

THE NORWEGIAN GOVERNMENT AND THE EARLY NORWEGIAN EMIGRATION

The Norse-American Centennial celebration in Minnesota this June calls the attention of the American people to the beginnings of the nineteenth-century emigration from Norway to the United States. A party of fifty-two Norsemen who had learned something about America purchased a sloop of less than fifty tons, set sail on a summer's day in 1825 from the harbor of Stavanger on the southwestern coast of Norway, and after being tossed about on the sea for fourteen long weeks reached New York, the gateway of the Promised Land — the vanguard of a host of more than seven hundred thousand emigrants from the western half of the Scandinavian peninsula. Most of these pioneer emigrants settled near Rochester, New York, where they successfully coped with the problems of newcomers unacquainted with the language and the customs of the new country. In the early thirties, under the leadership of Cleng Peerson, many of them went west to Illinois, and the Fox River settlement in that state became the nucleus from which, in the following years, Norwegian settlement radiated throughout the upper Mississippi Valley. The movement was given very considerable impetus in the thirties by the arrival of new groups from Norway, the founding of new settlements, and the beginnings of a vast, though unorganized, advertising movement which was destined to carry the story of the United States to the most remote and isolated corners of the northern kingdom.

As the emigration grew in volume and in importance Norwegian officials were compelled to take it under serious consideration, and the government was at first uncertain how to proceed, for the problem was a novel one. Should it attempt by means of legislation to regulate the emigration or should it keep its hands off? In the years from 1843 to 1845 a cautious at-

tempt was made to place a general regulatory law on the statutes. It failed, but it produced a careful investigation of the entire subject, the documentary records of which throw a flood of light upon the Norwegian emigration movement from its beginnings in the twenties down to the early forties. An analysis of this government project is presented in the following pages not only as a study in the backgrounds of a special population movement which has been an important factor in the history of the upper Mississippi Valley, but also as a slight contribution to knowledge of the problems which the vast emigration of the earlier nineteenth century occasioned generally in Europe.¹ It must be remembered that the unprecedented exodus of population from the Old World in the nineteenth century created a set of novel and difficult questions for European economists and statesmen. It is distinctly worth while, in dealing with the history of American immigration, to examine its European backgrounds and to appreciate the point of view of the European governments toward the matter. After all, no thor-

¹ Four years ago, in an article on "Cleng Peerson and Norwegian Immigration" published in the *Mississippi Valley Historical Review*, 7: 303-331 (March, 1921), the writer called attention to an official document of much importance for the study of the early emigration from Norway to the United States. This document, the printed record of the Norwegian governmental investigation in the years 1843-45 which eventuated in a proposed regulatory emigration law, is found under the title "Angaaende Udvandring til Fremmede Verdensdele," in *Kongeriget Norges Ellefte Ordentlige Storthings Forhandling i Aaret 1845*, vol. 1, part 6, p. 1-60. The present article, which is a chapter in a forthcoming book on the history of Norwegian immigration, is based primarily on the material in that document. Use has also been made of *Storthings-Efterretninger 1836-1854, Udgivne efter Offentlige Foranstalning*, 2: 762-764 (Christiania, 1893), and of *Kongeriget Norges Ellefte Ordentlige Storthings Forhandling i Aaret 1845*, 8: 87-95, in which the action of the Norwegian Odelsting on the proposed law is recorded. Not a few interesting supplementary details not included in these published documents are to be found in a series of emigration papers in the Norwegian archives. Selections from these papers form a part of the articles by Mr. Gunnar J. Malmin in *Decorah-Posten* (Decorah, Iowa) for December 19 and 26, 1924, and January 2 and 9, 1925, published in a valuable series bearing the general title "Norsk Landnam i U. S."

oughgoing understanding of the entire subject of these modern folk wanderings is possible unless they are viewed as a whole. The immigrant was also the emigrant. To attempt to interpret the immigrant without explaining the emigrant is obviously to invite superficiality of treatment.

In 1843 the Norwegian-Swedish consul at Havre reported to the finance department of the Norwegian government that during the preceding year 841 emigrants from Norway had arrived in Havre on their way to America. No less than two hundred of these people were in "dire need," and twenty-eight had to be sent back to Norway. The consul believed that rules were needed in the interests of the emigrants themselves and suggested that steps should be taken to make sure that each emigrant had sufficient money to meet the necessary expenses of the trip — certainly not less than fifty specie dollars (thirty-eight American dollars). The finance department took up the matter with the sheriff of Bratsberg *amt*, who suggested that a commission should be appointed in that district to study the situation. In his opinion the signs pointed to a continuing emigration which had not yet "reached its high point," and there was a good chance that the movement would spread; something effective, therefore, should be done at once. That he had some conception of the significance of the emigration is shown by his statement that it "is so remarkable a phenomenon that its explanation is to be found not only in the national character but also in defects in the economic and social conditions" of the country. He therefore suggested that legislation might improve the situation which brought about the emigration and called special attention to the importance of the land question, pointing out that the emigrants were chiefly from the poorest districts.

The finance department took the view that the causes of the movement were economic and could not be removed by legislation. The department apparently accepted fully the implications of the *laissez-faire* theory, for it held that "if laws are passed you hinder the free development of business." Never-

theless, the protection of creditors was considered imperative, no less than the protection of the emigrants themselves. The department, therefore, although it specifically said that the "government does not want to hinder the emigration or to make it more difficult," proposed the following: (1) "That in the limits of Bratsberg *amt* a commission be appointed which shall be empowered to draw up a proposed law embodying what should be done in respect of emigration to foreign countries, both with a view to protecting the emigrant on the journey and to protecting the public and private interests affected by the emigration; and that the commission be authorized to correspond directly with the various authorities in order to secure from them the needed information and explanations. (2) That as members of this commission the following be named: F. C. Borchsenius, procurator and sheriff in Bratsberg *amt*; J. Gasmann, vice consul and broker in Porsgrund; and Dr. F. C. Faye of Skien." These recommendations were approved by the government on November 8, 1843, and on November 11 the commission was appointed by the king.

In a preliminary report dated December 27, 1843, this commission stated that two "troubles" have arisen in connection with the emigration. People in debt "have run away without satisfying their creditors," and on at least two ships typhus has developed. The commission advised the issuance of an executive order, to be effective as a temporary measure before the emigration in the spring of 1844. In the meantime a full investigation would be made. The commissioners stated that they had already familiarized themselves with the American immigration law of March 2, 1819. They believed that nothing should be done to hinder emigration. The movement may be rooted in some serious "condition of the state's organism" or in evil social conditions. Or it may be based — and the commission was inclined to believe that this was the case — upon the "hope of an easier livelihood in the new world." In any event, it is "impolitic and not right to

put legal hindrances in the way of emigration," for it "will not serve the state to force people to stay" in their own country. Apropos of conditions on board ships, the commission reported that on one emigrant ship thirty persons died during the voyage and that on another five died and three times that number were ill. As soon as the latter ship reached America the sick emigrants were taken to a hospital. Attention was called to a letter from an emigrant in which "people who are in tolerable circumstances" are advised not to come to America. Special attention was also given to the situation reported by the consul at Havre.²

The Norwegian government decided not to issue a provisional order embodying the preliminary recommendations of the commission. In a report of January 7, 1844, which was approved by the king on February 7, the government took the view that the condition was not sufficiently serious to warrant a provisional order. The entire subject matter of the proposed regulations was novel and it was unwise to deal with it in haste. The government therefore called for a new investigation to be reported by October, 1844, in time for action by the Storting of 1845, so that a law might be put in effect before the spring emigration of 1845.

The commission therefore continued its investigation and on December 15, 1844, submitted a final report to the king. The main portion of this report consists of a proposed emigration law, but this is preceded by an interesting and important consideration of the emigration movement and its causes. Emigrations from Norway, the commission points out, have for a long period been practically unknown. "Only in very recent times have they appeared, almost like a contagious disease, and with few exceptions it is to the North American Free States and especially to the uncultivated regions of the interior of that country that the Norwegian common people

² The commission included in this report a draft of rules which it proposed should be embodied in the provisional order. These rules are similar to a later proposed law which is analyzed *post*, p. 126-134.

have turned their eyes, wishing to win a better livelihood there than they believed they could find in their native land." Emigration in any considerable volume is an occurrence of "the very last few years." The earlier emigration from Stavanger, which led to the later movement is mentioned; but, the commission reports, "First in the year 1836 the migrations began to be more frequent, especially in Stavanger *amt*, until in 1843 in several parts of the kingdom, especially in North Bergenhus, Buskerud, and Bratsberg *amts*, they seem to have reached their high points, since they have been falling off largely during the past year." The commission states that it has made a study of reports from ministers and bailiffs, from surveyors of the customs, and from chiefs of police, those from the latter being the most dependable and complete.

According to the reports from ministers and bailiffs, the total emigration has amounted to 1,565 individuals — 597 men, 476 women, and 492 children. Reports from surveyors of the customs — supplemented by statements from skippers — give a total of 1,599. These totals are "much too small," however, for the police chiefs, basing their reports upon records of passports issued, give a total of 3,940 — 1,451 men, 1,061 women, and 1,428 children. The latter figures are somewhat high, however, for "some travelers may have been included who have not intended to leave the country permanently, and on the other hand some individuals who have requested passports may later have decided to turn back." But the figures are "fairly reliable for approximate figures." The total of about four thousand has been recruited chiefly from the *amts* of North Bergenhus, Buskerud, and Bratsberg, the sources being as follows, respectively: (a) from Nordhorlehn, 504; Sondhordlehn, 156; total, 660; (b) Numedal and Sandsværd, 432; Buskerud *fogderies*, 129; Drammen, 741; total, 1,302; and (c) Upper Telemarken, 1,054; Lower Telemarken and Bamble, 682; Skien and Porsgrund, 102; total, 1,838; grand total, for the three districts, 3,800. The commission also calls attention to the fact that those listed

from the towns of Drammen, Skien, and Porsgrund have come, with few exceptions, from the neighboring land districts of Buskerud and Bratsberg *amts*. Essentially, therefore, the emigration has consisted of country people from the three districts named. Less than 140 individuals — according to these reports — were from the “upper regions of the kingdom.”

The figures given above do not include a total of approximately three hundred emigrants who went to America in 1836 and 1837 in the ships “Den Norske Klippe,” “Norden,” “Enigheden,” and “Ægir.” A report to the finance department from Stavanger *amt*, dated April 20, 1837, — and summarized in the 1844 report of the emigration commission, — states that the occasion for this emigration must be sought chiefly in the influence of the emigration from Stavanger in 1825. A statement of much interest, based upon the Stavanger report of 1837, follows :

A few of these [*the emigrants of 1825*] came back after a year's time, and a few were hired as seamen, but the greater part of them settled in the interior of the country as farmers. A couple of these returned in 1835 for a visit to their relatives, and they reported that it was much better to live in America, that it was possible to live well in that country without much exertion and labor, that wages were higher, that it was not necessary there to eat oat bread and other such simple foods, but that everyone could have wheat bread, rice pudding, meat, and the like, in abundance. Such a Canaan — so it was reported — naturally would be welcome to many who in these regions have a wretched enough existence.

Many also had connections in America from the first emigration from whom they received reports that all was going well there and encouragement to emigrate to that country. It is especially pointed out in this report that some of the first emigrants professed the beliefs of the Quaker sect, and that this is understood to have been at least a contributory motive for them to move to a land where complete religious freedom prevails. On the contrary it is not believed that political or social conditions here have had any direct influence upon the decision of the later emigrants from Stavanger *amt* in 1836

and 1837, but that these were motivated by the glowing reports that came from the first emigrants about the economic conditions that were offered in a land where they "believed that they could easily find land which they expected they could secure almost for nothing, and that they could as farmers find a better livelihood in the future," — and those who were skilled workers were confident that they could make a success with the accomplishments which they had won for themselves, and it is accordingly reported that there was not the slightest ground for believing that dissatisfaction in political matters caused the later emigrants to leave the country, "with the exception of the few who adhered to the Quaker sect."³

After discussing the Stavanger report of 1837 the commission turns to the question of intolerance toward the Quakers and expresses regret "that the principle of religious freedom for all Christian religious sects was not more clearly expressed in paragraph 2 of the constitution or carried through in private legislation." It calls attention to the unfortunate treatment accorded the Quaker sect and cites one specific case. "Meanwhile it must, however, be admitted without question," the report continues, "that even though the first sprouts of the migrations must be sought to a certain extent in imperfections in the law, which have produced dissatisfaction among certain individuals, their growth in recent times is the result of other causes, especially of the common need, affecting the great majority of the emigrants, of seeking a less difficult existence in a new country."

The commission is not prepared to say that the emigration has been brought about "by any absolute lack in the conditions in our native land, either in institutions or in the physical character of the land." It considers it a very reasonable development "that the countries of the Old World by their very progress should in the long run become overpopulated and that the surplus should seek escape to the newly discovered and unsettled parts of the world where one can secure the possession of fertile tracts of land for practically nothing." If, in addi-

³ Blegen, in the *Mississippi Valley Historical Review*, 7: 316-318.

tion to this, "a more healthful climate and richer soil are available there than in the mother country it is undeniable that in this fact alone there lies so great an attraction that neither surprise nor anxiety should be awakened if such emigrations develop." The commission believes that "it is not the political institutions of our country which occasion the desire to leave the country, for they must be considered among the freest in Europe, and the country people — especially in the recent period — seem to have known very well how to exercise their political rights."⁴ The commission does not deny, however, that Norway "in physical respects puts obstacles in the way of the mass of the people in their attempt to win a good livelihood without extreme difficulty and trouble." Nor does it deny "that a certain indolence in respect to industry obtains among the Norwegian people with the result that many of our fellow citizens are willing to risk hazards in the hope of winning more successfully than is possible here at home the fruits of the earth and thus securing the necessaries for the demands of life."

To some extent the emigration might be offset, in the opinion of the commission, "by helpful measures on the part of the government, by the encouragement of business in general and agriculture in particular." But the proposals in these respects necessarily would coincide with "what in general should be done for the good of the country," and this naturally lies outside the scope of the commission's work. But it is pointed out that the study of the emigration "might give a clue as to the defects which are present in social and economic conditions." In this connection attention is called "to the possible connection between the first migrations and intolerance toward the separatists." "Similarly the commission, as a result of the fact that the emigrations have occurred espe-

⁴ The Norwegian *bønder* under able leadership were fighting a political battle with the official class. To the Storting of 1842 the elections returned fifty of the official class and forty-two *bønder*. Knut Gjerset, *History of the Norwegian People*, 2:486 (New York, 1915).

cially from those parts of the kingdom where land properties are greatly subdivided, has come to the conclusion that perhaps through legislation a limit should be set upon further subdivision of the land holdings."

Reports of conditions in America, as contained in the letters of emigrants, are stated to be "very incomplete and contradictory." But "they leave no doubt that the destiny which awaits the emigrants is highly uncertain and that for a large number of them it has been a very unhappy one." The discouraging reports, it is indicated, have come especially in the more recent period from people who left Norway "without sufficient resources." The commission further states that such reports "are largely responsible for the fact that the emigration as a whole must now be considered to be declining." On the basis of the emigrant letters which have been examined by the commission it is granted "that those emigrants who have been good people and who have possessed the necessary means not only to purchase an adequate area of land and to clear and cultivate it but also to live on for the first couple of years until the newly cultivated soil can give the needed products, have been satisfied, and this is particularly true of those who have been fortunate enough to select a settlement where malaria has not attacked them and laid them low; but on the contrary the majority of those without means, who have not had special qualifications in some kind of skilled work, have been the victims of great distress."⁵

The commission then attempts to estimate the financial loss brought about through the emigration. It estimates the number of emigrants in the last decade at 4,500, and the value of their possessions on the average at fifty to sixty specie dollars each. Thus "the emigration has brought about a direct loss in national wealth of 225,000 to 270,000 specie dollars." The loss is not regarded as an unbalanced one, however. For

⁵ The commission states that "the majority of the emigrants from Tinds parish in upper Telemarken" have been "the victims of a high mortality."

example, "account must be taken of the amount which has come back to the country in transportation costs, since the transportation has been chiefly direct to New York by Norwegian ships." Furthermore, it is suggested, the passenger and freight traffic thus stimulated may have "given the opportunity for more profitably using the American market for the disposal of Norwegian iron products." This in turn may be considered a very good thing for the iron industry and its employees. "Similarly this trade may be the beginning of a more active direct connection with that important part of the world, and this may in the far future have a good influence upon our mercantile and naval conditions." Yet another factor must be given consideration, according to the commission. "Among the majority of the emigrants, so far as can be learned," it is stated, "there has been a considerable proportion of the less industrious and in part useless and discontented citizens." Therefore, "it can hardly be assumed that the emigration has especially weakened the resources of the nation." The commissioners go further and say: "There may even be some question as to whether it has caused any loss at all to society, especially since it is noted, among other things, how the emigration has served to level out certain conditions, for example, to remove the excess population in certain mountain districts, to reduce the disproportionately high costs of land, — as a result of which several broken-up holdings have been brought together again, — and so forth."

The commissioners then raise the question as to whether a law is needed or not. The emigration appears to them to be in process of decline, as "few are getting ready to go." But the reasons for this decline are probably temporary, and it is uncertain "whether the emigration will not spread like an epidemic." Two good years have stimulated Norwegian agriculture and the fishing industry, but on the whole there are great uncertainties in Norwegian agriculture, and if emigration should set in, many people with slender means would certainly go to America. Unfavorable conditions in the

United States, furthermore, have caused many to defer their departure, but better reports are apt to be received before long and the emigration may then develop rapidly. Some officials in the city of Bergen, according to the commissioners, have questioned the advisability of passing the proposed law and have offered three specific criticisms: (1) it would be possible to elude the law by taking indirect routes to America; (2) in enforcing the law it would be difficult to distinguish emigrants from travelers; and (3) people might regard the restrictions embodied in the law as a prohibition of emigration. The commissioners, however, regard the "danger of eluding the law slight as compared with the dangers to society in giving the emigrants an absolutely free hand." Incidentally, the emigrants themselves must not be neglected simply because they have chosen to leave the country. It is pointed out, in this connection, that they are usually ignorant of sanitary questions. Thereupon, in the report, follow the provisions of the proposed emigration law. On March 10, 1845, the finance department recommended to the king that the measure be put before the Storting for action, and on the same date the king submitted the draft to the national legislature.

Perhaps the best evidence of the government attitude toward the emigration is afforded in the provisions of this bill of 1845. The fact that it was rejected by the Storting scarcely lessens its interest and importance. Its specific provisions throw light not only upon the problem of emigration as regards the districts which the emigrants left but also upon the conditions of emigration, particularly with reference to ships and passage. It is important, also, to note how the Storting reacted to the proposed law.

The draft contains thirty-eight clauses, the first seventeen of which relate chiefly to the problem of the emigrant in relation to the country and the home community which he is about to leave. First of all, the right of every citizen to emigrate is recognized, but this right is to be conditioned upon

the provisions of this measure in the interests of both the state and the emigrants (clause 1). Certain classes of people are then forbidden to emigrate (clause 2) without having first received due release or discharge from their duties: officials of the state, and others who occupy service relations to the state even though they hold no royal appointment, for example, special trustees, *executores testamenti*; men who are in military service or who have been called out for military or naval service; and those who are in the salaried official service, for example, parish clerks, schoolmasters, bailiffs, constables, and the like. A similar prohibition extends to persons who occupy salaried positions under, or are responsible to, communes and public institutions — for example, cashiers and other officials of banks and savings banks — or who are responsible for, or in custody of, the accounts of such establishments.

Parents are not permitted (clause 3) to take with them children who are fifteen years of age or older if the latter object; and children between the ages of fifteen and eighteen may not emigrate without the permission of their parents; they must, furthermore, be accompanied by responsible relatives or guardians. If both parents are dead (clause 4) the relatives may not take with them the surviving children under fifteen years of age without the permission of the appointed guardian. A husband (clause 5) is not permitted to emigrate with his wife and children under fifteen years of age against the will of the wife. If he is determined to emigrate, notwithstanding her opposition (clause 6), she has the right to demand a division of their joint estate and to obtain for herself, by means of the law, her own share. If such a division be made, she has the right to obtain — apart from the estimated sum — the permanent improvements which would ordinarily come under the rules of primogeniture and also the necessary means of livelihood. A sufficient sum shall be subtracted from the husband's share of the estate — the sum is to be deposited with the "office for the management of the estates of minors" — to assure the support of any children who are left behind until

they are fifteen years of age and to assure, for the public provision for the poor, the guarantees called for in the next clause of the law. When parents emigrate and leave behind them legitimate children or when a mother leaves illegitimate children under fifteen years of age, they (the parents or the mother) shall be required to set up such security as the poor-law administration of the place shall find necessary to avoid having the children become a burden to the public support of the poor (clause 7). A similar duty rests upon the husband with reference to his wife if she is left behind. An emigrant who leaves illegitimate children (clause 8), as well as one who leaves a divorced wife who receives alimony either by law or by agreement, shall be obliged before his departure to set up such security as the poor-law administration decides to be necessary in order that the payments may be made regularly. He may, if he wishes, pay the entire amount of his obligation to the poor-law administration, which will superintend its later distribution. With reference to the payment of funds due to a minor to its parent who has emigrated with the minor in question, the general law concerning the sending of funds of minors to foreign countries shall be observed (clause 9). These proposed regulations constitute an interesting commentary on some of the possible domestic complications brought about by emigration.

The next clause of the proposed law represents an ingenious attempt to safeguard the interests of the creditors of prospective emigrants. It requires the emigrant to make a public announcement of his intention to emigrate, for the benefit of his creditors. This announcement must be made during the six months before his departure and at least twelve weeks before that event. It must be printed in the newspaper of the place where he has last lived, or, if there is none in that town, in that of the nearest town having one. If the prospective emigrant lives in the country the announcement is to be made in the church to which he belongs. The public announcement

is unnecessary, however, in case the emigrant shall satisfy the proper public authorities that he has made arrangements which assure the meeting of all legal demands upon him.

Those liable to military service (clause 11) and who have been enlisted for line service or have gone over to the militia or have been enlisted for naval service cannot be discharged from the armed forces to emigrate except with the permission of the king or an authorized deputy. Nor can men liable to military service who have been excused because they hold civil positions or teach school emigrate without such permission. Those who have not been called to fulfill their military duty need not secure special permission to emigrate unless the king in time of war should forbid the emigration of all men liable to military service who are on the rolls of line troops from their twentieth year or who have been enrolled for sea service from their sixteenth year (clause 12). If an emigrant who has enlisted for line service or entered in the militia or who had been excused from service in his capacity as a teacher or civil officer shall return to the kingdom, he shall be required to serve out the remaining time of his service. Nevertheless, he shall not be required to give line service beyond his thirty-second year or militia service beyond his thirty-seventh. Other emigrants who return before the expiration of their military-service age shall be liable not only to enlistment in the regular legal order but also to preference for such enlistment (clause 13).

Only the proper authorities in the place where the emigrant has last resided shall issue a passport to him (clause 14), and they shall see to it that the regulations in the emigration law are met before the passport is issued. Persons who are guardians (clause 15) or who have not yet fulfilled their military service (clause 16) must have certificates from the proper authorities. Furthermore, before the passport is made out, the police officer shall see to it (clause 17) that the emigrant has received an emigration certificate from the pastor of his district.

Most of the remaining twenty-one clauses of the measure relate to emigrant ships and the conditions of the ocean journey. They represent, broadly speaking, a proposed attempt on the part of the state to protect the emigrant himself from the outstanding evils connected with emigration. No ship intended to be used for carrying passengers from any port in Norway directly to lands outside Europe must carry more than one person for each commercial last of the ship's tonnage, the skipper and the crew not included in the estimate (clause 18). Ships which have American bills of admeasurement, however, the passengers of which are without exception bound for the United States, may, upon the skipper's or captain's own risk, carry two persons for each five tons, the skipper and the crew not included.⁶

With reference to the room in the ships (clause 19), the following space shall be allotted to each passenger: (a) in the steerage at least ten square feet if the ship does not pass through the tropics, but twelve if it goes to the tropics and the journey is estimated at fourteen weeks, and fifteen square feet if the journey is to last more than fourteen weeks; and (b) on the orlop deck, thirty square feet for every passenger. The clause specifies that the space thus provided for the passenger must be entirely free from encumbrance, save the passenger's own effects and the bed. On ships carrying passengers to other European countries who are bound for "fremmede Verdensdele," that is, other parts of the world, the space allotted each passenger in the steerage shall be at least six square feet and on the "Naierdæk" at least twelve. The total number of passengers on such ships (clause 20), excluding the skipper and the crew, may be in proportion to two for each commercial last of the ship's tonnage. In assigning space (clause 21), two children under twelve years of age shall be considered as one passenger and children under one year shall be left out

⁶ This was in accord with a provision in the American immigration law of March 2, 1819.

of consideration. This provision, however, shall not apply to ships bound for the United States.

In the next clause (22) provision is made for safeguarding passengers from dangers connected with the overloading of ships with merchandise. It is specified that a ship carrying its full allotment of passengers and also a cargo of merchandise must not be loaded with (a) light goods the stowage room of which is reckoned according to volume, to a greater extent than two-thirds of the full cargo, or (b) with heavy goods which are reckoned according to weight, so that the ship shall be weighed down more than two-thirds of the distance between the water line when the ship is empty and the water line when it is loaded with a full cargo of heavy goods, or (c) with anything harmful to the health of the passengers. If the number of passengers is less than the total permitted, the amount of merchandise carried may be increased proportionately. The passenger deck, cooking facilities, and equipment in general (clause 23) must be dependable and solid. In the matter of sleeping accommodations, each bunk — for one passenger — shall be at least five and one-half feet in length and one and one-half in width, not more than three such bunks shall be placed side by side, and there must be at least eighteen inches between the bunks. If the bunks are built in tiers there must be at least two feet between the tiers; and bunks with three feet of space between tiers must be provided for one-eighth of the total number of passengers on board — to be used, in case of need, for the sick.⁷

No ship of less than forty commercial lasts may be used for the direct transportation of emigrants to foreign parts of the world, cabin passengers and the families of the skipper and captain excepted. If ships of forty to sixty commercial lasts

⁷ The provisions as to sleeping accommodations are interesting as an index to the crowded conditions which ordinarily obtained upon emigrant ships. In this connection see the documents on "The Early Emigrant Ships and Attempted Regulation of Steerage Conditions, 1751-1882," published in Edith Abbott, *Immigration: Select Documents and Case Records*, 6-58 (Chicago, 1924).

carry both freight and passengers (clause 24) they should not be loaded with more than half a cargo measured by volume, or, measured by weight, with goods weighing the ship down to more than half the distance between the water line when the ship is empty and the water line when the ship is fully loaded.

The commander of the ship (clause 25) must furnish the passengers with good water and must supply good, wholesome food to those passengers who have engaged for the passage. Calculations as to supplies must be made with due regard to the number of passengers to be boarded and the length of the voyage, according to the following amounts per week for each individual: (1) twenty-one quarts of water; (2) seven pounds of bread; (3) one pound of butter; (4) three pounds of meat; (5) one and one-half pounds of salt pork; (6) three quarts of barley groats; (7) two quarts of peas; and (8) an ample amount of greens and vegetables if possible. For provisions easily spoiled in hot weather, other nourishing and good foods may be substituted, for example, "food oil" for butter, or rice and beans for barley groats and peas. The provisioning shall be based upon the following time schedule for voyages (clause 26): (1) to North Africa and North America, but not to the west coast of the latter country, twelve weeks; (2) to the West Indies, twelve weeks; (3) to the Gulf of Mexico, Central and South America, but not to the western coast of South America, fourteen weeks; (4) to the west coast of Africa, fourteen weeks; (5) to the Cape of Good Hope or the Falkland Islands, seventeen weeks; (6) to places in the Indian Ocean, twenty weeks; and (7) to places in the Pacific Ocean, twenty-four weeks. The commander of the vessel is also obligated, in case those passengers who furnish their own board do not have enough to last them through the voyage, to supply them with the food they need; and for this service he is to receive adequate compensation. The ship authorities, furthermore, must have an adequate supply of medicines and take every precaution in the interest

of cleanliness and sanitary conditions on board during the journey (clause 27). No spirituous liquors are to be sold on board ship (clause 28).

Before an emigrant ship may sail it must be examined by the police and by other authorized officials appointed to test its seaworthiness, its equipment, its supplies, and its general readiness for emigrant service. No clearance papers shall be issued until after such inspection (clause 29). The skipper must prepare two lists of the passengers, giving the names of the emigrants, totals of adults of both sexes, the number of children under twelve years, and the number of children under one year. One of these is to be forwarded by the police to the central government. Furthermore, before clearance papers are issued the skipper must present to the customs officers a certificate from the police stating that the provisions of the present law have been observed. The skipper is also obligated (clause 30) to deposit with the customs officials a sum of money (not under three hundred specie dollars or more than one thousand, the exact amount to be determined upon the basis of eight dollars for each commercial last) as security for the payment of any fine for violation of the regulations and for the payment of legitimate claims against the ship by passengers. The second list of passengers (clause 31) is to be returned to the skipper when clearance papers are issued and by him is to be presented to the Norwegian-Swedish consul or agent at the port of destination, together with a report on the time of passage, health conditions, and mortality during the voyage. The consul or agent shall send this list at once to the Norwegian government and also forward a report on complaints from passengers, discrepancies between the passenger list and the actual number of arrivals, and similar matters. The consul is to "give all possible aid and advice to the passengers with respect to their further journeys unless the passengers object to such guidance"; and to act as arbiter in disputes among the passengers as well as between the passengers and the skipper. If any

emigrant has been wronged (clause 32) the consul shall help him to secure legal redress and report the case to the Norwegian government. In the case of the death on board ship of an emigrant unaccompanied by relatives, the consul is to take charge of his effects, which are to be disposed of in accordance with the Norwegian inheritance laws (clause 33).

One of the most interesting clauses in the entire proposed law is that by which the officials of the ship are made responsible for keeping the emigrant from becoming a public burden after his arrival in a foreign country. The ship authorities must see to it (clause 34) that the emigrant, if he leave the ship at some port outside Europe, have a sum of at least fifteen specie dollars, or, if he leave the ship at a European port, have not less than forty specie dollars. Children under twelve years of age must have at their command at least half of the indicated sum. Presumably it was intended that no emigrant should be accepted for the passage who could not satisfy the skipper of the ship that he had the minimum amount of money required by this clause. Passengers must not be landed against their will at any other than the place for which they have purchased passage. They are to have forty-eight hours in which to leave the ship at the port of destination (clause 35).

The last three clauses of the measure relate to the public posting of copies of the law and the giving to emigrants of printed leaflets about sanitary regulations on board ship (clause 36), exemptions of certain types of ships from the foregoing rules (clause 37), and penalties for violation of the law. Violations of the law are punishable by a fine of twenty to two hundred specie dollars in addition to the payment of damages.

Whatever may be thought of the practicability of the restrictions embodied in this proposed law, it is clear that it represents an honest effort to protect both the emigrant and the home community from the dangers of unregulated emigration. On the whole the measure was both liberal and

comprehensive. The most novel part of the scheme is embodied in its first clauses. Their weakness lies in the fact that they become entangled in the whole complicated system of Norwegian civil law. But at any rate they represent a courageous attempt to deal with a novel set of domestic problems. It is of special interest to students of American immigration to know that the measure was drafted by a commission of experts who had made a thoroughgoing study of the Norwegian emigration. The provisions of the intended law cover the needs of the situation as they saw it. The measure was introduced by the ministry in the Odelsting, the larger branch of the Storting, and was referred to the committee on trade, the members of which were A. M. Schweigaard and Hans P. Jensen. After a careful examination of the proposition this committee returned the measure to the Odelsting on May 26, 1845. The committee first called attention to the difference between the two main parts of the bill. The first seventeen clauses were designated as regulations to protect the public generally and to prevent impositions by the emigrants upon others, whereas the remaining clauses were intended to afford protection to the emigrants themselves. The finance department originally planned only such supervision as the second part of the measure provided and the committee believed that it would be wise thus to limit the regulation. It further recommended that the law be strictly limited to emigration to lands outside Europe. The real problems of immigration, the committee believed, were concerned with the mass emigration to countries outside Europe. It was this type of emigration which involved special dangers to the health and life of the emigrant and it was entirely proper, therefore, to make this movement the object of special legislation. It was manifestly improper, in the committee's opinion, to produce rules regarding emigration to other European states — for example, to Denmark — out of conditions brought about by the emigration to America. Should a general regulatory law be passed, applying both to the home

situation and to the conditions of the journey, it would be necessary to go into the very foundations of civil law, for example, the marriage laws, and this the committee considered unwise. Only a few points from the detailed criticisms in the report need to be mentioned here. The danger that public officials will give up their offices in order to emigrate is considered slight. Parents are not apt to leave their children behind them when they leave for America. In some cases, perhaps it is the woman who refuses to go with her husband to America who is at fault. A public announcement of the intended emigration would probably be a good thing, for when thousands of people leave, it is inevitable that some of them should be debtors. But an honest man with an established place in the community would find it difficult to keep his plans for emigration secret; and the irresponsible debtor could probably evade the law in any event. The clauses relating to the military service are considered unnecessary.

The second part of the proposed law is compared to the English emigration law of 1842.⁸ The committee points out that emigration conditions in Norway are not unlike those which made legislation necessary in England. Ships have been too heavily loaded; there have been sickness and suffering and in some cases typhus has been reported; and there is danger that ships will not carry adequate supplies of water. The committee believes that the emigration is not a passing phenomenon; it probably will continue to develop, perhaps on a smaller scale, but on a surer foundation. The immigrants in the United States will undoubtedly come to the aid of prospective emigrants and make the emigration even more inviting than before. The upshot of the committee's reasoning is that legislation should be restricted to the protection of the emigrant and it therefore advised the passage of a

⁸ For a brief summary of the English act of 1842 see Stanley C. Johnson, *A History of Emigration from the United Kingdom to North America, 1763-1912*, 112 (London, 1913). Compare also the same author's discussion of the English act of 1835, and his valuable chapter on the transport of emigrants (p. 101-130).

“Law Regarding Passenger Traffic to Foreign Parts of the World,” and drafted a bill in ten sections, based essentially upon clauses 18 to 38 of the law proposed by the commission, but with numerous changes in details. One passage of the committee’s report deserves quotation:

In the opinion of the committee there are two classes of emigrants, the one consisting of people who believe that the Scriptural injunction, “In the sweat of thy brow shalt thou eat thy bread,” applies to only one part of the world and not to another, and who, therefore, listening to exaggerated reports about the Paradise on the other side of the ocean, leave their homes without definite plans, without adequate funds to maintain them through the first period, and without connections in the new home which they seek. The second class consists of persons who do not decide to seek homes in distant America before they have weighed the difficulties and hardships of a settler’s life but who nevertheless accept the prospects for economic well-being open to them, since they can become masters of fruitful lands by doing little more than ask for them.

The committee believed that the first class would diminish, but that the second could be expected to increase.

An interesting debate occurred in the Odelsting on June 5, 1845, after the trade committee had reported out the revised bill.⁹ It was opened by Nicolaysen, who moved that the bill be tabled. Such a law, he said, was unnecessary both from the state’s and from the emigrant’s side. Up to 1845 emigrants had not cost the state treasury more than a paltry forty-five specie dollars. The emigrants, in his opinion, were sufficiently protected by the fact that the emigrant ships were good ships; and the restrictions in the proposed law, he believed, would cause these good ships to withdraw from the trade. This would force the emigrants to go by way of Göteborg or some other Swedish port where no such regulations were in force. Some of the provisions in the law were

⁹ The summary of this debate given in *Storthings-Efterretninger 1836-1854*, 2: 762-764, is based upon contemporary newspaper reports printed in the Christiania papers, *Morgenbladet*, 1845, no. 167, and *Den Constitutionelle*, 1845, no. 157.

made unnecessary, he added, by the American laws, which covered the situation.

An argument for the law was advanced by A. M. Schweigaard, a member of the trade committee and a prominent leader of the *Storthing*.¹⁰ He urged its passage because the American laws contained nothing on the two most crucial points of all: the seagoing quality of the ship and guarantees of an adequate supply of drinking water for the emigrants. To give the passengers sufficient room on the ship was futile if the ship was so heavily loaded that it became necessary in heavy seas to close the portholes and thus shut off the supply of pure air. It was even more important to guarantee the supply of drinking water. Another speaker, Borchsenius, supported Schweigaard's views, and called attention to the losses which local communities sustained through receiving poverty-stricken emigrants back again and being forced to support them. But these losses, he said, represented only one side of the matter; the other was the pitiful condition of the emigrants themselves. That the conditions on board ships were often very bad he brought out by reading passages from letters of emigrants telling about the ocean voyage.

An interesting turn to the discussion was given by a speaker bearing the aristocratic Norwegian name of Falsen. He spoke chiefly about the background of the movement, and his analysis of its causes is of special interest as revealing the point of view of an upper-class official. He looked upon the emigration as a disheartening spectacle and bewailed the fact that the country's inhabitants, who were famed for their love of country, should now — after thirty years under a free constitution, which had yielded excellent fruits — desert their country and flock to the New World. The inhabitants of the country, he said, were too often without training in the virtues of industry and orderly conduct. They were allowed to roam from place to place, to dabble in trade, and to peddle goods. When a man with such a background was placed in charge

¹⁰ For an interesting characterization of Schweigaard, see Gjerset, *History of the Norwegian People*, 2: 486-489.

of a farm he was not "steady" enough to use it wisely, and poverty was apt to fall to his lot. The speaker indicated that the changes in financial conditions caused by the war from 1807 to 1814 had considerably influenced the situation. People were extravagant in flush times. When conditions became stabilized, their extravagant desires remained, but it was no longer easy to get money. Without considering the needs of the future, they tilled the soil unwisely, with the result that they got poorer crops each year. They borrowed money, fell into the clutches of money lenders, and lost their credit. Property was broken up, small patches of land were sold, and the money thus gained was squandered. An added cause of general misery was the great use of intoxicating liquors. The result of it all, according to Falsen, was emigration to America. In his opinion, high taxes, large salaries paid to officials, and the conduct of public officials had no effect upon the emigration. Probably it would be a long time before the general condition of the common people would improve and meanwhile the emigration was bound to continue. The speaker declared himself in favor of the emigration law. "If these emigrating citizens turn their backs on the fatherland," he said, "the country should not turn its back on them, but should protect their lives and their happiness as far as possible."

One speaker suggested that the Norwegian-Swedish chargé d'affaires in America should be required to submit a true, official report on American conditions as a means of counteracting the false reports that were prevalent.¹¹ Before a vote was taken a number of other speakers voiced their opposition to the proposed law. Nicolaysen's motion to table the measure was then carried and the matter was therefore dropped.

Thus came to an end the Norwegian attempt to regulate emigration in the forties. It is obvious that the Storting did

¹¹ An account of the Norwegian settlements in the West in 1847, by Consul General Adam Lövenskjöld, who visited the settlements in the summer of that year and drew up a report to the government, was published at Bergen in 1848. An English translation of this valuable document was brought out by Dr. Knut Gjerset in the *Wisconsin Magazine of History*, 8: 77-88 (September, 1924).

not realize the seriousness of the situation or grasp the fundamental causes upon which the emigration rested. As the movement continued to develop and the volume of emigration to increase, the need of legislation became more imperative, and eighteen years later Norway passed a law not essentially different from the measure proposed by the trade committee to the Odelsting in 1845.¹² The investigation of 1843-45 brought together a considerable body of facts regarding the movement, called official attention to the migration as a whole, paved the way for later legislation, and — for the student of today — furnished an illuminating source of information on the Norwegian background of the emigration from 1825 to 1845. Its significance is by no means limited to the field of Norwegian immigration, however. From a somewhat broader point of view it makes available a considerable mass of illustrative material for the general history of American immigration and its Old World backgrounds. In one of his stimulating essays Professor Arthur M. Schlesinger declares that “the two grand themes of American history are, properly, the influence of immigration upon American life and institutions, and the influence of the American environment, especially the frontier in early days and the industrial integration of more recent times, upon the ever-changing composite population.” If this is a true interpretation of our national development, it is obviously a matter of first importance to subject to careful analysis the records which will help to piece out “the story of the successive waves of immigration and of the adaptation of the newcomers and their descendants to the new surroundings offered by the Western Hemisphere.”¹³

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¹² A regulatory law, relating to the conditions of the ocean journey, was passed by the Norwegian Storting in 1863, and approved on May 23 of that year.

¹³ Schlesinger, *New Viewpoints in American History*, 1, 2 (New York, 1922).



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