitted into the Ministerial Council when foreign affairs affecting the two Kingdoms were negotiated. Thus Norway by the proposed Constitutional amendment was supposed to occupy a somewhat more unfavourable position than formerly. But Sweden immediately offers a more extended representation in the Council for Foreign affairs, which offer, however, is, for some inexplicable reason, refused by Norway on formal grounds. In the year 1891 this offer was renewed, but then the majority on the Left Side of the Storting finds a very excellent reason for refusing the proposition, by pointing out, that the Swedish Council in motioning towards the proposed amendment in the Act of Union (not in the proposed paragraph itself) maintains the stand-point that Sweden's leadership in the administration of Foreign affairs is founded on legal right<sup>9:1</sup>.

*Norway's attitude to the same.*

But something else is said to have happened in 1885, which was not discovered by the Norwegian side till several years later, and which, being exposed by the

Norwegian agitation in these days, offers to we Swedes the delights of novelty. Formerly foreign affairs were supposed to be administered chiefly by the Swedish King personally, and the Minister for Foreign Affairs is said to have stood in a more personal relation to the King. Foreign Affairs under such circumstances were supposed to be more impartially treated, so that even Norway's lawful interests could receive due attention. But by the amendment of the Constitution of 1885 the Swedish Foreign Minister would be entirely subservient to Swedish Parliamentarism, which made the employment of the Swedish Minister for Foreign Affairs, in the protection of Norwegian interests, still more dissatisfactory for Norway than formerly. This is pretended to have become the source of the last twenty year's Union struggle<sup>9:2</sup>. Now the state of the case is this, *the Foreign Minister's parliamentary responsibility has not been increased by the amendment of the Constitution in 1885*. Formerly he was — just as he is now — responsible, as reporter, in the first place for all *resolutions* in Foreign affairs. The point that was formally confirmed by law in 1885 was, that the Minister for Foreign Affairs should also *prepare* matters concerning foreign affairs. According to the older version of the paragraph that was altered that year (1885), the King was invested with greater rights in reference to that side of the administration of foreign affairs. Thus the amendment of the Constitution in 1885 only effected that the actual influence of the Minister for Foreign Affairs on Sweden's foreign policy was brought into harmony with the formal responsibility he held in all cases for Sweden's Foreign policy. It may be added that this constitutional amendment only confirmed the old practice, as the Minister for Foreign Affairs was formerly regularly employed to prepare matters concerning foreign affairs, and that his previous employment in the preparation of foreign affairs was naturally carried out under observation of the responsibility in which he stood for the resolutions taken, and was not inspired by any mysterious personal relations to the King. The whole of this Norwegian notion of the fatal influence on the Union in this constitutional amendment, is, in fact, nothing but a manufactured theory containing no real grounds whatsoever.

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Now it must be observed that Norway had formerly no regular parliamentary control over foreign affairs, *but the Swedish offer of 1891 was just intended to give the Norwegian Storting the right to this control, to be exercised under the same conditions as those in the Swedish Diet*. But the Storting refused (as previously mentioned) the Swedish offer; it preferred to keep the quarrel alive, and in order to do this, it was necessary to be able to refer to Swedish oppression.

The Swedish offer being thus refused, the Norwegian Union politics in 1891 took a new turn. The road was already pointed out by the veteran leader of the Left Side (separatists) JOHAN SVERDRUP; it was indicated »to take matters into our own hands«. The system was founded on the Norwegian Left Side State-law theory, according to which Norway, as a Sovereign state, was entitled to its own Minister for Foreign Affairs, its own diplomatic representatives and consuls, all of which was proved with much craft by the Constitution of Norway and the Act of Union between Sweden and Norway. The right to one and all to which Norway, as a Sovereign power, was entitled, should now be realized, independently and boldly, without consulting Sweden. By Royal Decree, the Storting having granted the means, a Norwegian Minister for Foreign Affairs, Norwegian Diplomatic Representatives and consuls should be appointed without delay in the Norwegian Council. Thus the lines of the future politics of Norway were fixed by the Separatists<sup>10:1</sup>.

*The Norwegian radicals' method of taking matters into their hands.*

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It is obvious, that the notion of the one Kingdom in a Union being able, of its own accord without consulting the other Kingdom, to alter and dissolve the bonds of Union, is theoretically inimical to the Union itself, and in fact shows enormous disloyalty to the other half of the Union. A *Union* policy of this sort is, of course, in spirit, completely revolutionary, and at the outset has no place



within the Union. Nevertheless it has been followed under continued official protestations of fidelity to the Union — the last speech of this sort was heard a short time ago, when the well known road was fully marked out, right away to the object so long hovering in view. This is not the only piece of duplicity in Norwegian Union policy of which Sweden has had to complain.

There was a cautious beginning with »their own Consuls»; it was too venturesome a task to begin the system at once with the question of their own Minister for Foreign Affairs.

[Pg 12] On the side of Norway it has been claimed that the mercantile interests of Norway demanded a Consular Service of its own<sup>11:1</sup>. In reality, it is an indisputable fact, even acknowledged by Norwegians, that no essentially practical inconvenience has been caused by the system of having a joint Consular Service. The Circles most affected by the matter in Norway, Commercial men and ship-owners — were in opposition for a long time; not even in 1891 did the separatists venture to lay the Consular Committee's deliberations on the subject before the mercantile authorities. One Norwegian, who was well competent to judge of the matter, acknowledged openly, when the question was first broached, that »the grounds of the proposition for a complete separation as being of benefit to the shipping, commerce, and industry of the country, are so weak, that it would be impossible for them except, through persistent agitation to gain conviction, either among the classes most interested, or amongst the masses of the people». There are principally two reasons for the proposed reform, first that Sweden and Norway have a different Tariff-System, secondly, the frequent rivalry between Swedish and Norwegian trade articles of export. The first reason is baseless, as the different Tariff-Systems are of importance chiefly for the imports, and not for the exports<sup>12:1</sup>; the second reason loses its chief point by the fact that consuls are not commercial agents, that it is not their business to promote trade for private individuals, but only to give reports of the possibilities of trading with different countries. It is also worthy of mention, that in Sweden not the slightest wish has been expressed in this direction, though at present the majority of the Consuls abroad are Norwegians. And as regards the much-talked of fears, that in the administration of the Consular Service by the Foreign Office, partiality might be exercised in the interests of Sweden, the fact *that for a long time past the whole of the mercantile portion of the Consuls' duties have, on Norway's side, been performed by one of the Norwegian Government Departements*, proves how vain those fears were.

*The real innessessity of having separate Consuls.*

[Pg 13] Norwegian separatists, among others MICHELSEN himself, long ago, in a moment of rare sincerity, have acknowledged that other motives besides the practical have been at the root of the claim for reform. A Norwegian Consular Service meant, in itself, a step in the direction of the rupture of the bonds of Union, and was therefore even then an object worth striving for. But it was also openly declared, that a Norwegian Consular Service would necessarily be succeeded by a Norwegian diplomatic representation and a Norwegian Minister for Foreign Affairs. »Directly they have got the wedge fixed into the small end», wrote in 1892 President HANS FORSSELL, »they will try to persuade us that there will be no danger in letting them drive it in a bit». Above all they considered that a Norwegian Consular Service would by degrees disorganize the administration of the Foreign Office, and on the grounds of the dominating rôle interests of economy play in the Foreign politics of our day, it would by degrees expand into a regular Norwegian Foreign Office.

*The real object of raising the consular question.*

The chief characteristic of this programme is the total absence of any motive for it from a Union point of view. Modern Norwegian Nationalism has only really thought of Sweden and Norway, but not of the Union and its claims. Whenever Sweden has ventured to advocate the cause of the Union, Norway has begun to talk of the interests of Sweden. If, at any time, the claims of the Union have been discussed in Norway, they have usually been identical with

*Want of Union motives for Consular reform.*

those of Norway. The interests of the Union demanded that Norway, without further parley, got what its national sensitive feeling was pleased to decree as the Sovereign Norway's right. That is about the gist of the matter. The Norwegian policy has by degrees become blind to the fact, that the interests of the Union ought to demand a subordination of the inclination to decide arbitrarily on points touching the Union, both for the sake of Sweden and — of Norway.

When therefore the King, in the interests of *the Union*, at first opposed both the Consular reform itself and the manner of carrying it out, they did not see the King of Norway, or the King of the Union, only the King of Sweden, the veto of the King of Norway was called the Swedish veto against the rightful claims of Norway. This dishonest doctrine has gradually poisoned the minds of the people of Norway, and it is this, that has brought about the rupture of the Union.

*Misinterpretation of the King's opposition.*

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Under strong protest from the Norwegian Right Side (Conservative), which at that time looked upon a separate Consular Service under a mutual diplomatic administration as introducing something hitherto unheard of in the annals of history, the consular question was brought to the decision by the Norwegian Left Side. By an order of the Storting, the method was established: the Consular question was exclusively a Norwegian matter, which must be treated and decided upon by Norwegian authorities of State alone; on the other hand the *winding up* of the joint Consular Service would be a cause of negotiations with Sweden. In plain words, the Royal Decree must be given in a Norwegian Cabinet Council, not in a so-called Joint Cabinet consisting of both Swedish and Norwegian members, which according to the Act of Union must decide in all questions »concerning the two Kingdoms<sup>14:1</sup>.» And this one-sided right of decision was maintained in spite of the common Consular statutes — the last in 1886 — having been confirmed by a Joint Cabinet, and in spite of the fact that these statutes prescribed the settlement of Consular Affairs in that Council alone. Added to this, the relations of the future Norwegian Consular Service to the Swedish Minister for Foreign Affairs and diplomatic representatives had also to be arranged. This matter might certainly be considered, to belong to the negotiations relating to the winding up of the joint Consular Service. But if Norway resolved that a separate Consular Service should be established within a given time, it would be Norway's prerogative to dictate the conditions of winding it up; Norway might without further ceremony withdraw a portion of its Foreign affairs from the joint Foreign administration.

*The raising of the Consular question in 1891.*

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Through its leader, EMIL STANG, the Norwegian Conservatives supported the Union King's view that the matter was as yet too imperfectly developed, and that it must be decided on in a joint Cabinet. But in 1892 the Storting resolved, with a majority of 14 votes, on the establishment of a Norwegian Consular Service. The King was prepared to refuse the sanction to this, in a Norwegian Cabinet Council, and then and there began the conflict between King and Council, as witnessed by the events of later times. The character of this conflict may be mentioned already here, as Norway, in fact, was even then, in 1892, on the eve of the revolution, which has now broken out.

When the Constitution of Norway was framed in 1814, the Continent was but little acquainted with the pure parliamentarism, with a ruling Council and a powerless King. The Constitution is instead based on the theory of the division of the state power into three organs, and this is plainly stated in the division of the Constitution. The King's veto over legal questions is only suspensive, but he is not represented as the helpless tool of Storting and Council. The Cabinet Council is certainly responsible to the Storting, but only for its own advice, not for the King's Decrees. The King is legally bound to listen to the opinions of his ministers, but the right of making Decrees according to his own judgment, is expressly reserved to him. Nor does the Constitution of Norway recognize the law of refusing countersignature, which is found for instance in the

*»The King and the Ministry» according to the Norwegian Constitution.*

Swedish Constitution. In 1814 the Storting explicitly refused a proposition to give the Cabinet Council this right, declaring that the King ought not to be deprived of all his privileges. All the King's Decrees must be countersigned by one of the Prime Ministers, but this countersignature implies only the responsibility for the agreement of the records with the resolutions taken. The greatest Norwegian writers on State Law, have acknowledged that this is Norwegian National Law<sup>15:1</sup>. Furthermore the Constitution originally did not recognize something else remarkable for modern parliamentarism: the Ministers were not even allowed to attend the debates of the Storting. Then came the Crisis of 1884, when the Norwegian Radicals with the Court of impeachment a weapon, forced the King to capitulate, forced him to summon a Radical Ministry, and to sanction an amendment of the Constitution, by which the Ministry were allowed to attend the debates in the Storting. By this means, the modern parliamentarism, with all its claims, elbowed its way into Norwegian State life. But the old prescriptions as to the responsibility of the Cabinet Council, were retained, and they must naturally be interpreted as of old. The new parliamentary interpretation of these prescriptions of responsibility, especially the right of refusing countersignature, was opposed by the King, who adhered to the old only possible forms.

Even in 1892 the Radical Cabinet STEEN did not venture to carry the Consular question to an extreme. They were contented to play with fire. Before the King found an opportunity to give his definite answer to the consular question, the Cabinet retired. The Ministerial strike recently set on the political stage, was even then in the perspective. But the King having vainly tried to form a Conservative Ministry and matters becoming serious, a retreat was sounded, the Storting itself taking the initiative, this time, strange to say, receiving the hint from Mr MICHELSEN. The requests of the Ministers to resign were withdrawn, and the Consular Question was postponed to a future date. The Norwegian masses were not as yet sufficiently impregnated with the gospel of the dissolution of the Union — and Norway was not yet armed for defence.

*The development of the Consular question.*

The following year the same tale began afresh. The Storting resolved on having a separate Consular Service, the Ministers sent in their requests to resign, to avoid, as they declared, rousing a constitutional dispute on the countersignature question which might bring about consequences »that scarcely any other political question had aroused in our present constitution». This time the Conservatives stepped into the breach on behalf of the King and the Union. For two years The Cabinet STANG opposed a furious Storting, while the King was powerless to form a parliamentary Radical Ministry on reasonable terms. This conflict naturally produced intense excitement, and the Radicals, of course, saw in the King's opposition, Sweden's and the King's of Sweden, not the King's of the United Kingdoms fighting a battle against the destruction of the Union. It is in this way that the Consular Question became magnified into a question of National honour. The blow given to their honour by the disloyalty of the Radicals to the *Union* was entirely ignored. The Consular question became by degrees, the chief National question of the country.

In the Spring of 1895 the situation in Norway was such that a complete standstill was threatened, and all sorts of extravagant plans were mooted on the Norwegian Radical Side. It was then that in limited Swedish Conservatives circles a plan was said to exist for making Norway come to an agreeable settlement of the Union question, by main force. This is a matter impossible to decide. These reports spread like wildfire, and had the effect of oil upon fire. And now at last Norway begins to think of her defence which of late years she has neglected.

*The position in 1895.*

The Norwegians meanwhile gave in as Norway was not ready. The Storting in Norway also consented to what Sweden had all along endeavoured to obtain, viz. a general settlement. The Union Committee 1895-1898 effected a couple of

*The Union Committee 1895-1908.*

year's truce; any real results were not to be expected. The Norwegian Radicals had other plans than a reasonable settlement of the Union question; its representatives in the Committee were bound by their party programme, and insisted on having their own Minister for Foreign affairs. On the other side, the two representatives of the Swedish Conservatives maintained the demand for a Union Parliament which the Norwegians in the previous Union Committee had refused. The Swedish and Norwegian majorities were very nearly balanced. They were united in the opinion that the Union necessarily demanded a joint Minister for Foreign affairs, but differed in everything else on several points. For instance, the Norwegian majority, characteristically would not agree to limit the possibility for Norway (on the grounds of paragraph 25 in the Constitution) of withdrawing of her own accord, a greater or smaller portion of Norwegian troops from the defending forces of the Union<sup>18:1</sup>. In the Consular question there were also differences. The Swedish members were unanimous in insisting on a joint Consular Service for both Kingdoms. The Norwegian majority preferred, from all points of view, a joint Consular Service to a separate one for each Kingdom, and strongly emphasized the point that in all circumstances the consuls ought to be personally and immediately under the control of the Minister for Foreign affairs, as the limits in the sphere of operations between the Consuls and the Diplomatic Officials became more and more undefined. But with evident respect to the opposing Norwegian opinions, it tried to regulate the Consular Service, by joint terminable laws, nevertheless, so worded, that not till the lapse of 15 years, the Kingdom that so desired, might have the right to dissolve the joint Consular Service<sup>18:2</sup>.

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The Union Committee having failed, the Norwegian Radicals prepared for another attack on the old lines. By passing the Flag Bill, they prepared to renew negotiations on the Consular Question, while, at the same time, they were busily engaged in strengthening their defence and raising on the boundaries rumoured fortresses against Sweden. The Under Secretary of State, Dr. SIGURD IBSEN, instituted an inquiry as to the feasibility of having a separate Consular Service in conjunction with the existing Foreign administration. It was on this point that the Minister for Foreign affairs, for the time being, Mr. LAGERHEIM, made a proposal, the consequences of which brought about the present crisis.

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*Norway prepares again to the Consular Question.*

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8:1 Compare NANSEN (page 48 and following).

9:1 The Norwegians, as aforesaid, have generally looked upon Sweden's maintaining its conception of the Union law as something very criminal; this has been Norway's right alone.

9:2 Compare NANSEN (page 54). »The change in the Swedish Constitution in 1885 has therefore become the principal cause of the last twenty years' strife in the union.»

10:1 On the Norwegian side, it has been said, that Sweden in 1885 adopted the same method, when, by changing the Swedish Constitution by themselves, they reorganized the Council for Foreign affairs. It must, however, be observed, that, in this, Sweden is supported by its own right, as acknowledged by the foremost Norwegian writers on state law and Norwegian Conservatives, to undertake the management of foreign policy. This legal stand-point had been adopted in 1835, when a resolution was passed in the *Swedish* Cabinet to admit the Norwegian Minister of State to the Ministerial Council. The Norwegian claim to participate in the revision of the Swedish Constitution is, however, unwarrantable, as Norway, in the indisputably unionistic Stadtholder question in 1860 maintained that Sweden was not warranted in interfering when revisions or changes were made in the Norwegian Constitution.

11:1 Compare NANSEN (page 68 and following).

12:1 It is a singular coincidence, that Norway in these days, when it has brought the Consular question to a climax, has begun to carry out a general rise in the Fiscal rates; the mercantile interests of »the land of Free Trade» Norway evidently do not lie so very deep after all.

14:1 The question as to when a matter shall be discussed in a Joint Cabinet or not, has not been the smallest of the stumbling blocks in the thorny path of the Union negotiations. In Norway, to quote Mr HAGERUP, there has been quite a »sickly» fear of having matters settled there. On the Norwegian Left Side they have defended the opinion, that only those matters which, being expressly mentioned in the Act of Union, as being distinctively Union-

matters ought to be brought there. In Sweden it has been held, that the Act of Union has no power to give an exhaustive account as to what matters belong to the Union and which do not. Whether it can be considered a matter which concerns both the Kingdoms depends entirely on the exact nature of the matter itself. *This latter conception has been adopted of old.*

15:1 Compare No. I §§ 5, 15, 30, 31.

18:1 The Swedish majority had contemplated a provision in the Act of Union, wherev it became incumbent for both Kingdoms to place a fixed minimum of fighting forces to the disposition of the Union.

18:2 NANSEN says (page 71) »Divisions arose partly over the resistance from the Swedish side to the unanimous demand of the Norwegian delegates for a separate Consular Service.» This is, as plainly apparent, an extremely modified version of the truth.

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### III.

His Excellency Mr. LAGERHEIM'S proposal implied an attempt to settle the Consular Question itself, by retaining the existing Foreign Administration and dissolving the joint Consular Service. By doing this, he plainly foresaw that the Consular Question would inevitably be raised afresh on the part of Norway. It was necessary therefore to lead the work of reform in the quiet paths of Union negotiations, in order to prevent the old attempts on Norway's side »to take matters into her own hands«, to the detriment of the harmony in the Union. If results in that way could be gained, negotiative operations might win more confidence from distrustful Norwegian politicians. The Swedish government seems also to have taken into account the contingency that, by making this offer, they would get Norway to meet them half way, and agree sooner or later to a definite solution of the Union conflict, by a reorganisation, on the grounds of having a joint Minister for Foreign affairs.

*His Excellency Mr.  
Lagerheim's Proposal.*

In one respect, it was undeniably a good opportunity for such an attempt. The violent Russianizing of Finland, and the undefined plots it concealed, could not fail to open the eyes of many in Norway. Even Norwegian Radicals were obliged to acknowledge that the integrity of the Kingdoms of Scandinavia formed a necessary guarantee for their freedom and independence<sup>19:1</sup>. It was certainly on that account that their courage was not so fully shared by all, when the Norwegian Radicals prepared to renew their old efforts to break the Union. An honourable compromise with Sweden, on that occasion, would probably have been acceptable.

But Mr LAGERHEIM'S experiment had, on all hands, almost insurmountable difficulties through which to pilot its way.

In Sweden it had always been feared that separate Consuls for Norway without the reorganization of the Foreign administration, would act as a wedge to rupture the Union, especially as leading Norwegian politicians took no pains to hide their ulterior motives. Therefore, the Swedish Diet in 1893 expressed a decided wish that the Consular question should not be discussed except in connection with the question of Foreign administration, and from this decision the Swedish Diet has not since deviated in any way.

*The difficulties  
attending the  
satisfactory settlement  
of the Consular  
Question.*

In order, therefore, that there might be some prospect of the Swedish government gaining the approval of the Swedish Diet, of the result of the negotiations, it was necessary that it contained safe guarantees that the Consular reform would not react to the advantage of a Union programme to which Sweden could never agree: i. e. a purely personal Union.

But on the other hand, it was expected that the efforts to get these guarantees fixed on a firm basis would meet with opposition from the Norwegian side. The

old Norwegian traditions of the Radical party were as deeply rooted as ever in the political life of Norway. It was hard for the Norwegian Radicals to lose sight of the original political aims in carrying out the reform of the Consular service. DR IBSEN'S aforesaid inquiry plainly hinted that Norwegian opposition would be raised against the Swedish Minister for Foreign affairs having direct control over the Norwegian Consuls, a stipulation that was absolutely necessary both from a Swedish and a Union point of view. And Norwegian policy had generally with its sickly distrust and susceptibility an instinctive disinclination to bind Norway to anything referring to the burning question of the day. »As to one's rights, no one negotiates». This has become well nigh the axiom for Norwegian politics. And Norway now considers she has a right to one and all of her demands. —

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In a joint Cabinet Council held on January 21<sup>st</sup> 1902, it was resolved to convene a Union Consular Committee consisting of two Swedish and two Norwegian authorities,<sup>21:1</sup> who were to institute an examination as to how far a new arrangement with separate Consuls for each of the United Kingdoms would practically work under the administration of the present joint diplomatic representatives.

*The Consular  
Committee of 1902.*

The Committee accepted its task in a purely administrative spirit. It declared distinctly that it considered it was not compulsory for them to give an opinion as to the suitability or desirability<sup>21:2</sup> of the arrangement, or of the political importance that might be assigned to the same. This limitation of the duty of the Committee is of importance in order to understand the terms of its conclusions; it was meant simply to describe the effect of the aforesaid arrangement under certain circumstances and nothing more.

The Committee gave two alternatives; Norway should either have its own consuls, subordinate, to a certain extent, to the Minister of Foreign affairs, or a separate Consular Service, in which case, the consuls would be entirely under Norwegian authority. As to the first of these alternatives, the Norwegian members explain, that whichever way we look at the arrangement, it would be at the outset in conflict with the spirit of the Norwegian Constitution; a corps acting for the most part under authority out of Norway, would, from an administrative point of view, be an »anomaly». The Swedish members evidently ought not to confute the Norwegian interpretation of the Constitution; they do not approve of it, nor do they agree to it, though they declare that they see plainly the advantages to be obtained, from an disciplinary point of view, by continuing to allow the separate consuls to act under the administration of the Minister for Foreign affairs.

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The formal way in which the Committee acted naturally brought about very imperfect results. The logical consequences of the issue being, for instance, that the Minister for Foreign affairs was debarred from giving instructions directly to the different consuls; his 'wishes' were first to be communicated to the Norwegian Consular administration, on whom rested the decision as to whether or not, the wishes of the Minister of Foreign affairs should be complied with(!). And the Minister of Foreign affairs, would not, of course, have any power to interfere disciplinary when a consul compromised the relations of the United Kingdoms with Foreign powers etc. etc. The Swedish members express their extreme doubts on the critical points all through, and point out the necessity of an extremely amicable co-operation between the Minister for Foreign affairs and the Norwegian Consular Service, as the only guarantee against the total disorganization of the administration for Foreign affairs; the Norwegians tried to soothe their doubts by declaring that the Norwegian Consular Service would »duly value the importance of a loyal co-operation.»

It was evident that these statements from the Swedish side could not be considered as contributing to the solution of the problem, so much the more

so, as the Swedish members had strong doubts. Neither could any reference to them be made on Norway's part without further notice, the Committee itself having shirked the most salient points, namely those of a practical and political nature. And yet in Norway the committee's conclusions were considered to be an acknowledged method from the Swedish side for the solution of the question<sup>22:1</sup>.

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Mr. BOSTRÖM became Prime Minister in the summer of 1902, and in the autumn of that year, negotiations on the Consular question were commenced between the delegates of the Swedish and Norwegian Cabinets. The conclusions of the Consular Committee were then preliminarily examined and discussed. In February and March the negotiations were continued in Christiania, and touched especially upon the political side of the matter, particularly the nature and binding power of an eventual agreement. In the middle of March negotiations were abruptly broken off on the grounds of divergencies of opinion, but were resumed again by the Norwegian side, the result being published on March 24th in the well known so-called Communiqué<sup>23:1</sup>.

*Negotiations 1902-1903  
between Swedish and  
Norwegian delegates.*

This much-dismissed Act must be regarded as a summary compendium of the preliminary results of the negotiations in the Consular question, though it must be especially observed that it is not issued by the governments themselves<sup>23:2</sup>, but only by different members in each, and that the Swedish members, at any rate, had no official authority in the matter.

*The Communiqué.*

Its contents inform us that the Swedish negotiators prefer to have the Consular question solved in conjunction with the entire question of Foreign administration, in other words, *they plainly offered a general agreement to separate Consular services under a joint Minister of Foreign affairs*, but that the Norwegian negotiators *refused* this offer. On the Norwegian Radical Side it was considered that the time was not yet ripe for such a solution, and a resolution in the Storting affirmed this in January 1903, with the consent of the government; the Radicals were evidently determined not to give up their claim — so unreasonable from a Union point of view — to a separate Minister for Foreign affairs.

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With respect to the Consular Question, the Swedish negotiators declare that a dissolution of the joint Consular Office, appears to them, in itself, undesirable, but as an opposite opinion has long been prevalent in Norway, and as during the preliminary negotiations, it was shown to be »not impossible» that under certain circumstances a system with different Consuls for each Kingdom could be established, in order to obtain the most important advantage of the political agreement between the two countries, they have found it expedient to advise a settlement of the question on the following basis:

1. Separate Consular Services for Sweden and for Norway shall be established. The Consuls of each kingdom shall be subordinate to the authority of their own country which the latter shall have to determine.
2. The relations of the separate Consuls to the Minister for Foreign Affairs and to the Embassies shall be regulated by laws of the same wording which cannot be altered nor abolished without the consent of the authorities of both Kingdoms.

It is furthermore stipulated that the Status quo with reference to the position of the Minister for Foreign affairs and the Ambassadors should remain intact. Each Kingdom is to have its right to decide on the establishment of its own Consular service; the identical laws are only to regulate the relations between the Consuls on the one side, and the Minister for Foreign affairs and diplomatic representatives on the other. The laws are especially designed to give a guarantee that the consuls do not outstep the boundaries of their occupation and at the same time secure the necessary cooperation between the Foreign Administration and the Consular Services of the two Kingdoms<sup>24:1</sup>.

When the Communiqué was issued, it was received with very great diversity of feelings on both sides of the State boundaries. The lively discussions which immediately sprung up concerning the actual contents of the agreement, on which considerable divergence of opinion was held, contributed in no small degree to the former. The debates were especially concentrated on the contents of what was called the identical laws, and as the different conceptions on this subject were without doubt of great importance in the final issue of the negotiations, it is as well to give some enlightenment on the point.

In the first part of the Communiqué, which describes the offer of the Swedish negotiators, it is mentioned, as aforesaid, that the relations of the Separate Consuls to the Minister for Foreign affairs and Diplomatic representatives should be regulated by identical laws, which could not be *altered* or *abolished* without the consent of the Government powers of both Kingdoms. In the mutual resolution reference is made to laws »which cannot be altered by one of the parties», the word 'abolish' does not occur. This already caused astonishment. It was asked if this omission had any important significance. It was observed that Mr BOSTRÖM, in the Swedish Diet, made use of the first form of expression, Mr BLEHR in the Norwegian Diet of the second.<sup>25:1</sup> In reality, the difference depended on some oversight in the final revision which was made in Christiania under great excitement in political circles there; this seems to have given a prominent place to the preliminary solution, before the full contents were grasped. Mr HAGERUP acknowledged later that the expressions in reality meant the same, as the conception of the word 'alter', must necessarily include the conception of the word 'abolish'. It was afterwards frequently proposed in debates, that the intended laws should be terminable only by mutual agreement, and this question has been significant only through the connection which may be found to exist between it and the chief point of this discussion itself, as to the extent to which the laws were to be changeable.

The divergencies referred especially to the conception of Union Law by the Norwegian Radicals, according to which Norway had the right to have her own Minister for Foreign affairs, and consequently was entitled to appoint one without agreeing with Sweden. As the proposed laws were based upon the presupposition that the Swedish Minister for Foreign affairs would continue the administration of the Foreign affairs of the Union, the question now arose as to whether a Norwegian Minister of Foreign affairs could be appointed unless Sweden consented to the suspension of the Consular Laws, or whether the Consular Laws would become extinct of themselves, if Norway made use of her assumed rights in the matter.

In other words, was it the intention of the Communiqué to force Norway to a solution of the question of the foreign administration only through negotiations with Sweden, or had the Norwegian Radicals the liberty to continue to urge Norway to take matters into her own hands?

In Norway much anxiety was expressed lest the negotiations should prove too binding, — Norwegian politicians hate, as previously mentioned, to be bound in any way — His Excellency BLEHR meanwhile imagined that he might be able to explain in the Storting, in May 1903, that *the laws will not include any restrictions for either of the two Kingdoms, in the matter of their authority, in future, to decide on questions relating to the regulation of foreign administration*; or be reckoned as a proof that they had confirmed the existing terms, or bound themselves to carry them out. This explanation produced a calming effect, and it was confirmed in the following debate with satisfaction that the character of these laws could not be referred to, as showing, that Norway was bound in any way whatever. This interpretation was afterwards approved of by Mr HAGERUP, and may be said to form the Norwegian official standpoint in all negotiations.

Now, was this also the Swedish interpretation of the Communiqué? It is



evident that the Swedish standpoint in this respect must be of especial importance, considering it plainly referred to a guarantee demanded by Sweden<sup>26:1</sup>, touching the nature of which the Swedish interpretation of the Communiqué must, of necessity, in an especial degree be one of authority.

On the part of the Swedish government, no opinion on the question has yet been published. But it may nevertheless, with great certainty, be assumed *that the Swedish negotiators for the identical laws really, among other matters, intended to bind Norway not to take the question of foreign administration »into her own hands.»* The great fear of such a contingency, shown by the Norwegian Radicals, is sufficient proof of this, for, as a rule, Norwegian politicians keep themselves pretty well informed on matters of negotiation, even when they are of a more confidential nature. Also, more or less direct references have been made by the Norwegian government, that the interpretation of the Communiqué by the Swedish government differed from its own<sup>27:1</sup>. This supposition is vindicated by the political situation throughout. It is plain that to the Swedish government the compensation demanded for concessions in the Consular question, was the guarantee that the consequences of having a Norwegian Consular Service would not pave the way for a Norwegian Foreign Office. It was therefore first necessary to demand of Norway implicit loyalty with reference to the future solving of the Foreign Minister question. The Swedish delegates have therefore evidently tried to exact from Norway, as an expression of implicit loyalty, a contract not to seek to alter the Status quo with respect to the Foreign administration<sup>27:2</sup>, without an agreement with Sweden.

How is it possible then, that the Norwegian government in the Storthing could interpret the Communiqué as it did?

As long as the details in the protocol of negotiations are not known, it is impossible to make any definite assertions.

The Norwegian government may possibly have felt assured that the Communiqué did not intend a direct refusal to Norway of its assumed legal right to its own Minister for Foreign affairs — that demand could scarcely be expected to emanate from Sweden — and passed over the Swedish delegates' plain intention to bind Norway to the *execution* of that right. But as this question has manifestly been an object of protracted debates, the Norwegian government cannot possibly have remained in ignorance of the Swedish delegates' intentions with regard to the wording of the Communiqué on that point, and the Norwegian governments attitude in the matter, is, to say the least, rather strange, especially in the light of the apparently somewhat undiplomatic War Minister STANG'S open declaration in the Storthing, that according to his idea of the matter, *the decisions in respect to the identical laws were scarcely in accordance with Mr BLEHR'S interpretation of the Communiqué.*

Now, however matters may have been in detail, one indisputable fact remains clear, *that the guarantee the Swedish delegates sought to effect by means of the identical laws, has been refused on the grounds of the Norwegian interpretation of the Communiqué.* This must be kept strictly in view, if any correct idea of the ensuing development of events is to be obtained.

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<sup>19:1</sup> It is undoubtedly Russia's proceedings in Finland which have especially influenced the recent unionist-political views of BJÖRNSON.

<sup>21:1</sup> The most effective power in the Committee was D:r SIGURD IBSEN, who is credited with having drawn up the drafts of the result of the Committee's debates. The rest of the members were the Swedish Ambassador BILDT at the Court of St James, the Consul General AMÉEN in Barcelona, and the Consul General CHRISTOPHERSEN in Antwerp.

<sup>21:2</sup> The Swedish members of the Committee indicate, incidentally, that they do not consider it to be altogether desirable.

<sup>22:1</sup> NANSEN evidently looks upon the matter in this light (page 64): »No change

in the Consular regulations was made, and it therefore, follows that even the *Swedish Commissioners* did not think it incompatible with the terms of the Union, for Norway to have separate Consuls». And, of course, he mentions, »the *unanimous conclusion* of the committee of experts from *both countries*» (p. 72).

23:1 N:o 3.

23:2 The Swedish members were, the Premier, BOSTRÖM, the Minister for Foreign Affairs Mr. LAGERHEIM, and State Secretary HUSBERG. The Norwegian members were, Prime Ministers BLEHR and QVAM, and State Secretaries KNUDSEN and IBSEN

24:1 N:o 3 These latter decisions in the Communiqué, which are conclusive in explaining the later standpoint taken by the Swedish government, are, of course, omitted by NANSEN.

25:1 The same difference also occurs in the drafts of laws which have been proposed at more recent dates.

26:1 It is manifest that it is on the part of Sweden that the idea of identical laws has arisen. In Norway they afterwards complained, especially the Radicals, of that »Massive instrument.»

27:1 In the debate in the Storting on April 27:th 1904 Mr CARL BERNER said he had heard that Mr BLEHR'S explanation in the Storting respecting; the Communiqué before its publication was made known to the Swedish government: that the latter, neither previously, nor later on, had made any objections to it. To this State Secretary MICHELSEN sharply replied, that »Mr BLEHR'S explanation was only the explanation of the Norwegian government on the subject of the Communiqué.»

27:2 Further affirmation is given by Mr IBSEN'S declaration in the Storting, that the negotiations fell through in consequence of Mr BOSTRÖM'S opposition to the request of the Norwegian delegates that in the Communiqué it should be mentioned that the identical laws were to be valid only »so long as the present system of foreign administration existed.» When, finally, the Norwegians consented to omit this condition, it could only have been their intention that the laws should only be valid until by mutual consent they were rescinded. Other explanations in the Storting of the divergencies of opinions on this point are to all intents unacceptable.

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## IV.

Even without taking into consideration the indistinctness that was supposed to characterise the Communiqué, its general contents roused no unanimous approbation. In the Swedish Diet in May 1903, during a debate, serious doubts were rife, and it was emphatically declared that the Consular Question must be solved simultaneously with the Foreign Minister Question as resolved by the Diet in 1893. The Second Chamber (lower Home) was more leniently inclined towards the negotiations, but it nevertheless referred to the resolution of 1893.

Nor did it get a promising reception in Norway at first. It was known there that one of the chief stipulations of the negotiations had been the cessation of the agitation for a separate Minister of Foreign affairs. Meanwhile after the publication of the Communiqué, the Norwegian Radicals immediately expressed their opinions at their large meeting by again solemnly entering this old claim on their party programme.

However when the agitation for a new election for the Storting was started later on in the year, there was a strong inclination towards negotiating, and even BJÖRNSON, among others, warmly advocated the cause of the negotiation programme, and that too, in opposition to the Radical Minister BLEHR, who, though having introduced the negotiations, was suspected of being but a lukewarm partisan to the cause. The party for negotiation conquered, and was in the majority in the Storting, though not in great numbers. The issue could scarcely be attributed to the Swedish proposal alone, but also in no slight degree to the miserable, impoverished condition to which the country had been brought by the old Radical government. Mr BLEHR resigned in the autumn 1903, after the elections. Professor HAGERUP, the leader of the Conservatives,

*The reception of the  
Communiqué in Sweden  
and Norway.*

then became Prime Minister at Christiania in companionship with D:r IBSEN as Prime Minister at Stockholm. The old Radical party retired from the leadership, but exercised, by its criticising, suspicious attitude, a powerful influence on the progress of the negotiations, and that too, in no favourable direction.

In a joint Council held on 11th Dec. 1903, the Cabinets of both Kingdoms were commissioned to resume negotiations on the Consular question, on the basis of the Communiqué. They were carried on slowly during the Spring 1904, but it was not till May that the first official break in the proceedings was made by Mr. HAGERUP presenting to the Swedish government the Norwegian gouvernement proposal for identical laws.

*Negotiations on the basis of the Communiqué.*

It was clear that the chief point of the question should concern the real authority to be exercised by the Minister for Foreign affairs over the Consuls in diplomatic matters. It must necessarily be the chief interest of the Swedish government to insure a guarantee for this. It was partly a purely practical matter, that the Minister for Foreign affairs, who was responsible for the relations of both Kingdoms to Foreign powers, should be able to exercise an efficient control over all matters in any way connected with the Diplomatic service. And it was also necessary to hinder the Norwegian Consular service, in its progressive development, from acting in the direction of a division of the Foreign administration within the Union.

*The problem of the relations of the Minister of Foreign affairs to the Consular service.*

The practical necessity of strict co-operation between the Foreign Service and the Consular Service had previously been acknowledged in Norway on certain sides. It may thus be of interest to recall the strong efforts that were made by the Norwegian majority in the latest Union Committee, to emphasize the importance of having the consuls under the direct control of the Minister for Foreign affairs and Envoys in all matters which are likely to assume a diplomatic character. The same conclusions may also be drawn from the plan of some Norwegians to solve the Consular question, by arranging for the separation of the mercantile part of the joint Consular service, while the diplomatic part remained intact<sup>30:1</sup>.

But the problem now presented a somewhat different aspect from the one it had for the Norwegian Majority of the last Union Committee, for it had postulated a Union Minister of Foreign affairs. And, undoubtedly, a deeper penetration into questions it included, had made clearly manifest the impossibility of drawing a distinct line between the diplomatic and mercantile functions of the Consuls. The question, for instance, now arose, as to whether a Norwegian civil official, in certain cases, would be subordinate to a Swedish Minister. In the face of this problem, the Norwegians on their part lost sight of the real points at issue in a most remarkable way. In the Consular Committee's deliberations, Norwegian opinion on the question of subordination, that it would be an »anomaly», in conflict with the spirit of the Norwegian Constitution etc. etc. made it evident that the Swedish claim would come into collision, on the part of Norway, with the formal respect to which the abstract demand of State Sovereignty, viewed logically, is entitled.

From this conflict, the Swedish government had no duty, nor even the right to withdraw without protest. Facts are of more importance than mere forms. The evasive talk of the »spirit» of constitutional law, and the administrative anomalies could not be decisive. Many events both in public annals and administrative legislature are very illogical, and very great anomalies. The main fact which the Swedish government had to hold in view, was this, *that the responsibility of the Swedish Minister of Foreign affairs, for the joint Foreign policy of the two Kingdoms, must presuppose a fully effective administration of the same in all its branches.*

The Norwegian proposal of the 28th May 1904 showed that the views of the Swedish gouvernement could not entirely be ignored. According to this

*The Norwegian proposal. May 1904.*

proposal<sup>31:1</sup> the Consular administration in Christiania should regularly inform the Minister of Foreign affairs of nominations, orders issued etc., etc. which it would be of importance for him to know.

Furthermore, when an affair seemed likely to assume a Diplomatic character and required immediate treatment, the Consul should send the report directly to the Minister for Foreign affairs, and the latter, under similar conditions, would give direct instructions to the Consul. Ambassadors were also empowered to give orders to the Consuls, but on no account to exceed the instructions given by the Norwegian Authorities.

This was undoubtedly something, but manifestly not much. The connection between the Diplomatic Service and the Norwegian Consular administration was very unsatisfactorily provided for. There was no guarantee whatever that the orders of the Norwegian Consular administration would not come into conflict with those of the Minister for Foreign affairs, a deficiency so much the more serious as the Act § 1—c allowed the Norwegian Consular administration rather extensive powers of more or less diplomatic significance, for instance, that of giving instructions to Consuls respecting the regulations of International Law.

Furthermore it was deficient of any provisions that would entitle the Minister of Foreign affairs and the Ambassadors to the authority to secure a guarantee, by strict control, that the Consuls would not compromise the Foreign administration, and, in fact, there was good cause for declaring from the Swedish side, »that the proposition includes scarcely any rules calculated to secure the guarantee referred to in the Communiqué, that the Consuls would not exceed the proper limits of their office», and *was therefore in that respect not in accordance with the acknowledged principles of the Communiqué.*

From what has been already stated, it seems that in the Swedish Cabinet there were divided opinions. But the Government was unanimous in not accepting the Norwegian proposal, and even in the summer of 1904 it must have been evident to the Norwegian Council, that the Swedish Cabinet cil would not in any essentials comply with the Norwegian proposal. But the question was not thoroughly discussed by the Swedish Cabinet in pleno, till the autumn.

*Mr Bostrom's  
Conditions.*

During the autumn Mr LAGERHEIM resigned on the grounds of difference of opinion with the Prime Minister, though the real cause of his resignation was said to have no direct connection with the Union negotiations. In November His Excellency Mr BOSTRÖM went to Christiania and presented his conditions, as to which the Swedish Cabinet had declared its approval if the Norwegian government would approve of them<sup>33:1</sup>. These conditions stipulated among other matters, that no orders should be issued from the Consular Office that would come into conflict with the commands of the Minister of Foreign affairs; that, if a Consul acted in any way likely to disturb the relations between the United Kingdoms and the Foreign Powers, the Minister of Foreign affairs could send in an appeal to the King, recommending his dismissal; that the Ambassadors, in certain cases, should also be empowered to suspend the Consul from his Office<sup>33:2</sup>.

After personal consultations in Christiania His Excellency Mr HAGERUP made a written statement of his objections.

In this, and the ensuing interpolations on the Norwegian side, the Norwegian system of conducting negotiations appears in its typical manner. Of real facts and reasons there is not a trace. For instance, though the Norwegian majority itself, in the last Union Committee, emphasized the danger of separating the Consular Service from the Diplomatic administration, Mr HAGERUP does not make the slightest acknowledgement that interminable practical difficulties would be the results of acceding to the Norwegian proposition. Neither is there a single proposal, which, from a Norwegian point of view, would be acceptable,

*Mr Hagerups Reply.*

to make decisions that might in any possible degree remedy the deficiencies. On the contrary, Mr HAGERUP mentions that such decisions would be calculated to stamp Norway as a dependency, according to international and common law principles, and declared that from a national point of view, it indicates a very great retrogression on the present arrangement of the Consular Service<sup>34:1</sup>. In this, he forgets that Mr BOSTRÖM's conditions refer to exceptional decisions and do not touch the Norwegian Consul's normal position as being a Norwegian civil Official, and he omits to observe that the interference of the Diplomatic Officials with Consular affairs, as proposed by Mr BOSTRÖM, would very seldom occur.

It is, meanwhile, easy to understand that Mr BOSTRÖM's demand, that the King, on the Swedish Minister's representations, should be empowered to dismiss a Norwegian civil official, would deeply injure the Norwegian susceptibilities, and that it was therefore quite possible to be blind to the fact that the Swedish Minister was also responsible for Norway's Foreign politics. When therefore His Excellency Mr HAGERUP went to Stockholm for further discussions, all the rest of the Swedish Ministers, as will be seen, were ready to present a Swedish proposal<sup>34:2</sup> for identical laws modified especially to meet the sensitive point.

*The Swedish  
Government's proposal.*

[Pg 35] The demand that the Consular Office should not issue orders in conflict with those given by the Minister of Foreign affairs, remained, but it naturally did not necessarily imply a formal subordination, as the Minister could not give orders directly to the Consular Office. Further, the decision remained, that the Ambassadors could, on especial occasions, suspend the Consuls from their office, but this decision need not necessarily offend the Norwegian susceptibility, as the Ambassadors, though more directly under the influence of the Minister for Foreign affairs, are nevertheless, according to the Norwegian legal point of view, not only Swedish Officials, but Officials of the Union<sup>35:1</sup>. On the other hand, the form for the interference of the Minister for Foreign affairs with the Consuls was modified in a way which showed great consideration for Norway; thus when a Consul had compromised the United Kingdoms, the Minister of Foreign affairs was to bring the matter before the joint or the Ministerial Council, after which it was laid before the King for decision at a State Council especially dealing with the affairs of that State.

What reply now does the Norwegian government give to these apparently perfectly fair and moderate demands?<sup>35:2</sup>

*The Norwegian  
government's  
Ultimatum.*

[Pg 36] It declares that it »stands to reason» that the Norwegian Consular Office would not issue orders in conflict with those of the Minister for Foreign affairs, and remarks that it is not very appropriate in a form of law, to presuppose want of loyalty in a Public Office<sup>35:3</sup>. If the Swedish proposals had been accepted, the Norwegian Consular service would have been very largely placed under the control of the Foreign Minister, who is constitutionally a Swedish Minister. It claims for other more important points the unsuitability of a »hierarchal» relation between Swedish and Norwegian officials, and several times cites the decisions of the Consular Committee, the one-sided formal views of which the Norwegian government itself had abandoned. But when the Norwegian government intends offering other guarantees of cooperation between the Minister for Foreign affairs and the Norwegian Consular Office, and that the Consuls shall not exceed the limits of their duties, it has only to refer to the loyalty of the Norwegian Consular Office, and its interest in keeping Norway from being compromised abroad, guarantees, which, of course, have their significance, when reliable, but manifestly are not of the legislative binding nature intended by the Communiqué. Finally the Norwegian government declares these and sundry other Swedish conditions unacceptable, and adds, that »if they should be adhered to further discussion the Swedish draft about would be useless»<sup>36:1</sup>. Really a formal ultimatum!

Before the Swedish government replied to the Norwegian government's

*The Swedish  
government's reply.*

Ultimatum, the critical attitude of the Consular negotiations became the subject of debate in the Lower Chamber of the Swedish Diet, and from the liberal party's side, a strong appeal was made to the government to try, if possible, to avoid any interruption of the negotiations. The reply of the Swedish Cabinet is dated Jan. 30th 1905<sup>36:2</sup>. Its tone is one of decision tempered with undoubted moderation and good-will. The Cabinet firmly maintains the real grounds of the disputed claims. It especially emphasizes the importance of the Minister for Foreign affairs having the power in exceptional cases to interfere in Consular matters, as the limits between the Diplomatic and Consular operations are exceedingly indistinct and, on both sides, there is a natural tendency to extend operations into departments that had previously been considered as belonging to the other party. The reference, made by the Norwegian Cabinet, to the Consular Committee's resolution that the Norwegian Consuls should be entirely under the control of Norwegian authority, was met by the Norwegian Cabinet's own admissions, that the Minister for Foreign affairs should be authorised to give the separate Consuls instructions, and, herewith the claim that, in the Diplomatic branch of affairs, the Norwegian Consuls should be solely under the control of Norwegian authority may be considered void. Furthermore it points out the unsatisfactory attitude of the Norwegian proposal with reference to the guarantees presupposed by the Communiqué that the Consuls shall not exceed the proper limits of their duty, and the objection made only on Norway's side, that the best guarantee would be the control exercised by the Norwegian Consular Office, is met on the grounds that a guarantee of that kind was not intended in the Communiqué, as it had nothing to do with the internal relations between Norwegian Consuls and the Norwegian Consular Office.

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On the whole the Swedish Cabinet maintains its claims, but it offers to modify them, if they can be proved to be in conflict with the provisions of the Communiqué. Furthermore the possibility is not excluded, of making on other accounts changes and modifications in the proposed resolutions, but their essential items must »be adhered to». The Cabinet does not consider itself entitled, in the interests of the Union, unconditionally to refuse the points designated by the Norwegian Cabinet.

To this document from the Swedish Cabinet, is immediately despatched the reply, »that the Norwegian Cabinet finds no grounds for further communication on the matter.»

*The Norwegian government breaks off negotiations.*

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<sup>30:1</sup> Thus, their claim for a separate Consular service was worded in the Norwegian Moderate party's programme as follows: »Our own Norwegian Consular Service with the exception of all matters connected with the relations between the Consular Service and Diplomatic administration is hereby declared established».

<sup>31:1</sup> N:o 4.

<sup>33:1</sup> N:o 5.

<sup>33:2</sup> Some other points in Mr BOSTRÖM'S Memorandum were rejected by the Norwegian side. They ran as follows:

1:o Before a Consul was nominated, opportunity should be given to the Minister for Foreign affairs to make such observations as he might think necessary.

2:o In the Consular Diploma, the King shall be styled King of Sweden and Norway — not King of Norway and Sweden, as was the case in Norway — as these Diplomas are intended for presentation to Foreign powers, and the King always makes use of this title abroad Foreign powers.

3:o As long as the appointment of separate consuls was not approved of by Foreign powers and so long as ambassadors in a Foreign country had not been stationed, the joint Consular Service should continue its functions. — Mr HAGERUP did not refer to these points in his reply partly because the difficulties of his agreeing on them with Mr BOSTRÖM were not, according to his own account, so very insurmountable.

<sup>34:1</sup> N:o 6.

<sup>34:2</sup> N:o 7.

<sup>35:1</sup> They are mentioned, for instance, in the Act of Union.

35:2 It is characteristic that NANSEN in his review of the negotiations (page 76 and following) does not mention one of the Swedish demands. It can, however, be safely referred to all, who are impartial on the subject, as to whether its decisions, as NANSEN (page 77) insists, imply the subordination of the Norwegian Consular Service to the Swedish Minister for Foreign affairs on a very extensive scale.

35:3 In that case, what numbers of legislative rules and regulations would have remained unwritten!

36:1 N:o 8.

36:2 N:o 9

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## V.

The breaking off of the negotiations caused great depression in Norway, and even in wide circles in Sweden the issue was deeply deplored.

*Norwegian accusations  
against the Swedish  
government.*

Norwegian policy had always been a policy of strong feelings, and now it made it an object systematically to work up illwill against Sweden. Strong expressions were not wanting, and soon the whole of Europe — thanks to the indefatigable manner in which the Norwegians cultivated the European Press — resounded with accusations against the Swedish government, and the entire Swedish nation of unreasonableness, fickleness etc. etc.; it was important now to make good cause for the plans then already existing in Norway, plans which had probably been laid years ago.

Now in what does the truth of their accusations lie?

The accusations implied in the mildest form that the attitude of the Swedish government had caused the break down in the negotiations. To this it must be first pointed out, that the side which first formulated its demands as an ultimatum formally bears the responsibility. Formally, therefore, the Norwegian government is unquestionably the responsible party, so much the more so, that not even after the Norwegian Ultimatum, did the Swedish government maintain its standpoint as being absolutely inflexible. It must also be observed that the first Norwegian proposition in May 1904, in fact, propounded the essentials contained in the Ultimatum. It was certainly held to be only the grounds for further negotiations, but it was proclaimed afterwards on the Norwegian side, that the Norwegian Cabinet had found it possible that divergencies in the form and contents of the law, would be limited to a very slight number of points of minor importance.

*The responsibility of  
breaking off the  
negotiations.*

The formal responsibility for the breaking off of the negotiations may now, on the whole, be considered of slight importance. It is interesting only on the grounds that it illustrates the Norwegian method of negotiating, which all but commences with the ultimatum, for it explains to a great extent the difficulties of the opposite party in gaining their lawful rights.

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The accusations on the Norwegian side, of course, imply, that the Swedish government, in making unreasonable conditions, had practically caused the breaking off of the negotiations, and even wished to bring about that result. As regards the former, an impartial examination of the Swedish final proposal is the best refutation. And as regards the latter, it may assuredly be affirmed, that there was no want of good will, on the part of Sweden, to come to a good understanding on the point, the last letter on the question written by Sweden is a sufficient proof of this. But the government could not reasonably be expected to go further in granting concessions.

It was indisputably clear to the Norwegian government, that they could not

make greater concessions. During the proceeding of the negotiations it had become intimately acquainted with the opinions in Norwegian political circles, and it knew that if it went further, it would risk a defeat in the Storting. But with equal right, it behoved the Swedish government to take into consideration the prospects of getting the proposal approved of by the Swedish Diet, so much the more so, as the Swedish government, in respect to this question, occupied a more insecure position than the Norwegian. The Norwegian government was supported in the Storting by a majority on the side of the negotiations. The Swedish government had no support at all. The Diet had certainly not insisted on the breaking off of the negotiations, but it firmly maintained its old standpoint, that the Consular question should be solved in conjunction with the Foreign Minister question. It must therefore be of importance to the Swedish government, to have the proposition worded in such a way that it would remove the doubts of the Diet regarding an isolated solution of the Consular question. In the matter of the immutability of the identical laws, it had sought an effectual guarantee that the independent Consular office would not disloyally — when the time was ripe for it — be provided by Norway with its own Minister for Foreign affairs. This question had been shirked by Norway. It was therefore necessary to cling to other guarantees, in order, if possible, to prevent the Norwegian Consular Office from drifting away from under the direction of the Minister for Foreign affairs, and thus, paving the way by degrees to its original goal — the breaking up of the joint administration for Foreign affairs. It is in this light that his Excellency BOSTRÖM'S demands ought undoubtedly to be seen.

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It may in short be said: If during the negotiations the Norwegian government was bound by Norwegian Union-political traditions, the Swedish government had the same right to refer to its attachment to Swedish Union-political traditions. And, it must be added: That if any of the Swedish conditions, which the Norwegian government pointed out, were an expression for a suspicion of Norway's implicit loyalty in conducting its own Consular affairs, *it was Norwegian traditional Radical Policy from the beginning of 1890 which cast its shadow before it.* And that the old Norwegian Radical traditions had to be taken into account was proved by the number and length of the discussions in the Storting, which were dinned into the ears of the negotiators, during the whole period of the negotiations. That even Mr MICHELSEN, one of the parties to the negotiations on the Norwegian government side, in a debate at the Storting, during the Spring 1904, cast friendly glances on the old lines, showed plainly how little they had forgotten the old talk of taking matters into their own hands.

But the Norwegian accusations were not limited to the negotiators' (especially Mr BOSTRÖM'S) bringing about the breaking off of the negotiations by their unreasonable demands. They went further; it was loudly proclaimed that the Swedish government had not kept their word, had broken their agreement etc. etc., and, when all of a sudden Sweden became identical with the government of Sweden she was pathetically pointed at as untrustworthy etc. etc. The amount of moral indignation contained in these Norwegian accusations has plainly been made manifest by late events. Their object — to throw on Sweden the responsibility of plans that were designed to be executed in Norway — was too transparent, but just on that account they must be explained, in order that the responsibility of Sweden for what happened in Norway, may appear in its true light.

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The most naive accusations of having broken their agreement, are based on the supposition that the Swedish government was bound by the Communiqué to bring the negotiations to a definite conclusion, which means about the same as, that Sweden had beforehand promised to accept the Norwegian demands which in future would be presented by the Norwegian side. This supposition requires no serious reflection, the Communiqué naturally implying only a

*The question as to whether the Swedish government had broken the covenant of the Communiqué.*



promise *to try* to come to a conclusion that would be satisfactory to both parties. This system of reasoning is, however, typical of Norwegian politics all through. It is illustrated in one way by the Norwegian government's peculiar way of practically commencing negotiations with an Ultimatum, and it has been characterised, in a very amusing manner, by professor TRYGGER in a debate in the First Chamber of the Swedish Diet, immediately after the publishing of the Communiqué. »Norwegians», he said, »are very fond of negotiations. I have sat with them in the Union Committee, for three years, and they have always taken great pleasure in negotiating with us, so long as we acceded to their demands».

Far more serious is the accusation that the Swedish government had violated the grounds of the negotiations by exceeding the terms of the Communiqué<sup>41:1</sup>. It has evidently been privately expressed by the negotiating party in Norway, during the latter stage of the negotiations, and it was indirectly referred to by Prime Minister HAGERUP when he announced in the Storting, that the negotiations were broken off. The Swedish government contradicted it, however, in their last letter, and offered to modify their proposition if it were proved that it exceeded the terms of the Communiqué. But the Norwegian government failed to produce the proofs, they preferring to cut off negotiations.

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What the Norwegians point out over and over again is the provision of the Communiqué that the Consuls of each Kingdom shall be under the authority of the country to which they belong, which matter the country concerned shall decide. Against this, it has been mentioned, is opposed the Swedish government's evident plans to arrange a »hierarchal» relationship between the Foreign Minister and the Norwegian Consuls. This decision, in itself, undoubtedly seems to speak for the Norwegian notion of the affair. But an honest method of interpretation tries to see individual particles in the light of their relation to the whole matter.

Now, on the contents of the identical laws, the Communiqué confirms among other things that they shall »give guarantee that the Consuls do not exceed the proper limits of their occupation.» What guarantee? The Norwegian negotiators, who scarcely paid any attention to this provision in their proposition, are said to have maintained verbally, that the best guarantee was the control exercised over the Consuls by the Norwegian Consular Office. But to this the Swedish government may justly object: »that was not the kind of guarantee intended by the Communiqué, as this had nothing to do with the internal relations between the Norwegian consuls and the Norwegian Consular service. The guarantee which the Communiqué mentions, can refer to nothing but the control to be exercised by the Foreign Minister and Ambassadors over the Consuls».

If this interpretation is acknowledged as correct — and it is difficult to find any other — it is plain that the presupposition cited by the Norwegians only referred to *normal* conditions and that it did not exclude in exceptional cases — as for instance, when Consular affairs were in any way connected with the Diplomatic Office — a hierarchal relationship between the Foreign Minister and the Consuls. Conclusive for the correctness of this interpretation, as represented by the Swedish government, *is the approval the Norwegian government itself gave this interpretation* by conceding that the Foreign Minister might give direct orders to the Norwegian Consuls, which, in certain cases, implied a hierarchal relationship between the Foreign Minister and the Norwegian Consuls. This admission on the Norwegian side must not be regarded as a concession *beyond* the demands of the Communiqué. It had already been made before the Communiqué was compiled, and must therefore absolutely be included in the frame of the Communiqué. The so much-disputed claims of Sweden imply nothing but an extension of the above hierarchal exceptional conditions, especially in an disciplinary sense, and are therefore

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within the frame of the Communiqué.

In close connection with the Norwegian accusations against Sweden for breach of faith, are the Norwegian governments insinuations that the Swedish government, by its later shaped demands, had strayed from the agreement which had previously been decided on, both by the Swedish and Norwegian sides. The Norwegian government especially refers to the preliminary agreements, which, under necessary reservations, had been made in the negotiations between the delegates of the two Cabinets, before the Communiqué existed.

It is clear that these accusations especially touched matters in the negotiations, of which outsiders cannot, of course, form a quite distinct opinion. Meanwhile it would not be impossible to gain an idea of the breadth of the case on the grounds of the statements of the Cabinets, the references in the papers, and the debates in the Swedish Diet and the Norwegian Storting.

The matter that first demands our attention is the communication of the Swedish Cabinet dated Jan. 30:th 1905, in which it is distinctly declared that, when the Norwegian Cabinet had assumed that its proposition of the 28:th May 1904 would, without any alteration worth mentioning, be accepted by the Swedish Cabinet »it would find no support from admissions either of the Swedish Cabinet or its delegates.» Now, there were hardly any negotiations between the governments concerning the contents of the Consular laws till the time when the first definite Norwegian proposition was presented. The agreements which the Norwegian Cabinet considers would more nearly refer to the negotiations before the origin of the Communiqué, to the feigned conclusions of which the Norwegian government tried to attach the greatest importance. What was the character of these negotiations in relation to the contents of the proposed laws? They were in reality free discussions, during which the contents of the deliberations of the Consular Committee were inquired into. They were regarded by the negotiators themselves as a »preliminary», as the first preparatory step to negotiations, and that the results of many points were indistinct, is evident, as the Swedish Cabinet gave to understand that, on one or two occasions before the origin of the Communiqué, fresh negotiations were proposed, but in vain. The preliminary act of agreement to which the Norwegian Council referred, seems to have involved one or two particular points to which they firmly adhered, especially the one concerning the power of the Foreign Minister to give direct orders to the Consuls: in all the rest, they confined themselves to a general impression that there was a prospect of their agreeing. According to the authenticated assertion of the Swedish Cabinet with respect to the protocol, the materially new claims as the Norwegian Cabinet styled them, had been touched upon in their debates, though not even a preliminary agreement had been decided on, either with respect to them or any of the other points of the question. It is a generally understood fact, not even disputed on the Norwegian side, that his Excellency BOSTRÖM brought forward casually several of the questions which afterwards raised so many disputes, and reserved to himself the right, later on, to shape his opinion on points to which he made objections. After first dealing with the deliberations of the Consular Committee, they proceeded to debate on the terms of the agreement, and during this last stage of the negotiations the contents of the intended laws were discussed only by special delegates from the two Cabinets<sup>45:1</sup>.

Mr LAGERHEIM was uncontradicted by the Norwegian side when he explained in the Swedish Diet that in all these preliminary negotiations respecting the contents of the laws, matters concerning them, »must be subjected to further examination of a very minute and exhaustive nature».

According to just reasoning, it is therefore rather audacious of the Norwegian side to cite these preliminary negotiations, to which they also add a decided

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admission on the part of Sweden, and on which they build the accusations against the Swedish government, and especially Mr BOSTRÖM of breach of agreement<sup>45:2</sup>.

With reference to the connection of these negotiations with the Communiqué and its interpretation, it is firstly clear that neither the Swedish nor the Norwegian government had from the first intended by the Communiqué to cut off the possibility of pursuing, from different quarters, the points on which they had not expressed themselves to be in unity. And secondly, it is plain that by the same Communiqué it was not intended to cut off the possibility of advancing claims which during these very formless negotiations had not been brought forward, so long as the general decisions of the Communiqué, sensibly interpreted, were observed.

To this may be added one important circumstance. It is manifest that if it was considered necessary to come to some definite conclusion before the existence of the Communiqué, it was on account of the binding nature of the final agreement. It is evident that the Swedish government has endeavoured to secure the surest guarantee from a Swedish point of view, that Norway, of her own accord, would make no changes in respect to the Foreign Administration. Now the negotiation on the vital contents of the laws, were *succeeded* by this, and there is strong reason to suppose that the Swedish negotiators expressed their hopes of an eventual termination of the negotiations with respect to the detailed decisions of the laws, *under the express supposition* that safe guarantee would be granted by the Norwegians, against a one-sided disturbance of the Status quo in reference to the Foreign Minister. As meanwhile, through the interpretation which the Norwegian side chose to give the Communiqué, these — to Sweden — very desirable guarantees became an illusion, it may very reasonably be asked if the Norwegian side was entitled to exact too much from the Swedish delegate's possible optimism respecting the prospects of coming to a definite conclusion on the rest of the points.

Further demonstrations for the manifestation of the baseless grounds of the moral indignation which was eventually to give the Norwegian revolution an essential justification before an enlightened public, are unnecessary. The terrible breach of agreement, on the part of Sweden, which was trumpeted all over Europe, on closer examination, vanishes into thin air.

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<sup>41:1</sup> NANSEN (page 76): »The Swedish draft contained a number of demands quite unacceptable to Norway as they were opposed to the very basis and object of the negotiations.»

<sup>45:1</sup> Different drafts of laws were especially to be discussed in this way. These outlines are, however, characterised by the ever well informed Norwegian politician Mr C. BERNER as »quite preliminary».

<sup>45:2</sup> In an earlier stage of the negotiations, the Norwegian Cabinet were evidently not under the impression that the most important of these preliminary negotiations was brought to a successful conclusion. C. BERNER says — in the Storting debate Feb. 13th 1904 — he had heard both from Norwegian and Swedish negotiators that to frame this laws in a quite satisfactory manner would be a very difficult thing.

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## VI.

The breaking off of the Consular negotiations undoubtedly put Norwegian politicians into a very difficult situation. Thanks to the close connection between the Union policy and the internal party disputes in Norway, a popular interest has arisen for Union Politics which in comparison with the realities

*Norwegian policy after the grounding of the Consular negotiations.*

disputed over, may be regarded as extremely abnormal<sup>47:1</sup>. With the lack of consideration which in critical moments distinguishes a similarly excited state on the people's part, it was to be expected that the issue of the negotiations on the Consular question would rouse their passions

It can hardly be said that Norwegian politics stood the trial in the situation. To a Norwegian, that which followed may appear as a powerful and magnificent achievement. Outsiders can content themselves by stating that *the high-flown Radical politics of the last 20 years now bear their fruit.*

In these days much is said of »necessity» in the development of events. »Necessity», it is said, »has been stronger than the wishes of individuals». To those who in any degree believe in personal influence and personal responsibility, and not only the *needs* in the progress of history, it may be of interest to observe how those who now advance to the front in Norway — MICHELSEN, LÖVLAND, BERNER, ARCTANDER — belong to the old ranks of radicals from the beginning of 1890. Scarcely any leading men have more strongly emphasized the importance of *creating* public opinion than the Norwegian radical leaders, and few, with regard to this, have better conformed their conduct to their views. The road to do so these men pointed out was now followed at an unchecked pace. The Norwegian radical policy had reached a climax.

The following events in Norway point decidedly to an energetic and designing leadership organised from the beginning. It may be left unsaid how far back the plans that were brought to light after the foundering of the Consular question, were in existence. That they had already been discussed long before that period can hardly be doubted. Neither can it be doubted that just in reference to these plans, strong efforts had been set at work on the Norwegian side to get the Consular negotiations broken off<sup>47:2</sup>. And it is an indisputable fact that those men of action in Norway had scarcely dared to take the step, if the ever threatening danger in the east had not been allayed for a time; the real importance of the Union to which they had for some years been alive, could be laid to rest.

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That the old traditions of the radicals now took the most prominent place became manifest in innumerable ways. One symptom of this, was the systematic labour of exciting opinions against Sweden. The orgies of Swedish hatred and »national persecution», which in Christiania were held in the Spring of 1905, far outstepped the limits of decency which even a Norwegian ought to feel. The coarsest invectives were flung against the government and people of Sweden. All Europe rang with accusations of breach of agreement, ambitions for the supremacy spread from Christiania. A few sensible and intelligent Norwegians, who really comprehended that the Swedish government's claims had legal grounds, and were not meant as an insult to Norway, made themselves heard<sup>48:1</sup> in the beginning, but their voices were soon silenced in the tumultuous confusion that reigned. In Norway feelings were excited, which more than ever gave Norwegian opinion a tone of unreasonableness.

Another symptom was the distinctness with which the Union separation shone as the goal. This was shown in the Cabinet meeting by the very tactless, but very Norwegian expressions when the break-down of the negotiations was officially announced. The old King was pleased to express his hearty wishes, »that the two Kingdoms which could soon celebrate the centenary of their Union, would never let any differences of opinion break their bonds, as it was the safest security for the independency, safety and happiness of the Scandinavian country and its two peoples». To this, the Norwegian Cabinet replied that they had taken the liberty in all humble submission to dissuade His Majesty from making this speech<sup>48:2</sup>.

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A third symptom, and the one most significant of the spirit that now dominated Norwegian politics was the road that they were soon unanimous on taking. One

cannot help feeling that it is a punishment for old sins, that when Norway has to take a decisive step, and goes from words to actions, it is not done openly and with honest intent. Norway does not choose the straight road, it chooses winding crooked paths, which the peculiar advocacy of Norwegian politicians long ago staked out. Norway's breaking out of the Union is not a manly act committed under a sense of personal responsibility, it is a miserable judicial process, in which Norway, at the same time party to and self made judge in the case, artfully tries to establish the guilt of their opponents — Sweden and the Union King — in order to throw the burden of responsibility on them.

In the Cabinet meeting held on Feb. 7:th 1905<sup>49:1</sup> the Swedish Minister for Foreign affairs, Count GYLDENSTOLPE, pointed out that the chief cause of the wrecking of the negotiations was, that the Swedish Minister for Foreign affairs was supposed still to be at the head of the Foreign policy of the Union, and he advocated the desirability of resuming negotiations on this phase of the Union problem. The Minister for Foreign affairs only expressed what had in fact been the wish of the Swedish side all along, and what especially the Swedish negotiators during the first stage of the negotiations, had urgently insisted on. The opinion that the break down of the Consular negotiations ought to be immediate cause of the renewal of negotiations which were also to include the question of Foreign Administration, seemed at first to be regarded with favour from the Norwegian side. The majority of the Norwegian government led by Mr HAGERUP shared this opinion, though with one reservation. Evidently under the influence of the general feelings in Norway, Mr HAGERUP considered that if fresh negotiations respecting a revision of the Act of Union led to no results, the old state of things could not possibly be allowed to continue, but by voluntary agreements they must instead try to obtain »more independent bases for the Co-operation of the two Nations», in other words, prepare for the dissolution of the Union. In this way, said he, it will be possible to establish a peaceful and honorable Union Treaty. This was the programme he proposed in the Storting when he announced the termination of the negotiations, and he further developed it when he resigned in March.

*The question of  
resuming negotiations.*

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A policy on those lines would at least have been open and honest, and even if the results had brought about the rupture of the Union, it would not have roused strong ill-will; it would, in fact, have preserved the possibility of establishing conditions of Co-operation on more independent lines. Though Sweden which, in the eyes of all Europe, was responsible for the Union, could never take the *initiative* in the matter of dissolving the Union, a Norwegian proposal in the terms presented by Mr HAGERUP had certainly not been refused without further consideration<sup>50:1</sup>.

But it soon appeared that Mr HAGERUP'S programme was not likely to be favourably received in Norway. Immediately after the announcement of the termination of the negotiations, the Storting had summoned a so called Special Committee to examine the conditions of the Union. The members of this Committee soon went against the majority of the government, and therefore, when the State Secretaries MICHELSEN and SCHÖNING at the end of February protested against Mr HAGERUP'S proceeding, in sending in his resignation, a complete crisis within the Cabinet was reached.

The king had, meanwhile, immediately after the termination of the negotiations, resigned the government to the Crown Prince in the capacity of Regent. After the Crown Prince Regent had conferred with the leading politicians in Christiania, he made known his personal opinion on the matter in a document addressed to the President of the Special Committee appointed by the Storting<sup>50:2</sup> He earnestly expresses his conviction that the strength and prosperity of the two Kingdoms lies in the preservation of the Union. He emphatically declared that the Union was not the chief object for the *dynasty*, but it ought to be so to *the two peoples* concerned. He expressed warnings against the dissolution of the Union, and urged that fresh negotiations, on a

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broader basis, should be entered into for the settlement of all matters concerning the Union.

The persuasive tone of this document could not fail to make an effect, but the Norwegian press tried hard to explain away the contents by informing the public of their wonderful discovery, that the document was of no »Constitutional importance«, and shrewdly trying to prove that the Crown Prince had no legal right to make known his opinion in that manner<sup>51:1</sup>.

Those who now held the reins in Norway, had to carry out their plans before the worked up excitement cooled down. Therefore the way of the negotiations was so dangerous. The Crown Prince found it necessary to consent to a change of Ministry. Mr MICHELSEN, who was pointed out as the man equal to the situation, was summoned, also a so called mixed Cabinet consisting of Ministers of different parties; the two Prime Ministers, however, Mr MICHELSEN and Mr LÖVLAND, were rank radicals. In the beginning of March the Special Committee appointed by the Storthing were able preliminarily to communicate the plan to be followed; it was not a novel one, it was the old method from the beginning of the nineties to take matters, especially those relating to the Consular service, into »their own hands«.

In the middle of March the Crown Prince returned to Stockholm, and here twelve members of the Diet were immediately summoned, according to decrees in the government regulations, in order to confer with the Crown Prince Regent on the matter.

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On the 5th April the Crown Prince, as Regent, dictated a proposal in the joint Cabinet<sup>51:2</sup> that the two governments should immediately open negotiations in view of the settlement of all matters concerning the Union on the basis of the programme for a mutual Minister for Foreign affairs and separate Consular services. He, at the same time, declared himself willing to accept other proposals for the settlement of the matter so long as the joint control of Foreign affairs was allowed to remain undisturbed, as that was an indispensable guarantee for the continuance of the Union<sup>52:1</sup>.

On the publication of the Crown Prince-Regent's proposal, the Prime Minister BOSTRÖM, against whom the wrath of the Norwegians had especially been directed, resigned his office, which was immediately placed in the hands of State Secretary RAMSTEDT. The Crown Prince's proposal was immediately unanimously adopted on motions from the leading men in both Chambers of the Diet<sup>52:2</sup>.

*In this we thus find a clear and unevasive offer from Sweden to Norway, for the establishment of full equality within the Union, and that too in terms to which Sweden would never have consented but a few years back<sup>52:3</sup>.*

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But the course of Norwegian politics could not be obstructed. The goal was already in sight. In a communication from the Norwegian government of the 17th April the reasons for the refusal are set forth. They are typically Norwegian. It refers to preceding negotiations, the failure of which is solely accountable to the circumstance that on the part of Sweden it has been found impossible to accede to all the Norwegian demands. The termination of the Consular negotiations had especially »given ground for great disappointment, and if increased by a renewal of similar unfortunate experiments, will threaten the gravest danger to the good relations existent between the two peoples«. The Norwegian government knows what means to employ to produce »these good relations«, namely, establishing its own Consular Service in the way prognosticated in the past. This accomplished, »that confidence, which is the mainspring of every friendly and fruitful inquiry into difficult and delicate relations in a Union, will have revived«. Norway is thus always the injured one, and there is never a thought that Sweden on her part might have or possibly *could find* cause for displeasure over Norwegian Union Policy<sup>53:1</sup>.

In a joint Cabinet in Stockholm on April 23rd the aforementioned statements were carried<sup>53:2</sup>. The Swedish Cabinet found it impossible, for the present, to resume negotiations. The Norwegian Cabinet stated imperatively — to those who would believe it — that it is not the object of Norwegian action to have the present Union dissolved(!), but they were in unity with the Swedish Cabinet. The Crown Prince deeply deplored being forced to let these decisions remain final.

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In the beginning of May the Swedish Diet resolved, on the basis of the above mentioned motions, to address the King respecting the support they had given the Crown Prince's resolution<sup>54:1</sup>. The Diet deeply deplored the refusal already given by the Norwegians, but considered it possible that their unanimous support of the Crown Prince's programme would lead eventually to more favourable results.

While these efforts on the part of the Regent and Sweden were being made to bring Norway to reason, an energetic and designing agitation was being carried on from Christiania. The press went over almost entirely to the side of the programme; from Trondhjem alone, where union partisanship was not altogether inclined to submit to the dictates from Christiania, were heard hesitations.

*Norwegian agitation.*

Strong efforts were made in the Storthing to win over the doubting and unwilling ones, and they were in the main successful. Then followed a most energetic propaganda in order to win European opinion on Norway's side. The European press was well supplied with materials for forming an opinion of the situation, and with articles in German and English newspapers, it became possible to persuade the doubting ones at home, that Norway's cause was a righteous one, — all Europe saw that.

When the ground was thus well prepared the Special Committee of the Storthing presented their proposals.

*Proposal from the Special Committee of the Storthing.*

This recommends as before mentioned the old well-known tactics of the first days of the Consular dispute. The modifications which were added were only designed to hasten events, so that agitated minds should not have time to reflect, and reason in some way be restored. In the beginning of the 90's the so-called State subsidy line was followed, that is, a certain sum of money was voted for the purpose of establishing a separate Consular Service within a given time. This measure had meanwhile shown that a delay would occur which would under present circumstances be exceedingly inconvenient. Therefore the so-called legal measure was adopted. The Resolution on the Norwegian Consular Service should be presented to the King in the form of a law, the advantage in this being that according to the Norwegian Constitution, a law shall be laid before the King immediately after the resolution passed by the Storthing. But there was an obstacle to this: the King's right of veto! On the ground of the fundamental law, that if the King refuses his sanction to a bill three successive times after it has been passed by the unaltered resolution of the Storthing, it becomes the law of the land without his assent, the personal wishes of the king with regard to legal matters had of recent times been to a certain extent respected. Thus so recently as 1900 the law applying to Consular Fees had been refused sanction by the Crown Prince-Regent against the decision of the Ministry, and the Prime Minister had countersigned the decision. But now the last vestige of Sovereign power was refused. By a resolution that the law should commence to act on April 1st 1906 all possibility of the King pronouncing his veto was cut off beforehand. The settlement of affairs should immediately be brought to a climax.

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The proposed law made no provisions as to the relations of the Consuls to the Minister of Foreign affairs. That matter was to be settled by a Norwegian State Ordinance, dictated by the Ministry. It is easy to imagine its intended basis by the Special Committee emphatically declaring it to be their opinion that the

Norwegian Cabinet had made too many concessions in the last Consular negotiations. To begin with, it was intimated in the Norwegian papers, that the matter referring to the Consular Service and Diplomatic Department would be settled by treaty with Sweden, a most illusive moderation, considering Norway, as previously mentioned<sup>55:1</sup>, by fixing the date when the laws would first be in force, had alone the power of considering the basis of the possible agreement. But this intimation was very soon contradicted; Norway would take matters entirely into her own hands. And it was openly hinted, that if the King found that he ought to sanction the law, they would then proceed further with the question of their own Minister for Foreign affairs.

The tactics in the whole of the proceedings are characterised as being revolutionary against the Union, its object being by one sided Norwegian resolutions to dissolve the joint Foreign Administration. And as regards the Consular question it has been explained that to withdraw without consulting Sweden a part of the Foreign affairs from the Minister of Foreign affairs who was mainly responsible for them, was utterly unreasonable.

*The revolutionary basis of the proposal.*

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To what then did the Storthing invite the King? Simply this, *to take a revolutionary step against the Union, to an initiatory dissolution of the Union, to a protracted undermining of the foundation of the Union*, far more dangerous than severing it at one blow. And the ugly thought in the background was this: If the King did not submit to this, it would be shouted out all over the world, that the King was faithless to the interests of Norway, and had denied Norway's Sovereign rights; then he should bear the blame for what would happen, the revolutionary rupture of the bonds of Union. But not alone on him would the blame be thrown. The King in the first place should be put to the proof. But, if the King said 'No', »it cannot«, Mr NANSEN says, »be the result of Norwegian influence, *but on account of Swedish pressure*«<sup>56:1</sup>. Here we are met by the dishonourable train of thought that has formed the foundation on which the Norwegian Radicals have built the whole of their work for undermining the Union, that is, never to acknowledge the true motive — piety towards the Union — when the King opposed the one-sided disloyal demands of Norway, but instead always point to Swedish interests as the ruling motive. And nevertheless, it is certain, that no Swedish-Norwegian King has kept in view the Union, and *all it implied on all sides*, more faithfully than King OSCAR II.

*They closed all roads by which the King would be able to decide the Consular Question in a manner acceptable from a Union point of view; by this means, they forced the King to exercise his veto — and then they cast the responsibility of the revolution on him and Sweden.* This is the basis of the tactics of the Norwegian Revolution. The characteristicness of this is sufficiently evident.

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The debate on the proposal of the Special Committee in the Storthing was fixed for the day after the National Anniversary, May 17th. National revelries were to precede to encourage and excite. In Christiania, especially, the day was celebrated in such a manner, that there could be no doubt as to what was in the wind. NANSEN used big words about Norway, and big words against Sweden, and in the presence of several thousand persons, a memorial wreath was laid — as on several previous years — on a Colonel KREBS' grave; during the short strife between Sweden and Norway in 1814, the man had succeeded in repulsing a Swedish regiment!

*The decision in the Storthing.*

These imposing preparations were followed by the decision of the Storthing. It was first proposed to decide unanimously without any debate. But there were a few members in the Storthing who ventured to protest in words — in actions no one dared to protest.

With a frankness evidently embarrassing to all present, Mr HAGERUP pointed out the two only possible alternatives with reference to the decision; to retract, or



to rupture. The latter alternative he evidently found most acceptable, and in Norway's real interest, he warned them as to what the issue might be. He proposed that the decision with respect to these eventualities — which might exceed both the Constitution and the Act of Union — should be deferred till after the new elections, as the Constitution with an almost torturing emphasis insists on caution when a change in the government system is contemplated. Even the rest of the few in the minority made known their different views, and among them the Shipowner JÖRGEN KNUDSEN openly confessed that he saw no forcible reasons for dissolving the joint Consular Service.

But the issue was plain. After Mr HAGERUP'S proposal for an adjournment was voted against with a minority of few the Consular law was passed unanimously.

[Pg 58] Nothing remained now but to continue. The uncertainty in various quarters as to how king OSCAR would express himself, simply implied ignorance of the political situation in an historical light. No Norwegian acquainted with the real facts of the case, could be in doubts as to the King's reply. Norway herself had dictated it and the innocent distrust of NANSEN<sup>58:1</sup> and Norwegian newspapers, that the King, as they said, »would really refuse Norway her right» seemed rather unnatural.

*King Oscar's position in regard to the Consular law.*

On the 27th May a Cabinet meeting was held at the Royal Palace in Stockholm<sup>58:2</sup>. To the Norwegian Cabinet's appeal for sanction to the Consular law, the King replied that the present regulations for the joint Consular service as resolved in a joint Cabinet according to the Act of the Union § 5, also under the same conditions, that is to say, by treaty with Sweden, must be dissolved, and refused his sanction. The Cabinet raised the strongest objections to this, and referred to Norway's loyal(!) endeavours to advance the cause. The King's decree implied a violation of Norway's independence and Sovereign right, and would undoubtedly lead to the dissolution of the Union. The Cabinet thereupon, sent in their resignations<sup>58:3</sup>, which the King, meanwhile, refused to allow, as he had *at present* no prospect of forming a new Ministry. Then ensued a discussion between the King and the Ministers. The King maintained his right based on the Constitutional law, to exercise his veto according to his own judgment and maintained the duty of the Minister of State to countersign his decision. The Cabinet sought, on their side, to defend the interpretation given in later years to the fundamental law, that it presupposed the right of refusing countersignature, but could, as a precedent, for present circumstances, only quote the not altogether applicable opinion — after full consideration — of the Norwegian Cabinet in 1847<sup>58:4</sup>.

*The Cabinet meeting.  
27th May 1905*

[Pg 59] Now the situation was as follows: The King had been forced to the extremity of exercising his undoubted right, according to Constitutional law, to form his decision according to his own judgment. It was furthermore the Prime Minister's undoubted duty to countersign his decree, the Cabinet, by raising protestations, were released from constitutional responsibility for the royal decree according to the rules of the fundamental law. But the Cabinet maintained another interpretation of the fundamental law, and sent in their resignations, which the King, meanwhile, refused to grant as he could not *for the present* — »now» — form a new Ministry.

*The situation after the  
27nd May.*

This word 'now' in the King's refusal to the Cabinets appeal to resign, undoubtedly implies a reminder of earlier similar situations in the beginning of 1890, when the Ministry — on one or two occasions *Radical* — had remained in office some time after they had tendered their appeals to resign, as the King was unable to form a new ministry. It was also without doubt the legislative duty of the Ministry to remain at their post till the King released them. For, according to the general constitutional and administrative ideas of justice, it is the King who releases his Ministers; they have no legal right to retire of themselves.

It is not Norway's *King* who has transgressed the law, in spite of all the

accusations to that effect from Norway's government<sup>59:1</sup>. *The law was transgressed on June 6th by the Norwegian Cabinet, when they informed the King that they resigned office*<sup>59:2</sup>.

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Their chief reason for this proceeding they declared to be their inability to be a party to the King's policy, which according to their opinion, was not in accordance with the Norwegian Constitution, and declared themselves to be 'free men' entitled to the right to resign office<sup>60:1</sup>. King OSCAR immediately sent protestations against this proceeding on the part of the Ministers, both to the Storthing and the Premier<sup>60:2</sup>. But before these came to hand, the next act was played out.

*The Norwegian Revolution.*

On the 7th June the Cabinet informed the Storthing of their resignation<sup>60:3</sup>. The Storthing forgetful of the very important little word *now* categorically recorded the fact that the King had declared himself incapable of forming a new government, and came to the conclusion that the Constitutional Royal Power was »no longer effectual«, on which the late Ministers were admonished to take up the reins of government, which, according to Constitutional law, was the King's prerogative alone. The King was therefore deposed. But Norwegian logic went boldly further. King OSCAR having ceased to act as Norway's King, the declaration followed, that the Union with Sweden was dissolved<sup>60:4</sup>. This was all communicated in an address which the Storthing prayed to be allowed to deliver to King OSCAR by a deputation<sup>60:5</sup>. The King of course replied that he would not receive any deputation from the revolutionary Storthing<sup>60:6</sup>.

It is now these resolutions which are not called revolutionary in Norway. They are, on the contrary, perfectly legal<sup>60:7</sup>!

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The King was dethroned, because, supported by rights given by the Constitution, he refused to sanction a resolution in conflict with the principles of the Union, to which Norway, according to the first paragraph of her Constitution, is bound.

The Union with Sweden was declared dissolved without reference to Sweden, or observation of the terms in which the slightest change in the Constitution and the Act of Union must be carried out<sup>61:1</sup>. And this last resolution was carried in spite of the Constitutional prescription that changes in the same must not come in strife with the principles of State law, to which, if ever, the Union with Sweden belongs; as the freedom and independence of Norway, according to the first paragraph of the Constitution, are inseparably connected with this Union<sup>61:2</sup>.

As aforementioned, all this is not revolution in Norway. Conceptions of laws and rights have long shown themselves in strange lights in that country.

On June 9th Sweden declared her protest against the Norwegian revolution. In the Cabinet Council to which the Swedish Chambers were summoned to meet in on Extraordinary session<sup>61:3</sup>, the Prime Minister strongly emphasised the fact that the Norwegian Storthing's proceedings had deeply violated Sweden's rights.

*Protestations of Sweden and the Union King.*

The following day, June 10th, King OSCAR issued his protest in an address to the Norwegian Storthing<sup>62:1</sup>. In clear and convincing terms the King maintains his formal legal right to form his resolution in opposition to the Cabinet's opinion. And he, as forcibly, maintains that it was in the capacity of the chief representative of the *Union* that he had considered it his duty to refuse his sanction to the Consular law. As Union-King, he emphasizes his right and prerogative, even in opposition to Norwegian public opinion in general, to maintain the principles of the Union, and he finally refers to the decisions of himself and Sweden »if Norway's attack on the existing Union should lead to its *legal* dissolution«.

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The reply to this address of the King was an address<sup>62:2</sup> from the Storthing on

*Address of the*

June 19th formally to His Majesty the King, but in reality to the Swedish nation. In this it is explained that the Norwegian people entertain no feelings of dislike or ill-will to the Swedish people, and appeals to the Swedish State powers to promote a peaceful agreement on both sides. The Storthing addressed this appeal to the people who by their magnanimity and chivalry had won such a prominent place in the ranks of Nations.

The Swedish nation had good cause for thinking that it might have received this compliment *a little sooner*, instead of the overwhelming mass of infamous accusations which it had formerly had to accept with a good grace. And above all, it is their opinion that if Norway had formerly adjusted its actions in accordance with their present ideas of the Swedish nation, the present situation would now have been different in all respects.

The document of the 19:th June contains also one detail, which has since, step by step, been forced to the front by the Norwegian agitation, and therefore deserves its separate explanation. This said that the Swedish government on the 25:th April had emphatically refused to resume negotiations, with the dissolution of the union as an alternative, in case unity on the new forms of the union could not be arrived at, and on this account, from Norway's side they have tried to cast the blame on Sweden for the revolution of June 7:th under the pretext that Sweden had already refused settlement by negotiation. What are the real conditions?

In the Norwegian Government's proposal of the 17:th April negotiations are firmly *refused*, before the Consular question has been settled. Therefore Norway has never proposed negotiations respecting the situation which followed upon the 27:th May, when the King exercised his veto against the Consular law. Furthermore, attention must be drawn to the Norwegian government's wording of the *presuppositions* for an eventual negotiation. It should be carried on »*on an entirely free basis with full recognition of the Sovereignty of each country without any reservation or restriction whatever*», and among other matters, it was stipulated, that, if the negotiations fell through, each Kingdom should be able to decide, of its own accord, »the future form of its national existence.» Thus the Swedish government was to accept in advance the Norwegian Radicals legal conception of the Union, driven, to it by the contingency that if Norway did not get her will in the matter, she would break out, on her own accord, of the Union. It is manifestly against this *method* of negotiating matters, with its legal grounds and its premature threat to rupture the Union on Norway's side, that the Swedish Prime Minister appeals, when he speaks of a presupposition for negotiations on the Norwegian side »as incompatible with the Union and the Act of Union.» The Prime Minister can never have intended to contest the absurdity, that the Union cannot legally be dissolved, so that it was not on that account that he refused to negotiate.

But the Norwegian Cabinet hastened, craftily, to construe the contents af the Prime Minister's speech, by maintaining that there was a possibility for dissolving the Union<sup>63:1</sup>. Of all the cunning devices, the object of which has been, on Norway's side, cowardly to cast the blame on Sweden, this has been one of the most disgusting, so much the more so as the majority of the Storthing itself opposed Mr HAGERUP'S proposal, and this was certainly not previous to, nor after the Council of the 25:th April, when it was seriously proposed, that a treaty for the dissolution of the Union should be drawn up, in the event of the King exercising his veto; the tactics that were adopted on 7:th June were made up a long time beforehand. —

On the 20:th June the Diet assembled.

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<sup>47:1</sup> It must be remembered that in reality Norway had an almost entirely equal influence in the joint Consular service, as questions referring to Consular matters were decided in a joint Cabinet, and a Norwegian government department conducted the mercantile part of affairs.

- 47:2 It does not follow, however, that at least the majority of the members of the Norwegian government tried to come to an agreement.
- 48:1 A very sensible and intelligent article written by Mr FRITZ HANSEN, member of the last Union Committee, may especially be brought to notice.
- 48:2 N:o 10.
- 49:1 N:o 10.
- 50:1 This is proved by the motion on the Union question brought forward in the Lower Chamber of the Swedish Parliament. See N:o 14.
- 50:2 N:o 11.
- 51:1 NANSEN does not even mention the document in his book.
- 51:2 N:o 12.
- 52:1 This last alternative was considered to imply proposals for a compromise, which had now and then been hinted at, namely, that a Chancellor of the Union should direct all matters concerning Union policy, but each of the Kingdoms should have its own Minister for Foreign affairs, chiefly with Consular affairs under their especial direction. The proposal was said to have been brought forward in the first place at the meeting of the last Union Committee by one of the Norwegian radical representatives.
- 52:2 N:o 13 and 14.
- 52:3 NANSEN (page 87) rouses suspicion in every possible way against this Swedish offer. He implies that the new offer, made immediately after the breaking off of the negotiations, which, of course, was caused by Swedish perfidy, was not likely to inspire confidence, and especially as it did not include »the same guarantees we had before». It must nevertheless be observed that this treaty contained far *greater* guarantees, partly on account of the unanimous decision of the Diet, partly on the grounds that the Crown Prince's programme was far easier to carry out than the programme of the Communiqué, which implied that the Consular question would solve itself. NANSEN also mentions that »the last Union Committee worked on a similar basis without being able to come to a decision, as the Swedish proposals were not acceptable to any section of the Norwegian Commissioners». To this it must be observed that this Swedish offer was more conciliatory towards the Norwegian wishes, than the Norwegian majority's proposal had been in the last Union Committee. Why therefore could it not be accepted by the Norwegians?
- 53:1 N:o 15.
- 53:2 N:o 16.
- 54:1 N:o 17.
- 55:1 Page 14.
- 56:1 NANSEN (pag. 93).
- 58:1 NANSEN page 93.
- 58:2 There is no protocol of this Cabinet meeting, only a complete report, communicated to the government of Christiania by the delegates of the Cabinet.  
Compare with N:o 19.
- 58:3 N:o 18.
- 58:4 Compare N:o 27.
- 59:1 N:os 18, 19 and 21.
- 59:2 On the Norwegian side they attach great praise to themselves for having given the King a few day's grace in order to form a new Ministry. The Norwegian Cabinet also blame the King (Compare with N:o 21) for not having made use of this truce, and plainly imply hereby, that the King in fact abdicated of his own accord. The King replied to this by alluding to the Cabinets open threats (Compare with N:o 19) that the man who, after being warned by the King, dared to approach the King as adviser, from that moment lost his national rights; in other words, however the King might act, the Revolution would come. The King is therefore reproached for not endeavouring to form a new Ministry, after he had been threatened with the revolution if the attempt had shown any sign of success. How truly Norwegian!
- 60:1 N:o 21.
- 60:2 N:o 22.
- 60:3 The terms of this communication are almost word for word the same as in the address to the King.
- 60:4 N:o 23.
- 60:5 N:o 24.
- 60:6 N:o 25.
- 60:7 One reads, for exemple, NANSENS arguments in real exaggerated Norwegian logic. (page 94).

61:1 Compare N:o 1 § 112 and N:o 2 § 12.

61:2 »The kingdom of Norway is a free, independent, indivisible and inalienable realm, united with Sweden under one King.»

61:3 N:o 26.

62:1 N:o 27.

62:2 N:o 28. They are careful not to confute the King's defence of the legality of his action.

63:1 Compare, with N:os 15 and 16.

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## VII.

Revolutions are not to be condemned under all conditions. History — even the history of Sweden — records many revolutions, which are said to have been a vital necessity. But a revolution can only be morally defended on the grounds of its having been *the extreme means of protecting most important interests*.

*The question of the Justification of the Norwegian Revolution.*

In these days there have been numerous comparisons made between Norway's breaking out of the Union, and Sweden's struggle for freedom from Denmark in the middle ages. Sweden's way of using its power has been stamped as an intolerable *oppression*. It can scarcely be necessary to give a more powerful confutation to these very idle fancies, than simply to refer to the fact that Norway's »struggle for freedom» has had for its object the enormously important cause — their own consuls!

*The Swedish »oppression».*

The dominating position of Sweden within the Union has consisted simply in its administration of Foreign affairs of the Union; *in everything else Norway has had an independent right of decision in full equality with that of Sweden*. An Norway cannot complain that Sweden has conducted the administration of Foreign policy in a manner that has been injurious to the interests of Norway. This was emphatically conceded during the hottest days of the Stadtholder conflict in 1861. It is remarkable that in the present day, when the want to prove an antithesis in Norway, they can never produce anything but the episode from the beginning of the Union — the well known Bodö affair in 1819-1821 — an episode concerning which *Norwegian* investigations of recent date, have served to place Swedish Foreign administration in a far better light than what Norwegian tradition had done. The advantage given to Norway by the Swedish administration of Foreign affairs, is the inestimable gift of a 90 years' uninterrupted peace, which has given the people of Norway an opportunity of peacefully devoting themselves to the labour of material and spiritual development. Sweden has furthermore especially tried to insure interests so far that, in the direction of Foreign affairs, Norwegian assistance has been employed as far as the regulations in the organisation of the same would permit. It has already been mentioned that Norwegian counsels have used their influence in the council for Foreign affairs, that Norwegian influence on The Consular system has, for a long time, been as near as possible equal to that of Sweden. It may also be added, that Norwegians have always been appointed to posts in connection with those offices under the Foreign Office. In the Foreign Office itself Norwegians have always held office: even as Under Secretary of State — the next in rank to the Minister for Foreign affairs — a Norwegian has lately been in office. the posts at the Embassies at Foreign Courts, even the most important, have to a great extent been held by Norwegians. Of those Consuls sent abroad, by far the greater number are Norwegians. Norway has herself given the best proof that the Swedish administration of Foreign affairs has been conscientiously carried out to the interests of Norway, by, time after time, refusing the Swedish offers to give

*Sweden's loyalty in conducting the Foreign policy of the Union.*

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Norway greater influence in the settlement of Foreign affairs, offers, which even if they did not accede to all Norway's demands, would, if realised, have given Norway a far better position than it had previously held.

But it has been said on the Norwegian side — and this has been brought forward as the main point — Norway has been denied her prerogative, as a »free and independent Kingdom«. If by that, they mean that Norway has been denied equality in the Union, it is *not true*.

*Has Norway been denied its prerogative.*

[Pg 66] Sweden's only condition, that Norway, as they say, should enjoy her prerogative, has been, that this prerogative in its application should be subordinate to the demands stipulated by the Union, demands which Sweden on her side was quite prepared to submit to. That a right should be maintained under the consciousness that it has its limits in necessary obligatory respects, has been almost lost sight of by Norway. The chief impetus of the Revolution has been a reckless desire on the part of the Norwegians to be absolutely their own masters, that and nothing else. Norway has bragged about her prerogatives without any feeling of responsibility, like an unreasoning whimsical child. It must be *declared*, both on historical and psychological grounds, that it can never be politically *defended*. Norway must already have made the discovery that the great era of universal politics, is entitled, if ever, *to political action under a strict sense of responsibility*.

By this it is by no means our intention to deny that Sweden herself is to a certain extent to blame for things going as they have done. Looking back over the Union Policy of Sweden, it must, in the first place, be noticeable that there has been, to a certain extent, a lack of firmness and authority. And it cannot either be denied that there have been mistakes that have unnecessarily roused opposition. For instance, in the so-called Stadtholder question, in the sixties, Sweden's policy was undoubtedly too harsh. But whatever faults may be laid at the door of the Union Policy of Sweden, when the Swedish nation in these days tries to make a searching self examination, opinions are not little likely to be unanimous because Sweden has been *too conciliatory* towards Norway's demands.

*Faults on Sweden's side.*

[Pg 67] It is said that a foreigner recently travelling in the Scandinavian countries made the observation that Swedes always spoke kindly of the Norwegians, and the Norwegians always spoke ill of the Swedes. The observation doubtless contains a good deal of truth. It is, at least, true that Swedish public opinion, at large, has been distinguished by kindness both to Norway and its people, and that every honest effort to smooth discussions has had the sympathy of an overwhelming majority of the people of Sweden. Swedes have been very unwilling to listen to the prophets of evil who have pointed to the deficiencies and deformities of Norwegian policy, and prognosticated trouble. It is just on that account that indignation from one end of Sweden to the other is so much the more intense when the veil is so rudely torn aside, and Norwegian politics are shown in their true light, such as they are and — have been. The revolutionary act of Norway has like a flash of lightning illuminated the past background of Norwegian politics, and exhibited to the people of Sweden all the unreasonableness, the craftiness and dishonesty which Sweden has had to put up with from Norway during the past decennials.

*Swedish opinion.*

[Pg 68] In this way, the memories of the history of the Union of the latest periods are revived with indignation among the people of Sweden. If the indignation is at times expressed in unnecessarily strong and ill-chosen terms, Norway has in truth no manner of right to complain.

[Pg 69]

# ACTS TOUCHING THE SWEDISH-NORWEGIAN CRISIS.

## 1.

### Extracts from the Constitution of Norway.

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§ 1. The Kingdom of Norway is a free, independent, indivisible, and inalienable realm united with Sweden under one King.

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§ 5. The King's person is sacred. He must not be blamed nor accused. The responsibility is incumbent on His Council.

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§15. — — — — — The Prime Minister reports the matters and is responsible for the documents issued being in accordance with the resolutions adopted.

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§ 30. All matters dealt with in the Cabinet Council should be recorded. Each number of the Cabinet Council is bound to express, fearlessly, his opinion which the King is obliged to listen to. But it is reserved for the latter to take these resolutions according to His own judgment.

If a member of the Cabinet Council should find the Kings' resolution incongruous with the form of government, or the public laws of the country, or else obviously harmful to the realm, it is his duty to make strenuous remonstrance and to have his opinion recorded. He who has not issued a protest in this way, is considered to have agreed with the King and is responsible for it in the way subsequently indicated, and the Odelsting can proceed against him before the Court of impeachment.

§ 31. All orders (ezcepting matters of military command) issued by the King himself, should be countersigned by one of the Prime Ministers.

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§ 76. Each law shall first be moved in the Odelsting, either by its own members or by the Government through a Cabinet Minister. — — — — —

§ 77. When a resolution passed by the Odelsting has been approved of by the Lagthing, or by the assembled Storthing, it is sent to the King if present, or else to the Norwegian Government with the request of obtaining the sanction of the King.

§ 78. If the King approves of the resolution he shall attach His signature to it, through which it passes into law. If He does not approve of it, He shall send it back to the Odelsting with the declaration that He does not find it suitable, at present, to sanction it. In this case the resolution must not again be laid before the King by the Storthing then assembled.

§ 79. If a resolution has, in unaltered form, been passed by three ordinary Storthings constituted after three different consecutive general Elections and separated from each other by at least two intermediate ordinary Storthings without that, in the interval between the first and the last adoption of the

resolution, a divergent resolution has been passed by a Storthing, and if it is then submitted to the King with the request that His Majesty may be pleased not to negative a resolution regarded as useful by the Storthing after mature consideration, then it passes into law, even if the King's sanction should not be obtained before the break-up of the Storthing.

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§ 112. If experience should teach that some part of the Constitution of the realm of Norway ought to be altered, the motion for it shall be made at the first ordinary Storthing after a new general election and be issued from the press. But it can only to be one of the ordinary Storthings after the next general election, to decide as to whether the amendment moved should be accepted or not. Such an amendment, however, must never be contrary to the principles of this Constitution, but should only regard a modification of particular regulations, not affecting the spirit of this Constitution, and such an amendment should be seconded by two thirds of the Storthing.

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## 2.

### Extracts from the Act of Union.

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§ 4. The King shall have the right to concentrate troops, commence war and to conclude peace, enter into and annul alliances, dismiss and receive ambassadors. — — — —

§ 5. Both the Norwegian Prime Ministers and the two Cabinet Ministers accompanying the King shall have a seat and vote in the Swedish Cabinet Council, whenever matters affecting both countries are there transacted. In such cases the opinion of the Government residing in Norway shall be consulted unless such a speedy decision be required that time does not allow of it.

When, in the Norwegian Cabinet Council, matters affecting both countries are transacted, three members of the Swedish Cabinet Council shall there have a seat and vote.

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§ 7<sup>2:1</sup>. — — — — Matters concerning both the Kingdoms, but which in consequence of their nature, do not belong to the administration of any special Department, are reported by the Minister for Foreign Affairs and are despatched to each Kingdom, drawn up in its own language; to Sweden by the above mentioned reporter Minister and to Norway by her Prime Minister.

[Pg 73]

Diplomatic (Cabinet) matters are reported by the Minister for Foreign affairs, and are entered into a separate protocol<sup>73:1</sup>. — — — —

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§ 12. Whereas the regulations contained in this Act of Union partly are copied from the Constitution of the realm of Norway, partly are additions to it, based on the right awarded to the present Storthing by the Constitution, they shall, with regard to Norway, have and retain the same authority as the Constitution of that realm, and they must not be altered but in the way indicated in § 112 of



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<sup>72:1</sup> This paragraph describes the joint so-called provisional Government.

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### 3.

## Preliminary settlement of the Consular question between members of the Swedish and the Norwegian Cabinet Council, on March 24, 1903. (The so-called Communiqué).

The negotiations carried on in Stockholm during the last months of October, December, and January between the members of the Swedish and the Norwegian Government here subjoined, and regarding the Consular question, have been continued in Christiania during February and March.

During these negotiations the Swedish members maintained that the establishment of a separate Consular service for each of the United Kingdoms did not seem to them desirable in itself, and that they were not convinced that a dissolution of the existing community, in this respect, would convey any important practical advantages to either of the Kingdoms. On the contrary, there were reasons to apprehend lest this arrangement should lead to inconveniences.

Whereas, however, an opposite opinion has long been upheld by Norway and whereas, during the negotiations resulting from the report of the latest Consular committee made up by members from both countries, it has turned out not to be impossible to arrange, on certain conditions, such a system with separate consuls for each Kingdom as could, while it was meant to satisfy the desires expressed by Norway, also remove the principal apprehensions on the part of Sweden, the Swedish negotiators in order to attain the most important advantage of political concord between the two Kingdoms, have found it possible to recommend an agreement on the following terms:

[Pg 74]

1. Separate Consular services for Sweden and for Norway shall be established. The Consuls of each Kingdom shall be subordinate to the authority of their own country which the latter shall have to determine.
2. The relations of the separate consuls to the Minister for Foreign Affairs and to the Embassies shall be regulated by laws of the same wording which cannot be altered nor abolished without the consent of the authorities, of both Kingdoms.

The Swedish negotiators have added to this that they realise in full and acknowledge that the position held for the present by the Minister for Foreign Affairs, does not correspond to the equality within the Union that Norway is entitled to claim. They have held forth the desirability of this question being made an object of negotiations, which, however, at present has not met with approval on the part of Norway. They have, however, declared themselves prepared to advise the King, whenever such a desire is expressed on the side of Norway, to lay before the Riksdag and the Storting a proposition about such alterations of the Act of Union as can clear the way for the King to appoint a Swede or a Norwegian-Minister for Foreign affairs and render it

possible to institute the minister's constitutional responsibility before the national assemblies of both Kingdoms.

To this the Norwegian negotiators have answered that they naturally concur in the opinion that the existing arrangement for the administration of Foreign affairs does not agree with Norway's justified claims on equality within the Union. It was therefore all the more evident that, on the part of Norway, no regulations could be accepted that were meant to bind it to this arrangement. At the same time, however, they wanted to express the hope that the question about a satisfactory arrangement of the administration of Foreign affairs might soon be made an object of negotiations between the Kingdoms.

When the present negotiations had been carried on by Norway under the supposition that the question about a change of this unsatisfactory state of things should be left untouched, it had been done so out of regard to the fact that the opinions about the best way of correcting this state of things were so different in the two countries that, for the present, an agreement could not be expected.

We Swedish and Norwegian negotiators, having thus been confined to try to bring about such an arrangement of the Consular question as will leave *status quo* undisturbed with respect to the position of the Minister for Foreign affairs and of the Embassies, have agreed upon that the relation between the Minister and the Diplomacy on the one hand, and the separate Consular Services on the other, should be regulated by laws of the same wording which cannot be altered by one of the parties alone and which both shall guarantee that the Consuls do not overstep the limits of their authority and at the same time shall add security to the necessary co-operation between the management of foreign affairs and the Consular Services of both Kingdoms.

[Pg 75]

In conclusion we also want to express the hope that the time shall not be remote when, by conciliatory advances on both sides, the question of arranging the management of Foreign affairs can be made an object of negotiations and find such a solution as can produce satisfaction in both countries and enduringly secure the futurity of the Union.

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<sup>73:1</sup> These enactments show plainly that the Act of Union only recognizes the Swedish Minister for Foreign affairs as the leader of the Foreign Policy of the Union.

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#### 4.

Extracts from the Norwegian Government's draft of laws of the same wording in order to regulate the relations between the Minister for Foreign Affairs and the legations on the one hand, and the separate Consular services of the two countries on the other hand. Dated May 28, 1904.

##### I.

The Consular administration by which is understood the authority the Consuls are subordinate to, has to inform the Minister for Foreign affairs of:

a) the establishment, the suppression, the alteration, or the division of

Consular Services, the appointment or employment of Consuls, their power of attorney, leave of absence, suspension, recall, or discharge:

b) the general regulations and precepts issued with regard to the Consular Service;

c) measures particularly regarding the relations to Foreign Powers, as e. g. regulations to be observed by Consuls in time of war; orders to, or proceedings against Consuls owing to complaints lodged by a Foreign Power against their actions; instructions to Consuls as to the interpretation and the application of international laws or agreements and as to matters simultaneously subject to Diplomatic and to Consular treatment.

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### III.

Of matters that have assumed or may be anticipated to assume a diplomatic or political aspect and that seem to require a speedy decision, the Consul has to send the Minister for Foreign affairs an exact statement. This proceeding shall particularly be observed in case of an infringement of international agreements; of obstacles raised by the local authorities to the Consul's discharge of his official duties; of troubles for warships in foreign ports; of illegitimate confiscation of traders; of arbitrary imprisonment of citizens; of difficulties originating from outbreak of war or insurrection; and of reclamations already committed to diplomatic treatment, but requiring a speedy acquirement of additional information.

[Pg 76]

In matters of this kind where there is reason to apprehend lest a negligence of immediate interference should convey considerable inconveniences, the Minister for Foreign affairs can make direct inquires of, and give direct injunctions to a Consul concerning the diplomatic or political side of the matter.

The Consul must not refuse to submit to an inquiry or an injunction addressed to him by the Minister for Foreign affairs, because of finding the matter in question not to be of the kind alluded to above.

### IV.

When the interest of the country or its citizens require being looked after, the legation is entitled to gather information from, and to give orders to the Consul concerned. Such orders must not conflict with actual law and statute, nor with instructions or other regulations given by the Home authority.

With regard to a Consul's duty to obey the injunctions mentioned above, the last passage of § 3 should be applied.

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## 5.

Extracts from the outlines for laws of the same wording drawn up by His Excellency Boström, in November 1904.

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With regard to the relations between the Minister for Foreign affairs and the Consular administration, and in addition to general precepts as to their duty of mutual cooperation and of mutual interchange of information about such resolutions and steps, etc. as may be of importance for them to know it should be directed:

that a new Consulate must not be established until the Minister for Foreign affairs has stated as to whether any obstacles to its establishment are raised on the part of Foreign Powers;

that, before the appointment of a Consul, the Foreign Minister shall have an opportunity of making the remarks he may find appropriate, as to the persons possible to be taken into consideration for the appointment;

that, for obtaining a Foreign Power's recognition of a Consul, the Consular administration has to make a proposition of it to the Foreign Minister just as is the case when, in other matters belonging to the province of the Consular administration the question arises about applying to the Government of a Foreign Power;

and that if, in matters being dealt with by the Consular administration, the Minister for Foreign affairs has given instructions to a Consul, the Consular administration must not give the Consul an order conflicting with such an instruction.

[Pg 77]

As to the Foreign Minister's relation to the Consuls and *vice versa*, the law should say that the Consuls are subordinate to the Minister for Foreign affairs in such a way:

that, in matters belonging to his province, he has the right to request information directly from the Consul and to give him instructions;

and that the Consul on his part is bound not only to execute implicitly what he is thus requested to do, but also, in such matters dealt with by him as, owing to their nature and other circumstances, may be supposed to affect the relation to a Foreign Power, to send of his own accord a report of the origination of the matter as well as of its further development.

Besides it should be instituted:

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that, in case a Consul should act in such a way as may have a disturbing effect upon the friendly relations between the United Kingdoms and the Foreign Power concerned, and also in case a Consul should neglect to execute the instructions of the Minister for Foreign affairs or the Legation, the Foreign Minister shall have the right to address a humble request to the King about the Consul's revocation, whereupon the Consular administration concerned should be informed of the resolution.

In order to regulate the relations between the Legation and the Consuls concerned, it should, apart from the general precept of their duty of mutual cooperation, be laid down in the law:

that the legation is bound to guard the Consul's rights and to lend him necessary assistance and, in matters belonging to the province of the legation, entitled to demand information from the Consul and to give him instructions;

that the Consul has the same duties towards the Legation as towards the Minister for Foreign affairs;

and that, if the Consul, by participating in political demonstrations or in another way, should openly disregard the consideration he is bound to have for the authorities of the country he is employed in, or if an action affecting his

civil repute should he brought against him, the legation has the right to suspend him from his office until further notice.

## 6.

### Extract from the answer given by His Excellency Hagerup to the preceeding draft, on November 26, 1904.

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2. No approval on the part of Norway can be expected for an arrangement that would give Swedish authorities the possibility of interfering with measures taken by a Norwegian authority. Also in this respect we merely adhere to the Communiqué and the Protocols of December that, as a basis of agreement, give prominence to the establishment of a separate Consular service for Sweden and for Norway, in which case »the Consuls of each Kingdom shall be subordinate to the authority of their own country which the latter shall have to determine.» This arrangement does not however preclude, as is also presupposed in the Norwegian draft, a certain possibility for the Foreign Minister to address direct requests to the consuls.

[Pg 78]

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With particular regard to the demand expressed in the »outlines» that the Swedish Minister for Foreign affairs shall have the right — this is the, intention according to your Excellency's verbal declaration — to discharge in ministerial — consequently in Swedish — Cabinet Council a consul appointed in Norwegian Council, I ventured to point out 1) that this demand was entirely contrary to the Norwegian Constitution, 2) that an arrangement by which a Swedish authority of state might nullify a resolution adopted by a Norwegian authority of state would, according to the general principles of political and international law, impress upon Norway the stamp of a dependency, and 3) that it would therefore from a national point of view signify an enormous retrograde step as compared with the present arrangement of the Consular service.

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## 7.

### Extracts from the draft of laws of the same wording made by the Swedish Government in December 1904.

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§ 8.

If in a matter being dealt with by the Consular administration, the Minister for

Foreign affairs has informed that he has taken such a measure as is alluded to in § 9, it is for the Consular administration to observe that, from its side, no such instructions are given to the consul concerned as are conflicting with any re-order relating to this matter given by the Minister for Foreign affairs and known to the Consular administration.

§ 9.

The Minister for Foreign affairs has, in a matter belonging to his province, to request immediate information from the Consul of the country concerned and also give him instructions about what he has to observe in such a matter; and a consul is absolutely bound to fulfill what is thus requested of him.

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§ 11.

If the Minister for Foreign Affairs should learn that a Consular employé has not acted with good and worthy behaviour towards the authorities of the country where he is employed, or that he has participated in political demonstrations, or secretely, or openly encouraged or supported attacks on the existing Government, or else behaves in a way that may have a disturbing effect upon the good relations between the United Kingdoms and the Foreign Power concerned, then the minister has humbly to give notice of it to the King in Joint or in Ministerial Cabinet Council whereupon the matter is submitted to the King's consideration in the Cabinet Council of the country concerned.

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§ 16.

If a legation should find a Consul guilty of a proceeding or a neglect alluded to in § 11, or if a Consul should be prosecuted for a crime affecting his civil repute, the legation, if finding it justified by circumstances, has to suspend the Consul from his office; and the matter should immedately be reported both to the Minister for Foreign affairs and to the Consular administration concerned.

A Consul thus suspended from his office, must not again come into office until the King, after hearing the Minister for Foreign affairs, has resolved upon it.

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8.

Extracts from notes made, in consequence of the Swedish Government's draft of laws of the same wording by the Norwegian Cabinet Council, on January 11, 1905.

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To § 8. It is stated here that, when, in a matter being dealt with by the Consular administration, the Foreign Minister has given a Consul an order, it is for the Consular administration to observe that, from its side, no order conflicting with it is given to the Consul. It is difficult to understand what is meant by this paragraph, which is without a parallel in the present Consular statutes which do not direct any similar injunction to the Norwegian Consular department. To judge from reference to § 4, it does not seem to have been

intended to give the Foreign Minister the right, in whatever be which matter being dealt with by the Consular administration, to stop the function of the latter and to assert his own authority instead; for this would be equivalent to instituting a relation of subordination that no Governmental department can submit to. The intention, then, can only be supposed to have been the following: — to try, in a consular matter, that has assumed a diplomatic aspect or that is simultaneously subject to a consular and a diplomatic treatment, to prevent the Consular administration from arbitrarily trespassing upon the province of the Foreign Minister. It stands to reason that this must not occur. But just because it stands to reason, the precept is superfluous. And what is of more importance: it is calculated to excite indignation. For, as it is obvious that an interference of the said kind must be a manifestation either of want of judgment or of disloyalty, it should be admitted that it is not very appropriate to give in a law, even in an indirect way, an expression to the thought that such qualities may prevail in the department concerned.

— — — — —

To § 11. — — — — — We should not however dwell upon these formal considerations which are of a merely secondary importance as compared with the far-reaching question: exclusively Norwegian or partly joint treatment of matters concerning the relations of Norwegian Consuls wheteher to the Foreign Minister, or to legations, or to Foreign authorities. In this connection we want to quote a passage from the report of the last Consular Committee made up of members from both countries where we read (Norwegian edition, p. 16): »Furthermore the Norwegian Consular administration has to leave it to the Foreign Minister (and the legations) to receive and reply to reclamations from Foreign Governments in the rare cases when subjects of contention arise by the actions of Norwegian Consuls. For this kind of correspondence, although dealing with the behaviour of Consuls, is owing to its nature diplomatic and not consular, and in as much as the matter has a political moment, the Foreign Minister should continue to keep the management of it; if the matter should become critical so as to grow into a real international conflict, he should report it to the King and procure the instructions necessary for its treatment. It stands to reason that he should not be debarred from influencing the course of the matter by informing the Norwegian Consular administration of his opinion as to the steps suitable to take with regard to the consul Concerned. But the very instructions to the latter or the disciplinary steps occasioned by the matter belong to the home consular management and should therefore be issued from the Norwegian department.» We concur in the opinion expressed here and the demand for an exclusively Norwegian treatment of questions concerning measures against Norwegian Consuls, appears still more justified in the cases when the matter is without a political moment, but the question regards the consul's relation to the Foreign Minister and the legations. In the last-mentioned respect we want again to refer to the statement of the Consular Committee (Norwegian edition, pp. 25-26), from which it is evident that they did not intend any joint treatment of matters relating to the Consul's disobedience of instructions or omission of duties; nor was this intention expressed during the negotiations that took place before the appearance of the Communiqué. Such a joint treatment that should precede the treatment from the Norwegian side, can only imply one of two things. Either it means to be a mere formality only calculated to delay matters perhaps requiring a speedy decision. Or else it means to be a real treatment, in which case, the Foreign Minister is intended to get influence on the settlement of the matter; but in this case it will signify an encroachment upon a department which, as it maintained, should be exclusively reserved for a Norwegian authority of State. Besides, it is self-evident that the Consular administration which may justly be supposed to be equally interested as the Foreign Minister in Norway not being compromised by her agents abroad, cannot forbear, when demands for a Consul's revocation are made on the part of diplomacy, to make

the matter the object of a humble report.

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To § 16. It is proposed here that the legation shall have the right to suspend a Consul guilty of such conduct as is spoken of in § 11, or prosecuted for a crime affecting his civic reputation. In this connection it should be remembered that, according to the present consular statute, the right to suspend a consular official does not lie with the legations, but with the Foreign Minister who, after having taken his measures, has to submit the matter to his Majesty. As to the right to suspend future Norwegian consular officials, this right, just as is done with regard to other state officials, shall according to the Constitution be exercised by the King (see the Constitution, § 22 and Aschehoug, Norges nuværende statsforfatning, ii, 474.) To transfer this right upon the legations would be incongruous with the Constitution. But not even with regard to consular functionaries who are not state officials, and who, during the present community in Consular service, are suspended, by the superior consul concerned, the right of suspension should be granted to the legations. For, the view is held, in accordance with the Consular Committee of the joint Kingdoms (see their report, Norwegian edition, pp. 24, 25) that between consular functionaries exclusively subject to Norwegian authority and ambassadors exclusively subject to a Swedish minister, there is no possibility of establishing truly hierarchic relations: -----

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After the considerations made above, it will be obvious that from a Norwegian point of view, these paragraphs appear as unacceptable, partly because they are incongruous with the Constitution of Norway or with the claims that in this country are put upon the contents and the forms of independency, partly because, by this, the aim cannot be gained, that is intended by the whole negotiation, viz — to use the words of the Swedish negotiators — to establish a separate Consular service for Sweden and for Norway. The Consuls of each Kingdom are subject to the home authority that each country decides for itself. (see the Communiqué of March 24, 1903).

On this account we recommend to omit from the Swedish draft the paragraphs 5, 6, 8, 11, 16, and 19. If they should be adhered to, further discussion about the Swedish draft will be futile.

## 9.

### Extracts from the answer of the Swedish Cabinet Council to the memorandum made by the Norwegian Cabinet Council on January 11, 1905. Dated January 30, 1905.

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In the memorandum of the Norwegian Cabinet Council it is suggested that § 8 of the Swedish draft can be interpreted so as to be meant with regard to any matter being treated by the Consular administration, to give the Foreign Minister the right to stop the function of the latter and to assert his own authority instead. But as it is expressly indicated in the draft that the precept concerned is meant to be relevant only to a certain case specially mentioned, the opinion expressed does not seem to be justified. The precept has in view to



regulate the relations between the Foreign Minister and the Consular administration, if, in a matter subject to consular treatment, the Foreign Minister, owing to the origination of diplomatic or political circumstances, has found reason to interfere by virtue of the right the laws are meant to bestow upon him. When thus a matter is simultaneously treated by different authorities, that each within its province has to treat it, the possibility of a conflict can hardly be denied, and still less so as the limits between the diplomatic and the consular province, as is generally acknowledged, are extremely uncertain, and as on both sides there is a natural tendency to extend the sphere of activity to departments formerly looked upon as exclusively belonging to the other party. It cannot therefore be incongruous with the laws now being under discussion to insert regulations for the case alluded to; on the contrary, it seems to be entirely in consistency with the basis of these laws and with the end of their institution that such regulations should be given. And it can hardly be denied that in this case that authority, is the Foreign Minister, who represents both countries, and in the present case it must be considered that attention to the interests most important to the joint countries should be preferred.

The precepts of §§ 11 and 16 contain the particular instructions meant to guarantee that the Consuls shall not transgress the due limits of their province. Such a guarantee cannot be dispensed with in the opinion of the Swedish Cabinet Council. For, cases may be imagined when in a foreign country a Consul behaves in a way threatening to disturb the good relations between the Government of the country and the United Kingdoms. To deprive the representatives of the United Kingdoms, as to their relations to Foreign Powers; i. e. the Foreign Minister and the legations, of all possibility of interfering against the Consul under such circumstances would, in the opinion of the Swedish Cabinet Council, hardly be compatible with the dignity of the United Kingdoms and might, with regard to the Foreign Power, involve a danger that should be escaped. The Norwegian and the Swedish draft alike contain regulations enjoining upon the Consul the duty of obedience towards the Foreign Minister and the legation. Also in case the Consul should violate his duty of obedience, the proper consideration and regard for the position held by the Foreign Minister and the legation seem to demand the possibility for them to interfere. For this interference, however, such a form has been proposed that the decision of the Consul's conduct, of his remaining in office or his dismissal would be made by the King in the Cabinet Council of that country represented by the Consul.

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In support of his standpoint that »a joint treatment of matters concerning the Consul's relations whether to the Foreign Minister, or the legations or the Foreign Authorities» must not occur, the Norwegian Cabinet Council refers to the contents of the report of the Consular Committee and quotes especially a passage terminating in these words. »But the very instructions to the latter (i. e. the consul) or the disciplinary steps that may be occasioned by the matter, belong to the internal consular management and must therefore be issued by the Norwegian department.» To this the objection should be made that the opinion of the Consular committee is naturally not binding to the Swedish Cabinet Council, and that besides the Norwegian Cabinet Council has itself given up the same opinion in granting in its draft the Foreign Minister and the legations, the right to address »injunctions» that the Consul cannot forbear to pay heed to. This seems to imply a giving-up of the claim that, in the diplomatic part of a matter, Norwegian consuls shall be exclusively subject to Norwegian authorities.

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From the detailed statement given it may be gathered that the Swedish Cabinet Council considers itself neither bound nor, out of regard to the welfare of the Union, justified to cancel outright, in the way demanded in the

Norwegian memorandum, the abovementioned paragraphs of its draft. This does not however imply that from the Swedish side alterations and modifications of the precepts proposed cannot be granted, but what is important in them must however be adhered to; and concerning possible modifications, which can be exactly stated only by continued negotiations, there is at present no occasion for entering into particulars.

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## 10.

### Record of Foreign Office affair, made before H. M. the King in the presence of H. R. H. the Crown Prince in Joint Cabinet Council at Stockholm Palace, on February 7, 1905.

[Pg 84] His Excellency the Minister for Foreign Affairs gave, in all humility, an account of a humble report about terminating the negotiations for the establishment of a separate Consular service for Sweden and for Norway. In answer to the Foreign Minister's recommendation in Joint Swedish and Norwegian Cabinet Council of the 6th inst., this proposal had been made by Royal Norwegian Government on the same day, and a copy of it has been appended to this Protocol.

After having given an account of the contents of the report of the Norwegian Government, the Minister proceeded to say:

»The report of the Norwegian Government does not lead to any alteration of the recommendation<sup>84:1</sup> previously made by me. I venture however, to draw attention to the fact that, if it has been impossible to come to terms about the present question, the principal cause of it should be sought in the present arrangement for treating questions affecting the relations between the United Kingdoms and Foreign Powers. That this arrangement does not satisfy the positions of the two countries within the Union, has long been admitted.

In connection with what was expressed by all the Swedish and the Norwegian Cabinet Ministers who signed the above-mentioned document of March 24, 1903, I want therefore, to emphasize the desirability that the question as to arranging on other principles the management of Foreign affairs should again be taken up for negotiations between the two countries. I do not, however, find any reason now to make proposal as to taking steps to that end; I only refer to what I have previously advocated».

What the Minister had thus stated and recommended, was endorsed by the other members of the Swedish Cabinet Council.

The Norwegian part of the Cabinet Council referred to the Norwegian Government's humble report of the 6th inst. and proceeded to state that in its opinion a solution of the question at issue might, in the way expressed by the Swedish Cabinet ministers in the document of March 24, 1903, also have been found with the present arrangement for treating Foreign affairs. The Norwegian part of the Cabinet Council naturally agreed upon the opinion that this arrangement did not harmonize with the positions of the two countries within the Union. Whereas, however, the Minister for Foreign Affairs, on the plea of the document of March 24, 1903, had pointed out the desirability that the question as to arranging on other principles the management of Foreign

affairs should again be taken up for negotiation between the two countries, the Norwegian part of the Cabinet Council could not forbear to hold forth, partly that the said document presupposed a solution of the question as an independent case, partly that, after the recent occurrences in the Consular question, the chances of further negotiations between the two countries, concerning the above-mentioned matters, were considerably clouded.

*His Majesty the King* was hereupon pleased to dictate:

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»In the present state of things I find Myself unable to take any other resolution than to assent to what has been recommended to Me by the Minister for Foreign Affairs. But I cannot forbear to express to My peoples My heart-felt desire that the two Kingdoms, united almost a century ago, shall never suffer any differences of opinion to endanger the Union itself. The latter is truly the safest security for the independence, the safety and the happiness of the Scandinavian Peninsula and her two peoples».

Upon this, the Norwegian part of the Cabinet Council stated that they, in all humility, had ventured to dissuade His Majesty from making this dictate.

In accordance with the recommendations made by the Swedish and the Norwegian Cabinet Council, *His Majesty the King* was pleased to resolve that the commission entrusted to the Swedish and the Norwegian Cabinet Council in persuance of the King's resolution of December 21, 1903, shall not lead to any further steps, and also to decree that the Protocols of the Cabinet Council regarding this matter shall be published!

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<sup>84:1</sup> In Joint Cabinet Council of February 6 the Foreign Minister had recommended that the task of negotiation, entrusted by the King to the Cabinet Councils of the two countries, should not lead to any further steps.

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## 11.

### The note of the Crown-Prince-Regent to the special committee of the Storting. Dated February 28, 1905.

It is my wish to make the following declaration to the Committee. In these fatal days I feel it a necessity to open My heart to you and I do so now only in the capacity of Norway's Regent.

I fully understand the sentiments the Norwegian people, in these days, are animated with and that you as the loyal sons of the Fatherland in passing your resolutions will solely have in view the welfare of Norway. But what is Norway's welfare, nay, I say with the same emphasis, what is the welfare of both countries? I do not hesitate a moment to answer this question with the one word: Union.

It is therefore my sincerest hope and my strongest exhortation to you not to enter upon a way that leads to a rupture between the two peoples. It has so often been said that the dynasty tries to look after its own interests, but this is not true. The Union is not of paramount interest to the *dynasty*, but it should be so to the two *peoples*, for it is a vital condition for their happiness and future.

The Royal power has never tried to prevent Norway from obtaining her own

Consular service. The only condition for the fulfilment of this desire is, and must be, that the relation to the joint administration of Foreign affairs should be arranged in a way securing the Union and that this matter regarding both countries cannot be definitively settled until after being treated in accordance with § 5 of the Act of Union. From My standpoint as the Regent of the United Kingdoms I can never act otherwise than as I consider useful to the existing Union to which I hold Myself bound to adhere.

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An attempt has now been made on the way to partial reform, which I am sorry to say has been unsuccessful. But one should not therefore give up everything and enter into a way that, at any rate, cannot lead to the object preserved. But the logical consequence of this is to enter into new negotiations with Sweden on a larger basis. And to such negotiations on the basis of complete equality between the countries I declare Myself fully prepared to lend my assistance.

I consider it my imperative duty openly to hold forth to you the great dangers and the fatal consequences for each people to follow their own course. United, we have at any rate a certain power and importance in the European system of states but separated — how much the less the word of Norway or of Sweden would *then* weigh! Therefore, may these peoples assigned by nature itself to hold together, also do so for the future!

When I see all this stand out clearly to My inward eye, you, too will understand with what sincere and intense, and heart-felt sorrow I consider thesituation we are in and the threatening turn matters now seem to take.

In conclusion I want only to add this: when you go to your task, do so with entirely open eyes and consider carefully *all* consequences of your actions. Each one may act according to his best convictions! God leads the destinies of the peoples. May He give you and us all prudence so as to enter into the way that leads to the true welfare of the Fatherland and of the North.

I want this my address to be published.

GUSTAF

## 12.

### Record of Justice-Department affair held at Stockholm Palace, on Wednesday the 5th of April 1905 before His Royal Highness the Crown-Prince Regent in Joint Swedish and Norwegian Cabinet Council.

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His Royal Highness the Crown-Prince Regent declared:

»I have to-day summond you to Joint Cabinet Council in order to make the following address to you:

I herewith exhort the Cabinet Councils of the United Kingdoms, on both sides without an one-sided adherence to standpoints formerly held, to immediately enter into free and friendly negotiations concerning a new arrangement of all matters affecting the Union, upon the fundamental principle that full equality between the countries should be tried to be established.

The way which, in My opinion, ought to be chosen and in which, as far as I know, with a little good intention on both sides a solution of the difficulties satisfactory to all parties can be attained is this: Foreign Minister in common, be he a Swede or a Norwegian, responsible to both countries or to a joint institution; separate Consular service for each country arranged however, in such a way that the Consuls, in everything regarding the relations to Foreign Powers, should be under the Foreign Minister's direction and control.

If, in the course of the negotiations, another form could be found for arranging the affairs affecting the Union, always however with the preservation of the community in the management and charge of Foreign affairs, which is an indispensable condition to the existence of the Union, I herewith declare myself, prepared to take also this form into earnest consideration.»

Mr. Berger, Chief of the Swedish Justice-Department, made the following statement:

»In connection with what your Royal Highness has been pleased to declare and while emphasizing the desirability of opening further negotiations as to arranging the Union affairs, I recommend in all humility to request in persuance of § 5 of the Act of Union, a report from the Norwegian Government as to the proposition of opening such negotiations.»

What the president of the Justice-Department had thus stated and recommended, was endorsed by the other members of the Swedish Cabinet Council.

The Norwegian section of the Cabinet Council stated that, at present, it did not find any reason to give its opinion on the reality of the matter, but, with reference to § 15 of the Norwegian Constitution and to § 5 of the Act of Union, it confined itself in recommending the request of a report from the Norwegian Government.

His Royal Highness the Crown-Prince Regent was graciously pleased to decree that the Norwegian Government's report of the matter should be requested.

### 13.

## Motion on the Union question in the First Chamber of the Swedish Riksdag.

According to notification made in the »Post- och Inrikes Tidningar» of April 6, this year, the Crown-Prince Regent has on the 5th of the same month in Joint Swedish and Norwegian Cabinet Council made the following declaration:

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Whereas, through the exhortation thus addressed by the Crown-Prince Regent to the Cabinet Councils of the United Kingdoms, a suggestion of new negotiations has been made, which ought to be able to lead to such a solution of the Union affairs as may be approved of by both peoples, and whereas the present state of things seems to occasion the Riksdag to give already its opinion on the matter, we move,

that the Riksdag, in an address to His Majesty, may announce its support of the declaration made by the Crown-Prince Regent in Joint Swedish and Norwegian Cabinet Council on April 5th this year with a view to bring about negotiations

between the Swedish and Norwegian Governments concerning,  
a new arrangement of the Union affairs.

Stockholm, April 12, 1905.

*Gustaf Ax. Berg.*      *Gottfrid Billing.*      *Gustaf Björlin.*  
*Hj. Palmstierna.*    *Fredrik Pettersson.*    *Gust. Tamm.*  
*R. Törnebladh.*      *Wilh. Walldén.*

## 14.

### Motion on the Union question in the Second Chamber of the Swedish Riksdag.

The declaration made by the Crown-Prince Regent in Joint Cabinet Council of the 5th inst. and published the day after in the »Post- och Inrikes Tidningar», has given great satisfaction to us and certainly also to other friends of the Union, to whom the relation arisen between the sister countries after the failure of the consular negotiations, has caused a great deal of anxiety. That new negotiations if brought about, will have a decisive influence on the future of the Union, is obvious. The worth of the Union, as well as the prospect of maintaining it for a considerable time to come, depend upon the two peoples voluntary adherence to it in the conviction that the Union involves advantages well worth of those restrictions in each peoples absolute right of self determination as are necessarily conditioned by it. Again, the failure of the negotiations would evidently produce among the two peoples a general and settled opinion that an arrangement satisfactory to both cannot be found within the Union, and such a conviction is sure to undermine its existence.

Because of this, it proves to be of importance for the Riksdag not to pass in silence the suggestion of negotiations given in the above-mentioned declaration, but to second it, if found satisfactory.

It seems to us that the Riksdag should not hesitate to take the latter alternative, since the declaration, while holding in wiew the necessary communion in the management of Foreign affairs and in the two peoples' control of it, at the same time in consideration of its latter portion, has the bearing that it should not preclude the possibility to attain a solution satisfactory to both peoples.

On that account we beg leave to move:

that the Riksdag, in an address to His Majesty, may announce its support of the declaration made by the Crown-Prince Regent in Joint Swedish and Norwegian Cabinet Council on April 5th this year with a view to bring about negotiations between the Swedish and Norwegian Governments concerning a new arrangement of the Union affairs.

Stockholm, April 12, 1905.

*Carl Persson.*      *Hans Andersson.*      *Sixten von Friesen.*  
*Ernst Lindblad.*    *D. Persson i Tällberg.*    *K. H. Gez. von Schéele.*  
*T. Zetterstrand.*

## The Norwegian Governments' report of April 17th 1905.

His Excellency Michelsen, Prime Minister, and Chief of the Justice-Department, has in all humility made the following statement:

In making this matter the subject of a humble report the Department desires to state: As is well known the Norwegian people have made a unanimous demand for the establishment of a separate Norwegian Consular service and have with equal unanimity asserted that the decision of this matter, as lying outside the community established between the countries through the Act of Union, should be reserved to the Norwegian constitutional authorities. For the treatment of this matter the Norwegian Storting has appointed a special Committee and in the immediate future, this committee will prepare a motion that, in the present sitting of the Storting, a bill be to passed with regard to the establishment of a separate Consular service.

Inasmuch as the scheme propounded in Joint Cabinet Council should be based on the supposition that the further advancement of the Consular question should, for the present, be deferred Norway's approval of such a supposition would, in the opinion of the Department be equivalent to giving up of the Norwegian people's unanimous desire to now see a just right carried through which is due to Norway in her capacity of a Sovereign realm and is secured in her Constitution, and for a reform requested with cumulative force by the development and the conditions of industry, instead of entering into negotiations between the countries, which, after renewed experience, may unfortunately be apprehended to prove fruitless or at best, to delay the realisation of the matter.

For there is no denying the fact that the scheme for negotiations now propounded is nothing new, but that similar schemes in the earlier history of the Union have repeatedly been tried in vain. The three Committees affecting the Union and made up of Norwegian and Swedish men, that in the past century, after previous treatment in 1844, in 1867, and in 1898 propounded schemes for new regulations concerning the mutual relations of the countries did not lead to any positive result. The report of the first Committee was in 1847 subject to a treatment on the part of the Norwegian Government, but was afterwards not favoured by the Swedish Government; the report of the second Committee, which did not give expression to Norway's equality in the Union was rejected by the vast majority of the Storting in 1871 and in the third Committee no proposal of a future arrangement could obtain plurality among the Norwegian and the Swedish members.

With regard to the last-mentioned Committee we beg leave to draw particular attention to the fact, that all the Swedish members of the Committee certainly agreed upon founding the Union on the principle of parity and equality, inasmuch as they proposed that the Foreign affairs should be entrusted to the charge of a joint Foreign minister of Norwegian or Swedish nationality. But at the same time the two fractions wherein the Swedish members of the Committee were divided, proposed such an arrangement of the constitutional responsibility not only for those members of the separate Cabinet Councils of the countries, who at the side of the Foreign Minister take part in the treatment of diplomatic affairs, but also for the Foreign Minister himself, so that no member of the Norwegian Committee could in this respect support any of the Swedish schemes. In addition to the establishment of a joint Foreign Minister office, all the Swedish members recommended an extension of the constitutional community between the countries which no member of the

Norwegian Committee could second and lastly, the scheme for a separate Foreign Office for each country which already was the expression of the opinion prevailing among the Norwegian people, could not gain any support from the Swedish side.

In this connection it should also be remembered that equally fruitless proved the negotiations about the arrangement of the ministerial Cabinet Council, carried on between the two Governments in 1885-86 and in 1890-91.

If thus the results of the above-mentioned efforts have been but little encouraging, this can, in a still higher degree, be said to have been the case with the negotiations just now terminated concerning questions connected with the establishment of a separate Consular service for each country. After these negotiations, brought about on Swedens initiative, had led to a preliminary agreement presupposing a separate Consular service for each country, subject to the home authority which each country decided for itself, and after this agreement had been approved of by the King and the Governments of the two countries in Joint Cabinet Council on December 21, 1903, the matter, as is well known, fell through owing to the so called bills of the same wording that were meant to regulate the relations between the separate Consular services on the one hand, and the Foreign Minister and the legations on the other hand. This negative result was attributed to the circumstance that from the Swedish side a number of demands were finally made and adhered to, which are partly considered as incongruous with the Constitution of Norway and with our rights as a Sovereign realm, partly would exclude what had been presupposed in the preliminary agreements viz. that the Consuls of each country should be subject to that home authority which each country decided for itself. Through this, a deep disappointment has arisen in Norway which, if strengthened by new unsuccessful schemes, will imply the greatest danger to the good relations between the two peoples which in a far higher degree than agreements laid down in treaties or juridical forms are the basis of the concord and the strength of both peoples.

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Under these circumstances the Department finds it necessary to dissuade from entering into new negotiations on the Union affairs ere a separate Norwegian Consular service has been established. Not until this has been done, will the confidence return which is the condition of any friendly and successful consideration of embarrassing and delicate Union affairs, and the Department will then be able to recommend the opening of negotiations for arranging the management of Foreign affairs and of the diplomacy and about the present Union based on the Act of Union, and questions connected with this matter. But, if so, these negotiations must be carried on an entirely free basis with full recognition of the Sovereignty of each country without any reservation or restriction whatever and consequently also — in conformity with what occurred in 1898 — embrace the arrangement proposed by the Norwegian side as to the establishment of a separate Norwegian and a separate Swedish Foreign Office administration in such forms as each country will consider necessary for its objects and interests. In harmony with this it should, besides, be agreed upon that, if also new negotiations should prove fruitless one must not return to *status quo* so as to adhere to the present untenable state of Union affairs. There should be a binding presumption that the present state of things must not prevent either country from exercising its right of self-determination, but that instead each country can freely decide upon the future forms of its national existence. For not a coercive union but only the mutual confidence and feeling of solidarity of the free and independent nations can safeguard the future and the happiness of both peoples and the independence and integrity of their countries.

With reference to the above-mentioned statement endorsed in substance by the other members of the Cabinet Council, it is recommended in all humility:



that a copy of the present humble report made in Joint Cabinet Council on April 5th this year, concerning new negotiations affecting the Union may graciously be ordered to be delivered over to the Swedish Justice-Department.

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## 16.

### Record of Justice-Departement affair held at Stockholm Palace on Tuesday the 25th of April, 1905 before His Royal Highness the Crown-Prince Regent in Joint Swedish and Norwegian Cabinet Council.

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Mr Berger, Cabinet Minister and Chief of the Swedish Justice-Department gave, in all humility, a notice of the Norwegian Government's humble report in consequence of the question raised in Joint Cabinet Council on the 5th inst. vith regard to opening new negotiations concerning the arrangement of the Union question; this report is appended to this Protocol.

After the chief of Department had given an account of the contents of the report, His Excellency Ramstedt, Prime Minister made the following statement:

»What in the Norwegian Governments report has been said about the reason why the latest negotiations, regarding the Union did not lead to any result, does not, in my opinion, now require a reply, but in this respect, I only refer to the Swedish Cabinet Council's declaration of January 30, 1905, appended to the Protocol made in Joint Cabinet Council on the 6th of February last.

In the declaration made by your Royal Highness on the 5th inst. and put on record, the Swedish Cabinet Council expected to find a method of settling the differences of opinion as to the Union affairs. Therefore the Swedish Cabinet Council gave its support to your Royal Highness's declaration.

The condition of the new negotiations, however, was, according to the same declaration, that the negotiations should embrace all matters affecting the Union and consequently also the Consular question.

Whereas now from the Norwegian side the thought of further negotiations is rejected, ere a separate Norwegian Consular service has been established and whereas besides, for eventual new negotiations, such a condition is made from the Norwegian side as incompatible with the Union and the Act of Union, it is obvious that negotiations on the basis indicated by your Royal Highness cannot now be opened with any chance of success».

This statement was endorsed by the other members of the Swedish Cabinet Council.

The Norwegian part of the Cabinet Council stated:

»The section of the Cabinet Council refers to the report of the Norwegian Government from which it appears that on the Norwegian side there is willingness to bring about negotiations between the countries on the conditions put forward in the report. It is also obvious from the report that from the Norwegian side the intention is not to try to dissolve the present Union. On the other hand, one finds it necessary to demand that such a dissolution should be within the bounds of possibility and that negotiations

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presupposing this eventuality with the consent of the Constitution authorities of both countries, should be compatible with the Act of Union.

Under these circumstances, however, the section of the Cabinet Council that negotiations concerning the Union affairs cannot, agree for the present, opened with any chance of success.»

His Royal Highness the Crown-Prince Regent was hereupon pleased he to declare:

»Whereas the Norwegian Government has unfortunately been unwilling to accept my proposition of new negotiations concerning all the affairs affecting the Union, I must, while sincerely regretting it, let the matter abide by the declarations made by the Cabinet Councils.»

## 17.

### The Riksdags address to the King on the Union question, on May 15, 1905.

TO HIS MAJESTY THE KING.

In both Chambers of the Riksdag resolutions have been submitted with the object of expressing, in an address, to your Majesty the Riksdag's support of the declaration published in the »Post- och Inrikes Tidningar» and made by the Crown-Prince Regent in Joint Swedish and Norwegian Cabinet Council on the 5th of April last.

This declaration is to the following effect:

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The Riksdag realizes to the full the importance of this declaration of the Crown-Prince Regent, as involving a possibility of bringing about a new satisfactory arrangement of the Union affairs.

It is therefore with an expression of regret that the Riksdag has learned from the publishment of the Protocol drawn up in Joint Swedish and Norwegian Cabinet Council on the 25th of April last, that negotiations founded on the basis indicated in the above-mentioned declaration of the Crown-Prince Regent cannot now be opened with any chance of success.

Although thus the question of such negotiations seems to have been dropped for the present, the Riksdag, however, considers itself bound to express its opinion on a question of such a far-reaching importance as the present one, and consequently the Riksdag has resolved to announce herewith its support of the declaration made by the Crown-Prince Regent in Joint Swedish and Norwegian Cabinet Council on April 5th this year, and recommending the opening of negotiations between the Swedish and Norwegian Governments concerning a new arrangement of the Union affairs.

Stockholm, May 13, 1905.

With all loyal veneration.

## The resignation of the Norwegian Government. Dated Christiania, May 26, 1905.

TO HIS MAJESTY THE KING.

In case Your Majesty should find yourself unable to acquiesce in the Norwegian Government's recommendation to sanction the Storthing's resolution for the establishment of a separate Norwegian Consular service, we venture, in all humility, to apply for permission to immediately resign our posts as members of Your Majesty's Cabinet, since none of us well be able to countersign a resolution considered by us as noxious to the country. A rejection of this unanimous recommendation of the Government concerning a Norwegian law unanimously adopted by the Storthing and issued by the whole Norwegian people to be carried through cannot, in our opinion, be grounded on regards paid to the interests of Norway, but would involve an abnegation of the Sovereignty of the country, and would be a manifestation of a personal Royal power in opposition to the Constitution and to constitutional practice.

Christiania, May 26, 1905.

## Report of the Cabinet Council held in Stockholm May 30th 1905, given by the Norwegian Section of the Council.

To the President of the Norwegian Government.

The Section of the Cabinet Council herewith presents the following report.

In the Cabinet Council held by the King at the Royal Palace in Stockholm on May 27th the Norwegian Government presented their proposal respecting the sanction of the Storthing to the Norwegian Consular law. After which the members of the Section expressed their unanimity respecting the proposals, and urgently appealed to the King to sanction them. They emphasized the reform in question for the development of the country in a national and economical respect, which was unanimously approved of both by the National Assembly and also the whole of the people of Norway. There might be many differences of opinion and divergencies on various public affairs, but in this case, there was complete unanimity among all parties and communities. The Storthing, in conjunction with the government, had omitted from the law such questions as might have reference to the points that touched upon the Foreign and Diplomatic administration and dealt with the Consular question alone.

Therefore it was thought that all cause of opposition would, on this side, be removed. It was therefore the nation's sincere hope, that His Majesty would graciously incline to their appeal.

The King

thereupon read the following reply.

»The Crown-Prince as Regent in a joint Cabinet Council on the 5th April has

already pointed out the only way, in which this important matter can be presented, and all difficulties thereby be removed, that is, by negotiation. I give this decision my entire approval, and do not find the present moment suitable for sanctioning the law, which implies a change in the existing partnership in the Consular Service, which cannot be dissolved except by mutual agreement. The present regulation is established in consequence of a resolution in a Joint Cabinet Council, and therefore a separate Consular Service cannot be established either for Sweden or for Norway before the matter has been dealt with in the same Constitutional forms prescribed by the Act of Union § 5. In refusing now to give My sanction to this law, I am supported by §§ 30 and 78 in the Constitutional law, which give the King this right. The equal love I bear to my two peoples, makes it my duty to exercise this right.»

The Section of the Cabinet Council resolved first to institute further negotiations in the Cabinet Council in Christiania, in order that His Majesty might deal with this important matter, which might lead to a serious crisis in the government then in office.

#### The King

declared Himself unwilling to assent to this appeal and pointed out that the Norwegian government's proposal was received and dealt with.

Thereupon the Section of the Cabinet Council made the strongest representations in reference to His Majesty's decision, which would rouse complaints in Norway, where they had hoped that the persistent and loyal efforts to solve the problem through negotiations with Sweden, would have led to happy results in reference to the rights and claims of the Kingdom. In this case Norway's interests in the Union were equal with those of Sweden. For that Norway's rights were respected, was a necessary condition for a safe guarantee of the Union. A resolution after His Majesty's decision against the unanimous proposal of the government, and after a declaration which was given with Norwegian advice, would have incalculable results. It was in conflict without Constitutional law, it was denial of the right according to fundamental law of independent decision on the matter, and a violation of its liberty, independence, and Sovereignty. It would inevitably lead to the dissolution of the Union.

The Section of the Cabinet Council further stated that no member of the present Council would countersign such a resolution, and thus give it constitutional legality. They must therefore tender their letters of resignation.

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#### His Majesty the King

then read the following reply:

»As it is evident to Me that a new government cannot now be formed I cannot consent to he resignation of the Ministers.»

Furthermore His Majesty referred to the Constitution § 30, and affirmed that the Ministers had now dutifully »expressed their opinions with boldness«, and »made strong representations« against His decision; therefore they were free from responsibility. But the same paragraph reserved to the King the right to make his decisions, »according to His own judgment.« He was therefore entitled, according to fundamental law, to make the above mentioned decision, and it was the duty of the Ministers to draw up and countersign the protocol respecting the negotiations and agreements on the matter.

The Section of Ministers hereupon alleged that according to the Constitutional law § 15 the Prime Minister was the responsible executive for the accepted resolutions. Until the decision had been countersigned, it was not obligatory; a report could, naturally, be given of the negotiations, but not the customary protocol, including also a Royal decree.

Countersignature implied responsibility for the King's decisions, but in this case the government could not take that responsibility. It was prescribed in the Constitution § 31 for all commands issued by the King (except affairs relating to military orders). But this conclusion was not a regular rule for the members of the Cabinet; it was a prescription for the forms to be observed in order to give a command legal validity. Occasions might therefore occur when it was not only right, but also a duty to refuse countersignature. The Section of the Cabinet Council had appealed to the Justice-Departement for enlightenment on the subject, and they knew that there had been several occasions when the Norwegian side had maintained the same opinions as those now presented.

The Departement now comes to the same conclusion as in 1847 when it discussed the question in another agreement namely in a Resolution on the intended proposal for a new Act of Union; in this there is a reference to the Norwegian conception that there is nothing to prevent a member of the Council from refusing countersignature and resigning his office. This Resolution is accepted by the Government then in office: Lovenskiold, Krog, Sibbern, Schmidt, Pettersen, Herm. Foss and Fr. Stang and by the members then forming the Section of the Cabinet Council, Due, J. H. Vogt and Fleischer.

The Section of the Cabinet Council finally decided that as a refusal to sanction would manifestly not be only injurious to the Kingdom, but also a denial of its Self-dependence, it had become a necessity to refuse countersignature, in order to avoid being a party in the matter. The Norwegian who did countersign would from that moment lose all national rights.

After which the letters of resignation from the Norwegian Government, and from the Section of the Cabinet Council were delivered and read in the presence of the King. Respecting this matter, the customary protocol has been drawn up.

Kristiania 30:th May 1905.

*J. Lovland. E. Hagerup Bull. Harald Bothner.*

## 20.

### The King's telegraphic protest against the declarations of the Norwegian Government. Dated Stockholm, May 29, 1905.

Stockholm, May 29. On account of what the Norwegian Government has declared — not only in writing in their resignations, but also verbally in the Cabinet Council of May 27 after my rejection of the Consular service law — I must declare that I, most decidedly, protest against the comments made there on Me and my method of action. I adhere to everything I have stated to the assembled Cabinet Council as to my constitutional right. I beg the Premie minister to give publicity to this as soon as possible.

*Oscar.*

## 21.

# The Norwegian Cabinet Minister's notification to the King that they resigned their posts. Dated Christiania, Juni 6, 1905.

In response to our humble resignations, Your Majesty has in Cabinet Council at the Palace of Stockholm on May 27th, decreed: »As it is clear to me that no other Cabinet can at present be formed, I decline to accept the resignations tendered by the Cabinet Ministers.»

According to Norway's Constitution it is incumbent on the King to procure a constitutional Government for the country. In the same moment as the Kings policy is an obstacle to the formation of a responsible Council the Norwegian Royal power has become in-operative.

By your Majesty's resolution therefore, the constitutional relation between Your Majesty and the responsible Ministers of the Crown has assumed such an aspect as cannot be maintained. No Government and none of its members individually can, in a constitutional country, be forced against their wishes to remain in office with a Ministers responsibility, when their responsible advice in great questions decisive to the Fatherland is not followed by the King who, in persuace of the constitution, is exempt from responsibility whereas under these circumstances it is the undoubted right of each member individually as a free man to resign his post, this will also, as a rule, be a duty towards the Fatherland in order to maintain its constitutional rights.

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Your Majesty has declared that no Government can, at present, be formed. Your Majesty has found this so clear that Norway's King in these fatal days has remained at the Palace of Stockholm without making an attempt at bringing the country back to constitutional conditions.

The policy manifested in Your Majesty's attitude towards the question of sanctioning the Consular service law is, in our opinion, incompatible with the Norwegian Constitution. But no more than a new Government is able to take upon itself the responsibility of this policy, no more are we able in office to render us participant of it by remaining in office. It is therefore our duty to resign our posts and to immediately give the Storting the necessary communication of it.

This shall now be done. Deep and discordant political divergencies have thus burst the frame of the constitutional Norwegian Monarchy. Circumstances have been stranger than the desire of the individual. But the final settlement on the dissolution of the Union, that through Your Majesty's resolution — no doubt passed with a heavy heart, but also with full knowledge of its consequences — has now been started, will however, — this is our hope — turn out before long to have been the introduction to better and happier days for the two peoples, whose happiness and welfare have always been dear to Your Majesty's heart.

In conclusion we venture to tender Your Majesty our humblest thanks for the personal kindness and amiability shown to us during the time we have had the honour of being members of Your Majesty's Council.

We beg Your Majesty to accept the assurance of our full recognition of Your Majesty's difficult position and of our invaried esteem. But paramount are our duties towards the Fatherland.

Christiania, June 6, 1905.

*Chr. Michelsen. J. Lövland. Sofus Arctander. Gunnar Knudsen.*  
*W. Olssön. E. Hagerup Bull. Chr. Knudsen. Harald Bothner.*  
*A. Vinje. Kr. Lehmkuhl.*

## The King's telegraphic protests against the abdication of the Norwegian Government.

*To the Prime Minister.*

I have received the communication of the Cabinet Ministers and I record a most decided protest against the method of action of the Government.

*Oscar.*

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*To the President of Storting.*

[Pg 99] Having this morning received from the Government the communication of the Cabinet Minister's resolution to resign their posts and to inform the Storting of it I want herewith to make known that, in a telegram to M. Michelsen, Prime minister, I have recorded a most decided protest against their method of action.

*Oscar.*

## The Reasons for the decision proposed by the President, in the Storting, on the 7th June 1905.

Having on behalf of the Storting received open information from the head of the Government that the several members of the Cabinet council have one and all resigned hereby declare: We were all prepared for the situation in which we now find ourselves. In meetings of the representatives, the question has therefore been discussed as to what measures would be taken by the Storting to meet the necessities of such a situation. Every representative has had an opportunity for making known his personal opinions at these meetings respecting the situation and its demands. On this day the Storting must make known its decisive resolutions. I must also permit myself to express the wish, that these resolutions may be unanimously accepted, and without debate.

In respect to the communication given by the head of the Government I propose that the Storting shall make the following resolutions:

The different members of the Council having resigned office,

His Majesty the King having declared Himself unable to form a new government, and the Constitutional Sovereign having resigned his powers,

the Storting authorizes the members of the Council who resigned this day, to assume until further notice, as the Norwegian government, the authority granted the King in accordance with the Constitution of the Norwegian Kingdom and its valid law — with the changes that become necessary through the fact that the Union with Sweden under one King is dissolved as a consequence of the King having ceased to act as King of Norway.

## The address of the Storthing to King Oscar, dated Christiania, June 7, 1905.

Your Majesty,

Whereas all the members of the Cabinet have to-day, in the Storthing, resigned their posts, and whereas Your Majesty in the Protocol of May 27 officially declared that Your Majesty did not see your way clear to create a new Government for the country, the Constitutional Regal power in Norway has thereby become inoperative.

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It has therefore been the duty of the Storthing, as the representative of the Norwegian people, without delay to empower the members of the resigning Cabinet to exercise until further notice as the Norwegian Government the power appertaining to the King in accordance with the Constitution of the Kingdom of Norway and the existing laws with the changes which are necessitated by the fact that the union with Sweden, which provides that there shall be a common King, is dissolved in consequence of the fact that the King has ceased to act as King of Norway.

The course of developments, which proved more powerful than the desire and will of the individual, has led to this result.

The union entered into in 1814 has from its first hour been differently interpreted by the two nations both as regards its spirit and letter. Efforts have been made on the Swedish side to extend the Union, and on the Norwegian side to confine it within the limits laid down in the Act of Union, and otherwise to assert the independent power of both States in all matters which are not defined in that Act as coming under the Union. The difference of principle in the interpretation of the character of the Union has provoked much misunderstanding between the two peoples, and has caused much friction. In the interpretation which, during the last negotiations between the two countries, has been laid down by the Swedish Government as against Norway, the Norwegian people were bound to perceive an injury to their constitutional right, their independence, and their national honour.

The Union was justified as long as it could contribute to promoting the welfare and happiness of both peoples, while maintaining their independence as Sovereign States. But above the Union their stands for us Norwegians our Norwegian Fatherland, and for the Swedes their Swedish Fatherland. And more valuable than a political union are the feelings of solidarity and voluntary cohesion of both peoples. The union has become a danger to this feeling of solidarity between the Norwegian and Swedish people which should secure the happiness of both nations and constitute their strength abroad.

When the union is now severed, the Norwegian people have no loftier wish than to live in peace and good harmony with all, not least with the people of Sweden and the dynasty under the direction of which our country, despite many and bitter disputes affecting the union, has attained such important intellectual and material development.

As evidence of the fact that the work and the struggle of the Norwegian people for the full independence of the Fatherland have not been formed on any ill-feeling towards the Royal House or the Swedish people, and have not left behind any bitterness towards any of these, the Storthing respectfully solicits your Majesty's co-operation to the end that a Prince of your Majesty's house may be permitted, while relinquishing his right of succession to the Throne of Sweden, to accept election as King of Norway.



The day upon which the Norwegian people elect their own King to ascend the ancient throne of Norway will open up an era of tranquil conditions of industry for Norway, of good and cordial relations to the Swedish people, and of peace and concord and loyal co-operation in the north for the protection of the civilization of the people and of their freedom and independence.

In full assurance of this, the Storthing ventures to express the sincere hope, that the present events, will turn out to be for the good of all, also for their Majesties, for whom personally the Norwegian people will preserve their respect and affection.

## 25.

### The King's telegraphic protest against the resolution of the Storthing. Despatched June 8th 1905.

As We hereby declare that We do not approve of the revolutionary measures which have been deplorably taken by the Storthing in violation of the Constitution and Act of Union, and in revolt against their King, We refuse to receive the deputation proposed by the Storthing.

*Oscar.*

## 26.

### Extract of the protocol of Civil business held in Council before His Majesty in the presence of His Royal Highness The Crown Prince at the Royal Palace Stocholm June 9th 1905.

-----  
His Excellency Mr. Ramstedt, Prime Minister, stated:

»According to information received from Norway the Norwegian Storthing has, on the 7th inst. passed the following resolutions:

'The members of the Cabinet having resigned their office and the King having declared himself unable to form a new government; and the Constitutional Sovereign thereby having resigned His powers, the Storthing authorises the members of the Council who resigned this day, to assume until further notice, as the Norwegian Government, the authority granted to the King according to the Constitution of the Norwegian Kingdom and its valid law — with the changes that become necessary through the fact that the Union with Sweden under one King is dissolved, in consequence of the King having ceased to Act as King of Norway.'

Through this revolutionary measure, the Storthing has not only without the King's assistance, but also without referring to Sweden arbitrarily passed a resolution respecting the dissolution of a Union which has existed on the

grounds of legal mutual agreements between the two countries and cannot without mutual consent be broken.

The Storthing, having thus by this resolution, violated Sweden's prerogative it becomes undeniably necessary that an extra session of the Diet be immediately summoned in order to debate as to what measures should be taken on Sweden's side, with reference to what has thus occurred. Herewith I appeal that Your Majesty will resolve on the summoning of the Diet, at the same time Your Majesty intimates disacknowledgement of the government, proclaimed by the Storthing».

In this address the rest of the members proclaimed themselves unanimous;

And His Majesty the King consented to this, and in accordance with the Prime Minister's recommendation was graciously pleased to decree, by open letter and edict, the import of which are contained in the appendage to this protocol, that the members of both Chambers of the Diet be summoned to an extra session in Stockholm on Tuesday June 20th.

## 27.

### Address from the King to the President of the Storthing.

To the President of the Storthing!

To you, and through you to the Storthing and the entire population of Norway, I address the following words, in answer to the address and decision both of the Norwegian Cabinet and the Storthing:

The oath that the King of Norway takes according to the Constitution § 9 on his accession to the throne, »that he will rule the Kingdom of Norway in accordance with its constitution and law», makes it a kingly duty for Me not to pay any attention to the statement of the Norwegian Cabinet in reference to my decree on May 27th ult., in which I declared, that, for the present, I did not find it suitable to sanction the Storthing's proposal respecting the establishment of a separate Norwegian Consular Service. The Cabinet thereby declared that this decree, being in conflict with the unanimous recommendation of the Norwegian Cabinet would imply a depreciation of a right in accordance with the Norwegian fundamental law, independently to settle the matter in question, and also implied a violation of Norway's freedom, independence and Sovereignty, and at the same time the Cabinet declared that no member of the Ministry then sitting would be willing to countersign My Decree, and thereby, according to the opinion of the Cabinet, give it legislative validity.

The Norwegian King's prerogative, when he thinks the welfare of the kingdom demands it, to refuse His sanction to a proposal presented in due form by the Storthing is unconditional. From this rule, there is no exception even though the Storthing were to present the same resolution ever so many times in precisely the same terms. Meanwhile according to the fundamental law (Constitution § 79) the decision of the Storthing becomes the law of Norway without the sanction of the King, but in order to accomplish this, are required unaltered resolutions from three Storthings drawn up after three consecutive elections, which resolution must be laid before the King, »with an appeal, that His Majesty will not refuse to sanction the resolution, which the Storthing after

the most careful considerations, believes to be advantageous. In the case now in hand, there was no question of any such resolution from the Storthing, and therefore the regulation in the fundamental law § 78: could be suitably applied: »If the King sanctions the resolution, He signs it with His superscription, on which it becomes the law. If He does not sanction it, He returns it to the Odelsting (Lower House) with the declaration that for the present He finds it unsuitable to sanction.» And the paragraph continues: »The resolution may not again on that occasion be laid before the King by the members of the Storthing then assembled.» By this last mentioned prescription the Constitution has evidently meant to protect the Norwegian King's liberty in the exercise of the legislative powers which are his indisputable right.

My resolve, not to sanction a law providing for a separate Norwegian Consular Service, can consequently not be considered to imply any transgression whatever of the legislative power, which according to the fundamental law is the King's right, not even, if the matter in question happened to be an affair which concerned Norway alone. But on the grounds of the valid Union agreement between Norway and Sweden, it was not only My right, but also My duty as King of Norway to refuse My sanction, for the dissolution of the existing identical Consular Office could only be effected through Norway's consent to free and friendly negotiations concerning agreements for altering the Union on the basis of full equality between the United Kingdoms, to which not only the *Powers Royal*, but also the Diet of Sweden had unanimously themselves agreed. That such a respect to the demands of the existing Union should imply an attack on Norway's independence and sovereignty, is so much the more unfounded, as the fundamental law explicitly connects Norway's independence with its Union with Sweden. Norway's King must ever hold in sight the 1:st paragraph of its Constitution:

»The Kingdom of Norway is a free, self-dependant, integral and independent Kingdom, united with Sweden under one King.»

The statement made by the Council that My resolve, not to sanction the Consular law, proposed by the Storthing, would have no legal validity, as none of the members of the Cabinet had found themselves able to countersign the Royal Decree supplies a supposition which I must declare is in conflict with fundamental law. The question of the significance of contrasignature according to Norwegian State law, is not a new question brought up to day, but is older than the present Norwegian Constitution. It was already solved at the Convention of Eidsvold. A proposal was then made that Countersignature was requisite in order that the King's commands should become valid, but was opposed on the grounds that it was against the general principles of the Constitution for the division of supreme power. The same standpoint was taken in the fundamental law of the 4th November. This opinion was also expressed by the Constitutional Committee without contradiction on two occasions, 1824 and 1839, when the Storthing had even opposed a proposal concerning another matter. The change, which § 32 in the Constitution has since undergone, gives increased support to the opinion that the Prime Minister's Countersignature is intended for nothing else than a witness that the King has made a Decree of certain import.

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And that § 31 is unconditional in its prescription of the duty of the authorised countersignature of the Prime Minister is a conception that is acceded to by those writers on State law who have framed the Constitution. When the Cabinet quoted an opinion of the Norwegian government in 1847 when the proposal for a new Act of Union was under consideration, the Cabinet has overlooked, firstly, that this opinion, in a manner that applies to Swedish government regulations § 38, was intended only to refer to orders issued but not the Decree of the King included in the protocol, secondly that the Norwegian Government could not prove that the Norwegian Constitution really provided any law respecting the right to refuse countersignature. The

Constitution on the contrary emphatically prescribes in § 30: »But to the King it is reserved the right to form his decision according to His own judgment«, and in § 31: »All Commands issued by the King himself (Military Orders excepted) shall be countersigned by the Prime Minister (before 1873 the Norwegian Prime Minister).

That under these circumstances I feel Myself entitled to demand respect for a Decree formed by the King of Norway in a Constitutional manner, is a matter for which no one can blame me. The powers which the Constitution grants the King, in order to further the good of the country to the best of his convictions, are not greater than that they ought to be preserved to the supreme power, so that no constitutional practices in conflict with the principles of the fundamental law are introduced, which, according to the explicit prescriptions in § 112 may not be done, even by an alteration of the fundamental law.

One of the chief principles of the Constitution — the most important of all, in point of fact — is that Norway shall be a Constitutional Monarchy. It is incompatible with this, that the King should sink to be a helpless tool in the hands of His Ministers. If, meanwhile, the members of the Council should have the power, by refusing countersignature, to hinder every future Royal Decree, the Norwegian King would be deprived of participating in the government. This position would be as lowering to the Monarch as injurious to Norway herself.

To the circumstances that can thus be adduced against the validity, according to fundamental law, of the Prime Minister's refusal of Countersignature, and against the efficacy of the dogma that the King's Decree in order to be valid, must bear the responsibility of some member of the Cabinet, can be added, in questions touching the Union situation, two more reasons, which have their foundation in the fact that the King of Norway is also King of the Union.

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However opinions may have varied, respecting the conception of the unity which the Union agreements have created for the binding together of the two Kingdoms, one fact remains clear, that Royal power is also an institution of the Union. This position of the King's as being not only King of Norway or of Sweden, but also as Monarch of the United Kingdoms, makes it the King's duty, not to form decisions in conflict with the Act of Union § 5, respecting the settlement of matters in one country, which would also affect the other. The King's duty in the aforesaid respect is incompatible with the opinion that the one Kingdom, by the refusal of Countersignature by its Prime Minister or otherwise, could undo a Royal Decree, by which he refused to make a resolution prejudicial to the other Kingdom or injurious to the Union. In Norway, when they endeavoured to adhere to an opposite opinion, when the Norwegian people claimed the right to force the King to form his decision in conflict with what he considers his right as King of the Union to concede, there was no other way of attaining this object than making the Union, and also the King of Sweden, in his actions, totally dependent on the will of the Norwegian people, its Storting and its Cabinet.

A Sovereign power of this kind I must characterize as being in strife with the Union between the Kingdoms as confirmed by the Act of Union

It has been My constant endeavour to give Norway that position within the Union to which it has a just claim. My Royal duty has forced Me, even in conflict with general opinion in Norway, to try to maintain the legal principles of the Union.

My coronation oath and the good of the United Kingdoms prompted My Decree concerning the settlement of the Consular question, but in this I have been met, not only by the Norwegian Cabinet's refusal of Countersignature, but also the resignation of its members. When I declared, »As it is clear to Me, that no other government can now be formed therefore I cannot consent to the

resignation of the Cabinet», the Cabinet answered by the threat that the Norwegian who assented to My Decree would in the same moment lose all national rights. I was therefore placed in such a situation that I must either break the oaths I took under the Act of Union, or expose Myself to being without Ministers. I had no choice. After having in conflict with the fundamental law, tried to undo the King's lawfully made resolution, the Council, by resigning their office at the Storthing, have left the King without advisers. The Storthing has approved of this breaking of the law, and by a Revolutionary proceeding declared that the lawful King of Norway has ceased to reign, and hat the Union between the Kingdoms is dissolved.

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It now becomes the bounden duty of Sweden and Myself as King of the Union to decide whether Norway's attack on the existing Union shall lead to the legal dissolution of the same.

May the opinions of our contemporaries and also those of posterity judge between Me and the People of Norway!

## 28.

### The Norwegian Storthings documentary address to the King. Dated Christiania June 19th 1905.

To the King's Most Excellent Majesty!

Norway's Storthing appeals, in all humility, to Your Majesty and through the Your Majesty to the Diet and the People of Sweden to be allowed to express the following:

That which has now happened in Norway is the necessary results of the late events in Union politics, and cannot be undone. And as it is certain that the nation does not wish to return to the old conditions of the Union, the Storthing considers it impossible to resume negotiations on the different constitutional and state-law questions, which in Your Majesty's address to the President of the Storthing are referred to, in connection with the settled decisions, and on which the Storthing and Government have previously fully expressed themselves. The Storthing fully understands the difficult position of Your Majesty, and has not for a moment doubted that Your Majesty's decree is made with the full conviction that Your Majesty has considered it to be the right and duty of Your Majesty.

But it is the desire of the Storthing to address an appeal to Your Majesty, to the Swedish Diet and Nation, to assist in a peaceful arrangement for the dissolution of the Union, in order to secure relations of friendship and cooperation between the two peoples of the Peninsula. From statements made in Sweden, the Storthing finds that the resolution the Storthing considered it its duty towards the fatherland to adopt, by declaring the Union between the United Kingdoms to be dissolved, has, in its form and the manner of carrying it out, been looked upon as an insult to Sweden. This has never been our intention. What has now happened and must happen in Norway, was simply done in order to maintain Norway's constitutional rights. The nation of Norway never intended an insult to the honour of Sweden.

Your Majesty having on the 27th May declared it impossible to sanction the unanimous decision of the Storthing to establish a separate Norwegian Consulate, and as no Norwegian Government could be formed by Your

Majesty, the constitutional situation became out of joint, so dislocated that the Union could no longer be upheld. The Norwegian Storting therefore found the position untenable and was forced to get a new government for the country. Every other resource was excluded, so much the more so as the Swedish government of Majesty had already in April 23:rd emphatically refused fresh negotiations, he alternative of which was the dissolution of the Union, if new regulations for the continuance of the Union could not be arranged.

The Storting has already, before hand, stated that the Norwegian people do not entertain any feelings of bitterness or ill-will towards Your Majesty and the people of Sweden. Expressions to the contrary which may possibly on different occasions have been heard, have alone been caused on the grounds of the displeasure of Norway at her position in the Union. When the cause of this bitterness and ill-will on account of the dissolution of the Union has been removed, its effects will also disappear. A ninety years' cooperation in material and spiritual culture has inspired in the Norwegian people a sincere feeling of friendship and sympathy for the Swedish people. The consequences will be, that when Norway no longer stands in a position so insulting to its national sense of independence, a friendship will be established that will serve to confirm and increase the mutual understanding between the two peoples.

With the confidence that the Swedish people will also share these opinions, the Storting appeals to the authorities of State in Sweden, in acknowledging the new situation in Norway, and its rights as a Sovereign State, to consent to the negotiations which are necessary for the final agreements in connection with the now dissolved Union. The Storting is ready, on its part, to accede to any fair and reasonable wish, that, in this respect, may contribute to the guarantee of self dependence and integrity of the two Kingdoms.

In a legislative sense the two peoples are hereafter separated. But the Storting has a certain conviction that happy and confidential relations will arise to the benefit of the interests of both. If the above statement can find support, without prejudice and without bitterness, the Storting is firmly convinced that what has now happened will be to the lasting happiness of Europe. On behalf of the welfare of the countries of the North, the Storting addresses this appeal to the people who, by their magnanimity and chivalry, have won such a prominent place in the ranks of Nations.

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