

First Codicil and Supplement

to the Frontier Treaty between the Kingdoms of Norway and Sweden concerning the Lapps (done on 21st September/2nd October 1751)

In order that the customary transfrontier movements of the Lapps and the payments therefor and the jurisdiction over the foreign Lapps during the mentioned transfrontier movement period hereafter shall give no cause for dispute and misunderstanding, and so that one may know clearly who will be known hereafter as Norwegian or Swedish Lapps, as well as how one shall reciprocally associate with them in all matters, the Commissioners mentioned in the above Frontier Treaty and signatories here have agreed on certain hereto related items as follows:

Article 1. The new Norwegian Lapp tax, which since the year 1742 and during the time of this Frontier Commission has been levied, at certain places in the county of Nordland, on Lapps under Swedish ecclesiastical and civil jurisdiction, and the thereby introduced summer-land rents and conveyances to the mentioned Lapps for a yearly tax, shall, as conflicting with some of the below-mentioned agreed clauses and contributing to new incorrectnesses in the Lapp Administration, be abolished and cease, whereas such measures as are noted in various places hereunder shall be implemented.

Article 2. No Lapp shall hereafter own tax-land or leaseholds in more than one country, in order that all occasion for community of subjects and land be avoided.

Article 3. As the mountain ridge has been determined as the frontier as from Børgesfjell to Bonnæs fjell, in the beginning of the county of Nordland, and between the bailiff (Norwegian = fogd, at the time of the codicil: tax collector, prosecuting authority and head of police) district of Helgeland on the Norwegian side and the Lapp lands of Andermanland and Uma on the Swedish side, thereby causing the loss on both sides of the old tax-land and the subjects which have hitherto lived in the area stretching across the mountain ridge, it is agreed, with effect as from now,

that the Lapps with their families who are at present owning tax-land on the Swedish side of the frontier shall be considered as Swedish subjects and owe allegiance to the same side, irrespective of from which side they have previously leased the same tax-lands and to which side they have paid tax thereof; as the Lapps with their families which at present possess old leaseholds on the Norwegian side of the frontier at the same places likewise shall belong to Norway.

Article 4. If any Lapp is found at present to have an old Norwegian or Swedish summer tax-land, which is a land for which tax has been paid to Norway or Sweden prior to 1742, he shall be free to choose the side of which he wants to be the subject hereafter, all as far as he does not own winter tax-land on either side.

If he owns winter tax-land on either side, Swedish or Norwegian, then he belongs to the side on which territory he owns such winter tax-land.

Article 5. If on the stretch between Bonnesfjell and Halde, where the frontier of Kautokeino starts, that is on the Norwegian side: all of Salten, Senja and part of Troms bailiff districts of the county of Nordland, and on the Swedish side all of Pita and Lulla and a part of Torne Lapp lands, any Lapp is found to own such summer tax-land on the Norwegian side of the frontier for which tax has been paid to Norway before 1742 but at the same time to own winter tax-land on the Swedish side of the frontier, then he shall be free to choose whether he wants to be a Norwegian or Swedish subject hereafter, keeping for all future the tax-land he owns on the same side of the frontier, but losing the tax-land he has owned on the other side of the frontier.

Article 6. To ensure that it be known who are Norwegian or Swedish subjects, the free choice of the Lapps mentioned in Articles 4 and 5 above shall be made during the setting of the frontier cairns, in the presence of the officials appointed to stake the frontier, as soon as possible, without any impediment, allurements, or inducements, serving of liquor and presenting of gifts, promise of easier taxation, or any other cajolery which

private landowners on either side could attempt, so that they may have an entirely free and unrestrained choice.

Article 7. The Lapps thus being found, when this Convention has been implemented, to have both summer and winter tax-land, or one or the other: those having either summer or winter tax-land on the Swedish side of the frontier, shall, with their family, that is children or those who are in the place of children, such as foster children and relatives being part of one and the same food community, as well as servants and cotters, be considered to be Swedish subjects. The same is also to be understood concerning the Lapps with families who have old leaseholds on the Norwegian side of the frontier. By this one shall hereafter be able to determine of which side he is the subject, and no Lapp may have tax-land or leaseholds on both sides or in other ways acquire it except as provided in this Convention.

Article 8. If any Lapp marries a Norwegian Lapp wife, who has her own tax-land in Norway or has more reindeer than he has, he is free to become a Norwegian Lapp without any impediment or taxation of his property. He shall then report to the Swedish bailiff and prove these circumstances, whereupon the bailiff shall grant him a written permission for transference and note the same in the tax register and delete him from the Swedish tax record. The same shall apply to a Norwegian Lapp in identical cases. Under other circumstances the wife shall follow the husband.

Article 9. If a Lapp wants to leave his country and become the subject of another state, the same procedure shall apply to him as to other Norwegian and Swedish subjects in identical cases: he shall pay 6th and 10th money of all his property to the side which he wants to leave and bring with him to the side to which he wants to move proof that he has paid his duty and obtained permission to leave.

Article 10. As the Lapps might need the land of both states, they shall, according to old practice, each autumn and spring be allowed to move with their flocks of reindeer across the frontier into the other state.

They shall hereafter as before, in the same way as the subjects of the state, except at such places as described below, be allowed to use land and shore for the subsistence of their animals and themselves and they shall be received in a friendly manner and be protected and helped to adapt, even in times of war, which shall not make any difference in the Lapp Administration whatsoever. And least of all should the foreign Lapps be exposed to the looting or any sort of the coercion and violence occurring at times of war, but always be considered and administered as subjects of the side where they are staying as foreigners.

Article 11. No Lapp who needs to move with his animals across the frontier must in times of war commit any act of hostility; if he is found to do so, he shall not be treated according to wartime practice, but be punished as if his crime had been committed in peaceful times.

Article 12. Where there are protected hunting grounds for seal and bird nesting cliffs on the Norwegian side for which certain subjects are paying annual taxes, it shall be prohibited for the Swedish Lapps, under such punishment as is provided by Norwegian law for Norwegian subjects, to hunt or in any other way cause damage. In all other places they shall be entitled to such hunting and all other hunting and fishing in the same way as Norwegian subjects; and the Norwegian Lapps shall also have the same freedom on the Lapp lands on the Swedish side.

Article 13. Swedish Lapps who wish to move with their animals across the frontier, but without having access to the sea or the fiords and there do any fishing or seal-hunting, shall pay a rent for each twentieth animal in their train, large and small of both sexes, except for calves born the same spring, which shall nor be counted: one Danish shilling or one Swedish styver in copper coins and nothing more. If they fish or use the hunting grounds for seal in the sea or the fiords on the Norwegian side, they shall pay for each twentieth animal the double of what is determined above, that is 2 Danish shillings or 2 Swedish styvers in copper coins, all while not counting the spring calves of the same year. Nothing more must be taken from the Swedish Lapps, no matter under what name or

appearance, neither must they be charged to do any personal work or service.

Article 14. Norwegian Lapps who in the autumn are moving with their animals across the frontier to the Swedish side shall pay a rent for each twentieth animal in their train, large and small of both sexes, including spring calves of the same year, two Danish shillings or two Swedish styvers in copper coins, as these Lapps will remain there for the main part of the year and the spring calves at that time need the same subsistence as the other animals. Should they also want to use the fisheries and hunting grounds in the Lapp lands, they shall pay twice as much, that is 4 Danish shilling or 4 styver in copper coins. Nothing more must be taken from the Norwegian Lapps no matter under what name or appearance, neither must they be charged to do any personal service or work.

Article 15. For each district where there are Lapps moving across the frontier there shall be appointed a lensman for the Lapps (a lensman was a local official representing the bailiff) and two jurors (sworn laymen selected to judge cases concerning real estate and "life and honour" cases jointly with the professional judge[s]) who shall not pay anything for their transfrontier movement.

Article 16. The Lapp lensman and the jurors shall reciprocally see to it that the Lapps moving across the frontier have sufficient subsistence for their animals, but provided, however, that the Lapps who are paying taxes for the land shall not themselves be superseded by the foreign Lapps and suffer distress. For this purpose the Lapp lensmen and the jurors should be well acquainted with the nature of the tax-lands at the side of these Lapps and also know the number of animals owned by the Lapps paying tax for the land so that the foreign Lapps, if necessary and on request, may be allotted suitable areas. The foreign Lapps on both sides shall take strict care during their transfrontier movement travels not to cause any damage, neither winter nor summer, to the proper inhabitants of the country or to forests, fields or grasslands, cloudberry bogs or anything

else, subject to punishment under the law, and any damage shall be compensated immediately according to assessment by impartial men.

Article 17. Before any Lapp, Norwegian or Swedish, moves across the frontier with his animals, he shall declare to his own Lapp lensman and jurors the number of animals in his train, that is the number of his own animals as well as of the animals belonging to his children, servants and cotters, and present the rent to the mentioned lensman against documentation for the declaration as well as for the payment of the rent. He shall also at the same time declare whether he will be using the fisheries and the hunting grounds, whereupon the rent shall be computed and payed and noted on the declaration and the documentation. With this mentioned documentation he may subsequently cross and return without impediment and further questioning.

Article 18. Before the Lapp lensmen with their Lapps cross the frontier, they shall render to the Lapp lensmen of the other side a specified inventory of the tax-Lapps and the animals of their districts that will cross the frontier that year. At the same time the rent shall be presented to the mentioned foreign Lapp lensmen against documentation of the inventory and payment concerned. For want of Lapp lensmen who can receive the mentioned documentation and payment from the foreign side, he or they who are entitled to the rent shall appoint a representative who shall be staying at the most suitable place possible, that is in the Lapp parish situated the closest to the frontier on the Swedish side and on the Norwegian side by one of the closest lakes and on the main-land.

Article 19. If so requested, the Lapps shall be obliged once every year but not more often, to produce before the Lapp lensman of the territory to which the rent is belonging, or to whoever the owner of the rent appoints in writing, all the animals which are in their train and let them be counted as proof of the correctness of their declaration. If they refuse to do so or if they treat the person mentioned badly in word or deed, then a Swedish Lapp shall, just for his refractoriness, be fined the first time 12 dalers of silver coins, and a Norwegian Lapp 4 Danish

rigsdalers, half of it to the so injured persons and the other half to the Crown. For each time such a crime is committed the punishment shall be doubled; if the Lapp uses violence against the persons concerned further than can be considered as simple refractoriness, he shall in addition be punished therefore according to the law.

Article 20. If any Lapp, Norwegian or Swedish, is found fraudulently to have declared the number of his animals in such a way that he has 20 animals more and above compared with what has been declared, he shall pay for each twentieth animal of the whole herd two times the amount prescribed above. If he is found to have committed such falsity a second time, he shall pay twice as much as the first time and so on, so that the punishment shall be doubled each time, all in equal parts to the informant and the owner of the rent. For want of an informant, the owner of the rent keeps all.

Article 21. If the Lapp lensmen or the jurors are found to have colluded with the Lapps in their false declarations, or if they have falsified their own inventory and kept some of the rent that they have collected, they shall pay three times as much as the person in question has been or could have been swindled for, one half to the informant and the other half to he or they to whom the rent belongs. The second time they shall be removed from their office and be treated as thieves.

Article 22. Disputes occurring between Lapps from the same side, concerning either their transfrontier movements and the place where they intend to stay during the time of their transfrontier movement, or being about missing reindeer, fighting, small debts that do not exceed 12 dalers of silver coins or 4 Danish rigsdalers, all divisions of the estates of deceased persons or other minor matters concerning the Lapp Administration in particular and the customs of the Lapps, can, if reconciliation cannot be obtained, be decided immediately by the same side's Lapp lensman and his two jurors, and if the person concerned does not want to appeal to the district court, be executed at the same place, irrespective of the territory on which the fact has occurred or where the

case was instituted. If, however, such cases occur between parties of separate nations or between a Norwegian and a Swedish Lapp, it is due to the plaintiff's lensman and jurors to judge immediately, irrespective of jus territorii, and to execute the judgment, if it is not being appealed against, but so that two jurors from the side of the defendant shall join the bench and that the Lapp lensman of the defendant, as his defense counsel, shall have the right to be present in court if requested, all without payment to the officials concerned in both cases. If one of the parties is dissatisfied with the doings of this Lapp court, and wants to take the matter further, appeal shall be made to the district or municipal court on whose territory the fact has occurred or, in the case of a distribution of the estate of a deceased person, where the deceased belonged in his lifetime.

Article 23. All other cases between Lapps, whether from one and the same nation or from separate nations, fall under the ordinary district and municipal courts, and are there to be instituted, judged, and if they are not brought before higher courts, executed, all in the territory where the act has taken place, with the only difference, which is mentioned in the preceding article, that when one of the parties is a foreign subject, or the act has been committed on a foreign subject or property, two jurors from the foreign side, being in all respects of the same reputation and having the same rights and authority as the other jurors, shall join the court, and the foreign Lapp lensman shall be entitled to be present in court as defence counsel and attorney for the person from the same side. If the two foreign jurors do not appear, although it is demonstrated that they have been legally called to sit on the court, two other reasonable and honest Lapps from the same side may be appointed. Can such persons not be found, there will be no change in the ordinary court. The judgment shall be pronounced on the spot and the deed shall be given to the person present from the other side, either the Lapp lensman or the two jurors, in the presence of witnesses or against their receipt, written without payment, so that one may know on the other side how the law is carried out. If a judge commits an offence against any circumstances described in this

convention, he shall have forfeited his office.

Article 24. When legally summoned, persons from the foreign side, both parties and witnesses, are obliged to appear before this combined court and account for the case or deliver their testimonies. If the defendant does not appear, or if he does not present and prove to the court at the same time as he has been summoned to appear, his unavoidable absence and impediment, and nevertheless proof exists that he has been legally summoned, the case shall be proceeded with as if he were really present, and tried and executed according to the claim or the writ and the evidence presented. If, at the next time court is being held, the defendant can prove his lawful absence, both that he himself was unable to appear and that he could not make this known to the court on the day he was called to present himself, the case must be heard and tried anew. If the witnesses fail to appear when the first court is being held, the case shall be adjourned until the next court if the case can not be clarified without them, and the witness shall be fined one Danish rigsdaler or 3 dalers of silver coins to the Crown he is the subject of for the non-appearance.

Article 25. No execution or distraint, unless according to the Lapp Court decision mentioned in Article 22, may be levied on the estate of any foreign Lapp, except according to a written judgment and against proof of the payment, delivered on the spot to the Lapp on whose estate the execution or distraint is being made. Offence against this provision is punishable as an act of violence.

Article 26. If any Lapp fleeing a capital punishment crosses the frontier of the state in which the punishable act has been committed, he shall be treated as any other Norwegian or Swedish subjects in an equal case.

Article 27. All Lapp cases shall be reviewed and described on flat paper without revenue stamps when a foreign Lapp has an interest in the case.

Article 28. The inhabitants of Utziocki, who now, following the agreement about the frontier, have become subjects under Swedish

ecclesiastical and civil jurisdiction, must in all matters related to trade, including both the products of the country and goods being brought into the country, be treated in the same way as the Norwegian royal subjects in the area and benefit equally with them by the Royal Letter of Trade Privilege, both as existing and as given in the future, and other arrangements established to further trade, so that they shall be paid according to the Royal Letter of Trade Privilege for what they deliver to the Norwegian merchants and so that they shall be given what they want to purchase at the price of the Royal Letter of Trade Privilege, but the Trading Company shall nevertheless not be obliged to grant to these Swedish subjects the credit that they in certain circumstances are to give to the Norwegian subjects according to the Royal Letter of Trade Privilege.

Article 29. All royal officials concerned on both sides, especially the provincial commissioners, should keenly supervise how the foreign Lapps are being treated and faithfully see to it that they have what is due to them and for them to enjoy according to this Convention. When they are travelling to visit the country in their official capacity, they should in good time notify these foreign Lapps of the time and place they are to be found in the vicinity, in order that the Lapps, if they have complaints, may personally present themselves to them and submit their petition.

Article 30. Finally it is declared that these previously stipulated transfrontier movements, with the arrangements dependant thereupon, shall in no way be understood to mean that the Kingdoms, Norway or Sweden, thereby are given any jurisdiction or rights of any kind across the frontier of the other Kingdom, but that it is nothing more than an acceptance and reciprocal compliance which can not easily be avoided if the Lapps on either side shall be sustained and kept in good shape and order politically. Consequently, the frontier line decided and determined in the Frontier Treaty shall remain in full force as concerns the Lapps and their districts as otherwise applying to the other Norwegian and Swedish subjects and their districts, so that neither the passing of time nor the negligence, collusions and actions of the officers and subjects concerned or any

prescriptive right or usage across the same frontier (no matter how old it becomes or the form or nature it takes) can or may make any change in it. So each state shall hereafter on its side of the mentioned frontier be entitled to exercise and carry on all Regalia and Jura Majestatis in spiritual as well as temporal matters.

This Codicil or Supplement to the Frontier Treaty shall as concerns all items be of the same force as the above mentioned Frontier Treaty itself, exactly as it is therein noted word for word. For further certitude it has been made in two copies which have been signed by His Royal Majesty's Commissionaries Authorised by His Royal Majesty and confirmed by their general signets, executed in Strømstad anno Domini one thousand seven hundred and fifty one, the 21st September/2nd October.