

HANDBOOK  
FOR  
ESTONIAN CONSULS

PART I

CONSULAR LAW  
AND  
GENERAL INSTRUCTIONS  
FOR THE  
CONSULAR SERVICE

TALLINN, 1939

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PUBLISHED BY THE MINISTRY OF FOREIGN AFFAIRS



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Contents

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PART I

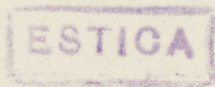
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# Contents.

## I. Consular Law (CL)

Chapter I.	Consular Organization . . . . .	CL §§	1— 53
	1. General Instructions . . . . .	CL §§	1— 3
	2. Consular establishments and personnel . . . . .	CL §§	4— 34
	3. Rules for Consular activities . . . . .	CL §§	35— 53
Chapter II.	Consular activities in special fields . . . . .	CL §§	54— 92
	1. The Consul's duties in general relative to Estonian citizens abroad . . . . .	CL §§	54— 66
	2. The Consul's duties in the field of economic matters . . . . .	CL §§	67— 70
	3. The Consul's duties relative to the Merchant Marine . . . . .	CL §§	71— 86
	4. Relief of destitute seamen and other Estonian citizens . . . . .	CL §§	87— 92
Chapter III.	Final Provisions . . . . .	CL §§	93— 94

## II. General Instructions for the Consular Service (CI)

I.	Consulates and their activity . . . . .	CI §§	1— 6
II.	Consular Organization . . . . .	CI §§	7— 17
III.	Consuls and officials serving at the Consulates and their appointment . . . . .	CI §§	18— 31
IV.	Rights and duties of Consuls and employees of Consulates . . . . .	CI §§	32— 45
V.	Discharge from the service of Consuls and employees serving in Consulates . . . . .	CI §§	46— 59
VI.	Discharge of Consular duties by a Consul of another country . . . . .	CI §§	60— 61
VII.	Relations between the Consulates and arrangement of work . . . . .	CI §§	62— 68
VIII.	The Consul's relations with the local authorities . . . . .	CI §§	69— 71
IX.	Order of submitting information and reports . . . . .	CI §§	72— 83
X.	Suspension of the Consul's activity in case of war . . . . .	CI §§	84— 85
XI.	Business hours of a Consulate . . . . .	CI §§	86— 87
XII.	Official requisites of a Consulate: flag, coat-of-arms-shield, seals . . . . .	CI §§	88— 92
XIII.	Consular Books . . . . .	CI §§	93—117
XIV.	Handbooks and books to be used in the Consular Service . . . . .	CI §§	118—119
XV.	Correspondence . . . . .	CI §§	120—134
XVI.	Archives . . . . .	CI §§	135—140
XVII.	Consular fees . . . . .	CI §§	141—144
XVIII.	Protection of the rights of Estonian citizens . . . . .	CI §§	145—151
XIX.	Estates . . . . .	CI §§	152—158
XXII.	Procedure of granting visas . . . . .	CI §§	195—211
XXIV.	Translations . . . . .	CI §§	232—235
XXV.	Legalisations . . . . .	CI §§	236—240
XXVIII.	The Consul's duties in the field of economic matters . . . . .	CI §§	283—287
XXIX.	Duties relative to the Merchant Marine . . . . .	CI §§	288—351
XXX.	Assistance and relief of seamen and other Estonian citizens . . . . .	CI §§	352—380

III. Alphabetical Index . . . . .			Pages 118—126
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## THE ESTONIAN CONSULAR LAW.

Passed by the Diet (Riigikogu) on November 14, 1933.  
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No. 97, of November 28, 1933).

### Chapter I.

#### Consular organization.

##### 1. General Instructions.

§ 1. Consulates are maintained for the purpose of protecting the interests of the Republic of Estonia, of facilitating and promoting its commerce and shipping, and of granting advice and assistance in case of need to Estonian citizens abroad.

Consulates are under the administration of the Ministry of Foreign Affairs.

§ 2. Necessary instructions for the Consulates shall be issued by the Minister of Foreign Affairs.

For Consular activities falling within the competence of other Ministries, the Minister of Foreign Affairs shall issue necessary instructions upon agreement with the respective Minister.

§ 3. Consular activities and administration shall be determined by the present law and by other laws already in force, by the treaties between Estonia and foreign countries, and by international practice.

##### 2. Consular establishments and personnel.

§ 4. There shall be two classes of Consulates, i. e., those placed in charge of a Consul de carrière and those in charge of an Honorary Consul.

Consulates are further divided into Consulates-General, Consulates, Vice-Consulates and Consular Agencies. These are in charge of Consuls-General, Consuls, Vice-Consuls, and Consular Agents respectively.

In exceptional cases an Honorary Consul may be given a higher title than that to which the office placed in his charge

entitles him. Such title, however, shall not modify the character of his office, nor shall it accord to the Consul any rights more extensive than those which appertain to the office placed in his charge.

§ 5. The terms Consul and Consulate in the present law comprise also Consul-General and Consulate-General, Vice-Consul and Vice-Consulate, and Consular Agent and Consular Agency provided that the law itself does not stipulate otherwise or that no dispositions to the contrary are implied.

§ 6. In countries to the governments of which Ministers have been accredited, the functions of a Consulate-General are to be performed by the respective Legation, provided that a separate Consulate-General has not been established.

The duties of the Consul-General in the former case are to be carried out by the Minister, but the Government may also delegate the duties of the Consul-General to some other officer of the Legation.

The instructions pertaining to Consuls are in such cases applicable to such officers.

§ 7. Consuls *de carrière* shall be placed in charge of Consulates at such places as are foreseen in the law.

Questions concerning the establishment and closing of Honorary Consulates shall be decided jointly by the Minister of Foreign Affairs and the Minister of Economic Affairs.

§ 8. Honorary Consuls shall have only such of the rights and duties foreseen in paragraphs 60—64, 77—78 and 84 of the present law as are accorded or delegated to them by the Minister of Foreign Affairs.

§ 9. The extent of country embraced within the jurisdiction of a Consulate is called a Consular district. Consular districts shall be defined for Consuls-General *de carrière* — by the Estonian Government, and for the other Consuls — by the Minister of Foreign Affairs.

The district under the jurisdiction of a Consul-General *de carrière* may be extended on the basis of Consular commissions accrediting the said officer to several countries.

§ 10. Consuls *de carrière* (*consules missi*) are salaried officials, as described in the law concerning personnel; Honorary Consuls (*consules electi*) are either merchants or other qualified persons, selected locally, to perform Consular duties without any compensation.

§ 11. Vice-Consuls not accredited to any particular Consular districts of their own, Consular Secretaries, and other functionaries and employees described in the personnel law may be assigned to subordinate positions in the Consulate.

§ 12. Consuls *de carrière* must be Estonian citizens while persons who are not Estonian citizens may be appointed as Honorary Consuls.

In the appointment of Honorary Consuls, where all other conditions are the same, preference shall be given to Estonian citizens.

§ 13. Consuls-General *de carrière* shall be appointed and dismissed by the Estonian Government.

Candidates for these posts shall be designated by the Minister of Foreign Affairs acting in conjunction with the Minister of Economic Affairs.

Other Consuls *de carrière* shall be appointed and dismissed by the Minister of Foreign Affairs with the approval of the Minister of Economic Affairs.

§ 14. Employees of Consulates in charge of career Officers shall be appointed and dismissed by the Minister of Foreign Affairs.

§ 15. Honorary Consuls shall be appointed and dismissed by the Minister of Foreign Affairs with the consent of the Minister of Economic Affairs, after taking into consideration the opinion of the Chamber of Trade and Industry.

The separation of an Honorary Consul from the service does not entitle him to claim any indemnification.

§ 16. Consul, in charge of a Consulate, having an independent Consular district, shall, in the event of his appointment, receive a commission, following which an *exequatur* will be procured for him from the Government of the country of his residence.

Appointments of other Consuls shall be reported in writing to the Ministries of Foreign Affairs of the countries of their residence.

§ 17. When entering upon the discharge of their duties, Consuls shall be required to give information thereof to their immediate superiors and to the subordinate offices.

§ 18. Career Consuls, not having at any previous time been in Government service, shall be required to take the oath of office as provided in the Civil Service Law.

Honorary Consuls, before entering upon their duties, shall be required to present a written declaration in which they undertake to perform their duties correctly and with zeal.

§ 19. Career Consuls and other Consular employees who, as employees of the State, occupy positions in staffs of Government functionaries, shall be subject to the Civil Service Law, except as otherwise provided for in the present law and by the Foreign Service Law.

§ 20. No career Consular Officer, or Consular employee on the staff or a Consulate placed in charge of a non-career Consul, shall be in the service of any private institution or enterprise, or be the owner of any commercial enterprise, or act as an agent for a compensation on behalf of any private individual or enterprise.

§ 21. Honorary Consuls shall not be permitted to undertake the joint representation of Estonia and other countries without authorization from the Minister of Foreign Affairs.

§ 22. In the event that the Minister of Foreign Affairs deems it necessary, Honorary Consuls who are not familiar with the Estonian language may be required at their own expense to employ for the performance of the usual Consular routine work an Estonian Secretary recommended by the Ministry of Foreign Affairs with the consent of the Ministry of Economic Affairs.

§ 23. Moneys collected on the basis of the Tariff of Consular Fees may be applied entirely or in part by Honorary Consuls to the maintenance of their Consular offices.

The method of applying Consular fees collected at Consulates at which non-career Consuls have been placed in charge shall be determined by the Minister of Foreign Affairs with the consent of the Minister of Economic Affairs at the time of appointment of the non-career Consuls.

Moreover, sums of the use of Consulates placed under the supervision of non-career Consular Officers, may be included in the Government budgets. The distribution of these sums shall be determined by the Minister of Foreign Affairs.

§ 24. Honorary Consuls shall have the right to wear the uniform authorized for Honorary Consuls.

The Uniform shall be confirmed by the Government of the Republic.

§ 25. Career Consuls and other employees mentioned in paragraph 19 shall be entitled to leave of absence according to the provisions of the Civil Service Law.

The time normally employed in going to and returning from the home country shall not be considered as leave of absence.

Leaves of absence for Consuls shall be arranged by the chiefs of the offices to which the said Consuls are subordinated; leaves of absence for other Consular employees shall be arranged by the chief Consular Officer at the posts where said employees are serving.

§ 26. During leave of absence, sick-leave, or absence without leave of a career Consul, the next ranking Consular Officer at the post shall act in his place.

At posts to which auxiliary Consular functionaries have not been assigned, the Consul may temporarily be replaced by an employee selected by the Minister of Foreign Affairs from the Ministry of Foreign Affairs, a Legation, or another Consulate.

§ 27. An Honorary Consul may, when necessary, be absent from his post for the period of one month without special permission, provided that he appoints a qualified substitute to act during his absence.

An Honorary Consul shall report to his immediate superior and to Consulates under his jurisdiction the date of his departure, the name of his substitute, and the date of his return.

The granting of an extended leave of absence to an Honorary Consul, and the designation of a substitute to act for the Honorary Consul are matters which shall be decided upon by his immediate superior.

§ 28. Persons employed at the posts mentioned in paragraph 22, shall be entitled to one month's leave of absence annually. The dates for their leaves of absence shall be determined by the Honorary Consul.

§ 29. In the event a Consul desires to resign from the service, he shall tender his resignation to the Minister of Foreign Affairs and shall continue to perform his duties until he has turned the affairs of the Consulate over to a person duly authorized to administer them.

§ 30. In case a Consul is prosecuted on a criminal charge, for which the Estonian laws provide a sentence of one year's imprisonment, or a penalty more severe than this, the Minister of Foreign Affairs may temporarily separate the Consul from the service, the separation of career Consuls-General being reported to the Government of the Republic.

§ 31. In the event that the financial position of a Consul has become so difficult that he cannot meet his financial obligations, he may be relieved of his duties by the authority by whom he was appointed.

§ 32. In cases where Consuls have been dismissed from the service or have been transferred from one post to another, temporary substitutes to act until new Consuls have been appointed shall be put in charge of such Consulates by the Minister of Foreign Affairs.

§ 33. In cases where Consulates pass from the charge of one Officer to another, or in cases where Consulates are closed down and turned over to a duly authorized person, there shall be drawn up an official document listing all the Government's property at the Consulate and all private property at the Consulate and all private property deposited at the Consulate for safe-keeping.

§ 34. In exceptional cases the Government of the Republic may, with the consent of the respective foreign country, entrust the discharge of Consular duties to a Consul of a foreign country.

### 3. Rules for Consular Activities.

§ 35. All Consulates in a country shall be subordinate to the Legation, the chief of which has been accredited to the Government of the country, or, if no Legation exists, to the Consulate-General in charge of a career Consular Officer.

In countries where there is no Legation or Consulate-General, the Consulates shall be directly subordinate to the Ministry of Foreign Affairs, provided that no other arrangement has been made by the Ministry.

§ 36. Consulates located in districts under the supervision of Consulates-General shall be directly subordinate to the Consulates-General.

Vice-Consulates and Consular Agencies having jurisdiction over independent Consular districts shall be directly subordinate to the Consulates in the districts of which they are located.

Relation between an Honorary Consul and a career Vice-Consul attached to the Consulate shall be regulated by special instructions to be issued by the Minister of Foreign Affairs.

§ 37. The Consulate-General shall be charged with the general direction of Consular activities in the district under its jurisdiction.

§ 38. The Consulate-General shall see to it that the Consulates under its jurisdiction acquit themselves of their obligations with zeal and with care, and shall give them the necessary instructions to this effect.

The Consulate-General shall, when and as required, inspect the Consulates under its jurisdiction and shall submit reports on these inspections to the Legation, or to the Ministry of Foreign Affairs if there is no Legation.

The inspection shall be undertaken by a Consul-General, by a Minister when acting as Consul-General, or by an employee of the Legation with the authorization of the Minister.

§ 39. The rights and obligations of Consulates-General set forth in paragraph 38 are also applicable to other Consulates in all matters relating to the Vice-Consulates and Consular Agencies under their supervision, except those covered in the third section of paragraph 36.

§ 40. The Consul shall establish and maintain the best relations with the local government and its institutions. He shall abstain from any political activity which is directed against the government or regime of the country of his residence.

§ 41. Should the authorities of the country of the Consul's residence interfere with the Consul's official duties or refuse to accede to his justifiable demands, the Consul shall submit a report on the subject to the Estonian Minister or, if there is no Estonian Legation in the country of his residence, to the Minister of Foreign Affairs, who shall communicate with the foreign government with a view to removing the existing obstacles.

§ 42. The Consul shall be required to draw up special and periodical reports for submission to the Ministry of Foreign Affairs and to other Government institutions.

The Consul shall submit brief telegraphic reports on matters which he considers to be urgent and of special importance, to be followed by mail reports furnishing supplemental information.

Detailed instructions concerning information to be furnished will be given by the Minister of Foreign Affairs in conjunction with the Minister of the Government Department requesting such information.

§ 43. Confidential matters and information which have been entrusted to the Consul by reason of his position, must be kept absolutely secret.

§ 44. The Consul shall be obliged, at the close of each budgetary year, to submit to the Ministry of Foreign Affairs a report on the Consulate's activity.

§ 45. In case of war between Estonia and the country of the Consul's residence, the Consul shall continue to perform his duties until he has received pertinent instructions from the Minister of Foreign Affairs, or until the Government of the country of his residence has withdrawn his exequatur.

§ 46. On working days the Consulate shall be open to the public during stated hours conforming to the local usage.

In exceptional cases the Consular officials are expected to perform their duties outside of the regular office hours.

§ 47. Every Consulate must have an Estonian national flag, an official Consular seal, and a coat-of-arms (shield).

§ 48. Record-Books are to be kept at each Consulate for the purpose of:

- 1) registering the letters received and despatched;
- 2) recording the services rendered;
- 3) recording the various documents issued and drawn up by the Consul, such as passports, visas, notarial, legalizations, and all other official certificates;
- 4) recording the changes in family status (in Consulates in charge of career Officers);
- 5) recording all dispositions made by the Consul in connection with the property of persons deceased and deposits received at the Consulate for safekeeping;
- 6) keeping the necessary accounts.

Consulates with seaports within their districts shall in addition to the foregoing, keep the following records:

- 7) a Register of the entry and departure of Estonian vessels into and from ports within the Consular district;
- 8) a Seamen's Register.

In addition to the above other records may also be kept in Consulates, if required by special conditions, or if necessary for the effective performance of the Consulate's work.

§ 49. The Registers mentioned under items 2, 3, 5, 6—8 of the above paragraph (48) shall be sealed and verified by the institution to which the Consulate is directly subordinate.

§ 50. Each Consulate must be in possession of:

1) copies of the present law and of the instructions pertaining thereto; the texts of laws in force in Estonia and in the country where the Consulate is located, insofar as these are necessary in the performance of the Consular duties, as well as the texts of treaties concluded between Estonia and the foreign country, where the Consulate is located;

2) yearbooks and handbooks which are necessary for the performance of the Consular duties.

Consulates in charge of career Officers must, in addition to the above, be in possession of a complete set of the "Estonian State

Gazette“ (Riigi Teataja) and of the texts of treaties concluded between Estonia and foreign countries.

Consulates established at ports must, in addition, be in possession of data and general information on ports within their district as well as in Estonia and on harbour dues to be paid in such ports.

§ 51. The language in which Consular correspondence is to be carried on and rules relative thereto will be determined by instructions from the Ministry of Foreign Affairs with the consent of the Ministry of Economic Affairs.

§ 52. Records and archives of the Consulate are to be kept separate from the personal files of the Consul. The confidential correspondence must be separated from the ordinary correspondence.

§ 53. For Consular services the Consuls will collect the Consular fees set forth in the Law on Consular Fees.

## Chapter II.

### Consular activities in special fields.

#### 1. The Consul's duties, in general, relative to Estonian citizens abroad.

§ 54. The Consul must see to it that Estonian citizens are permitted to enjoy all the rights to which they are entitled by the law of the country in which the Consul resides, by virtue of treaties, and by international usage.

In case of violation of the aforementioned rights, the Consul shall take whatever steps are necessary to reestablish Estonian citizens in their rights.

§ 55. The Consul may support requests of Estonian citizens submitted to the authorities of the country of his residence, examining carefully the foundation of such requests and refusing to intervene without due cause.

§ 56. If an Estonian citizen is indicted or taken into custody in the country of the Consul's residence, the Consul must see to it that with respect to such citizen the customary procedure as provided by the local laws, by treaties, and by usual practice is being observed.

§ 57. If an Estonian citizen dies in the Consular district, the Consul shall report the death to the Ministry of Foreign Affairs.

If a deceased Estonian citizen leaves an estate in the Consular district, the Consul shall take steps to safeguard the inheritance rights of Estonian citizens in respect to such estate.

If the heirs or their agents are not at hand, and if it is not in contravention to the laws of the country of the Consul's residence, the Consul shall take possession of the estate, prepare an

inventory of it, take steps to preserve it, and, if the heirs or their agents do not appear within a reasonable time, proceed with its liquidation and transmit the proceeds of the liquidation as well as any property not liquidated and the account of the liquidation to the Ministry of Foreign Affairs.

§ 58. The Consul must see to it that Estonian citizens imprisoned by order of judicial or executive bodies enjoy humane treatment and to this end he must, at the request of interested persons, or on his own initiative, taking into consideration the laws of the country of his residence, visit prisons where Estonian citizens are detained and, if possible inform himself as to the conditions of detention.

§ 59. In case of marriage, birth, or death of an Estonian citizen, Consuls follow special instructions.

§ 60. The Consul shall issue passports to Estonian citizens, and renew them in accordance with the provisions of the laws relative thereto.

§ 61. In the matter of granting visas to aliens, the Consul shall follow instructions relative thereto.

§ 62. To the extent permitted by the laws of the country of the Consul's residence, Consuls exercise, in legal transactions between Estonian citizens or between Estonian citizens and aliens, all the functions which are by virtue of Estonian laws established as the functions of a Notary Public.

§ 63. The Consul is authorized to make translations of deeds and other documents submitted to him and to certify such translations.

§ 64. The Consul certifies the authenticity of signatures on acts and documents and the conformity with the laws of the country of his residence of all acts and documents issued or drawn up by the authorities of the Consular district.

§ 65. The Consul will register and take a census of citizens who are subject to military service according to the laws relative thereto.

§ 66. The Consul is authorized to accept money, valuables, securities, and documents from Estonian citizens for safekeeping.

The conditions attached to such safekeeping of valuables shall be fixed by the Minister of Foreign Affairs.

## 2. The Consul's duties in the field of economic matters.

§ 67. The Consul shall follow economic, legislative, social and political developments in his district, transmitting reports on such developments to the Ministry of Foreign Affairs as well as to other official establishments.

In particular, Consuls must report upon the general economic situation in their districts, upon developments in trade, shipping, industry and agriculture, upon means of transportation, upon the financial situation, upon civil, commercial and maritime legislation, and upon other subjects as the Minister of Foreign Affairs shall direct.

§ 68. Information mentioned in the second section of the preceding (67) paragraph shall, in particular, cover the following matters:

- 1) foreign trade and the possibilities for increasing exports of Estonian goods into the country of the Consul's residence; foreign trade statistics shall be included in such reports;
- 2) opportunities for the sale of Estonian merchandise, and conditions affecting such sales; terms of transport and payment; customs duty; privileges and restrictions upon the importation of Estonian goods and transit trade;
- 3) financial and credit conditions, as well as the principal activities of the firms and of the economic units which may be of interest to Estonia;
- 4) conditions, developments, and reforms in the industry, commerce and agriculture;
- 5) shipping, in particular the subsidies and facilities accorded by the State to shipping and rules and regulations concerning ports, which may have some importance for Estonian shipping;
- 6) Economic policy of the country where the Consul resides; treaties, in particular, the economic treaties;
- 7) social conditions, developments and reforms;
- 8) major political events which may be of importance for Estonian interests, or which may be supposed to have an influence on the economic conditions.

§ 69. The Consul should encourage the propagation of information concerning Estonia in the country in which he resides, and inform the economic circles of the country of his residence about Estonia's economic activities and especially about its export trade.

Enquiries of foreign private individuals and foreign firms, for information concerning Estonia's export trade and about economic conditions in Estonia must receive the Consul's closest attention.

§ 70. Enquiries on commercial subjects received by the Consul from Estonian Government's institutions, from private individuals and from private firms must be answered promptly and as fully as possible.

The giving of information concerning the financial standing and the general responsibility of business men or enterprises is not comprised in the Consul's functions, but he shall be expected, as far as possible, to assist enquirers to secure information through the competent institutions.

### 3. The Consul's duties relative to the Merchant Marine.

§ 71. Consuls shall render all possible assistance to Estonian shipping.

They shall assure themselves at all time that in the ports within their Consular districts, ships carrying the Estonian flag, shall enjoy all the rights and facilities to which they are entitled.

§ 72. Masters of Estonian vessels shall, within 24 hours after their arrival in the foreign port, personally or by mail, submit to the Consulate a written report concerning the vessel, its crew, the voyage, and cargo.

The form of the report shall be fixed by the Department of Waterways after consultation with the Chamber of Trade and Industry.

§ 73. The Consul may, if necessary, demand the presentation to him of the vessel's log-book and other pertinent documents for the verification of data included in the report mentioned in the preceding paragraph (72).

The Consul is also authorized, if necessary, to demand from the master of a vessel a written or an oral statement and, in the event that the ship has entered the port in which the Consul resides, he can request the master to appear in person in order to obtain the oral explanations required.

§ 74. The Consul shall grant to masters of vessels carrying the Estonian flag all possible assistance in cases where such assistance is requested.

§ 75. Whenever the master of a vessel does not comply to the lawful demands of a Consul, the latter shall submit a report thereof to the Department of Waterways, who shall thereupon demand from the master an account of his action.

§ 76. The Consul shall sign on and discharge seamen and shall arrange for a survey of vessels to determine their seaworthiness, in accordance with the laws and regulations pertaining thereto.

§ 77. In the event that an Estonian ship is sold to a foreigner in a foreign port, or that a vessel for any other reason, loses the right to carry the Estonian flag, the Consul shall request from the master of the vessel the immediate return of the vessel's Certificate of Registry and its Crew List, and shall send these together with a report of sale to the Department of Waterways.

§ 78. If an Estonian citizen has had a vessel constructed for himself at a foreign port, or has, in any other manner become the owner of a vessel, the Consul may, after assuring himself through the proper documents that the vessel is entitled to carry the Estonian flag in accordance with the Estonian laws, furnish the vessel with a Temporary Certificate of Registry on the basis of the regulations pertaining thereto.

§ 79. The Consul shall without delay inform the Department of Waterways of the loss of Estonian vessels in foreign waters, or of the condemnation of Estonian vessels on account of damage

or for any other reason, or of the seizure of Estonian vessels as prizes, and he shall, insofar as possible, take the action outlined in paragraph 77 in respect to the vessel's Certificate of Registry and the Crew List.

§ 80. In the event that an Estonian vessel is in distress or is shipwrecked in foreign waters, the Consul shall take all possible measures for the salvage and relief of the ship, the persons on board, and the ship's cargo.

The Consul shall immediately report all such cases directly to the Ministry of Foreign Affairs and to the Department of Waterways, and shall later submit detailed reports concerning the losses resulting from the disaster and concerning such salvage operations as were undertaken.

§ 81. In connection with granting of relief to shipwrecked crews the Consul shall follow the regulations covering this matter.

§ 82. In case of the desertion of a seaman from an Estonian vessel, the Consul shall, upon the written request of the master, apply all of the means placed at his disposal by the local laws and existing treaties to bring about the apprehension and return of the deserter to the vessel, provided that the master undertakes to pay all the expenses arising therefrom.

§ 83. In case of trouble, strikes, or mutiny on board a vessel, the Consul shall take all measures at his disposal to give assistance to the ship or its master.

The Consul shall immediately report all such cases to the Ministry of Foreign Affairs.

§ 84. If, on the complaint of the crew or in any other manner, the Consul shall ascertain that a master is not fit to be in charge of a vessel without manifest peril to the crew, the vessel or its cargo, he shall immediately report the matter to the owner of the vessel or to the latter's local agent.

If, owing to circumstances, it is impossible to await the arrival of instructions from the owner of the vessel, the Consul may discharge the master of the vessel and replace him provisionally by another master.

The Consul shall make an entry concerning the change of the masters in the respective documents of the vessel and he shall immediately telegraph these changes to the Department of Waterways and to the owner of the vessel.

§ 85. In the event that a dispute has arisen on board an Estonian vessel between a master of the vessel and a member of its crew, and has, in conformity with § 43 of the Seamen's Law, been presented to the Consul for solution, or that a seaman, in conformity with § 67 of the Seamen's Law, has presented for testing to the Consul, a master's decision concerning punishment inflicted upon the seaman, the Consul shall examine the shipmaster and the seaman and shall thereupon render a decision of his own accompanied by the motives on which the decision is based.

The interested parties may, upon request, obtain copies of the evidence taken at the examination and of the decision.

The decision relative to the punishment of the seaman shall be entered into the log of the vessel, in accordance with the instructions appertaining thereto.

§ 86. When a serious criminal offence has been committed on board a vessel in a foreign place by any member of the vessel's crew or by a passenger, and if this person has been arrested, the Consul shall take measures necessary for the transportation of the culprit to Estonia, as far as this is not in contravention to the laws of the country of the Consul's residence, and provided that no other arrangement is foreseen in an international convention.

#### 4. Relief of destitute seamen and other Estonian citizens.

§ 87. When, in accordance with existing legislation, or in conformity with a treaty concluded between Estonia and a foreign country, the cost of medical treatment, maintenance or repatriation of a seaman devolves upon the State, the Consul shall grant the seaman the relief to which he may be entitled, under observance of the necessary economies.

§ 88. When, in accordance with existing legislation, the cost of medical treatment, maintenance or repatriation of a seaman, are payable by owners of Estonian vessels, and when a seaman has not received sums due him from the latter, the Consul may make advance payments to the seaman for the account of the owner of the vessel, under observance of the necessary economies.

§ 89. When an Estonian seaman becomes destitute under circumstances other than those mentioned in paragraphs 87 and 88, and when relief cannot be secured for him from a foreign Consul or from the local authorities on the basis of a treaty concluded between Estonia and the foreign country, or on any other basis, the Consul may grant him the required relief, in the form of a non-interest bearing loan in order to satisfy the seaman's most urgent needs.

§ 90. When, according to the existing legislation, burial expenses of a deceased seaman must be borne by an owner of a vessel, but where these are not paid by the master of the vessel, they shall be paid by the Consul, for the account of the owner of the vessel, under observance of the necessary economies.

The Consul shall act in a similar manner in cases where the burial expenses of a deceased seaman are paid by the State.

When the burial expenses of a deceased Estonian seaman are not payable by the owner of the vessel and when the foreign authorities do not take charge of the funeral, the Consul may cover the sums advanced for the burial of the deceased seaman from funds secured from the sale of his effects.

§ 91. The provisions of paragraphs 87—90 shall apply respectively to masters of vessels and to other persons employed on the vessel, who are not actually included in the crew.

§ 92. When an Estonian citizen, other than the persons mentioned above, is in great distress abroad and is not able to secure relief from the local authorities, the Consul, under observance of the special regulations governing this matter, may either grant the person in question temporary relief from sums provided for this purpose, or may repatriate him.

Sums required for the relief and the cost of repatriation are granted in the form of non-interest bearing loans.

### Chapter III.

#### Final Provisions.

§ 93. The outlays foreseen in paragraphs 82, 88—92 are collectable by the Ministry of Foreign Affairs in the ordinary course of administrative procedure.

§ 94. The present law shall enter into force two months after its publication, and upon its entry into force, the Consular Law (Russian Code of Laws, Volume XI, Book 2) shall be repealed.

Original signed by:

Vice-President of the Diet J. Soots.

Keeper of the Records E. Maddison.

Secretary of the Diet J. Loosalu.

# GENERAL INSTRUCTIONS FOR THE CONSULAR SERVICE.

[Issued on the basis of the Consular Law (State Gazette 97—1933)].

In fulfilment of the provisions of the Consular Law, and in execution of its provisions, the following general instructions shall enter into force.

## I. CONSULATES AND THEIR ACTIVITY.

§ 1. It shall be the duty of the Consulates to protect the interests of the Republic of Estonia, to facilitate and promote its commerce and shipping, and to grant advice and assistance in case of need to Estonian citizens abroad, in accordance with the laws and instructions in force.

Duties of Consulates.

§ 2. Consular activities and administration shall be determined, apart, from the Consular Law and its Supplements, 1) by all the laws containing general instructions, regulating questions coming within the sphere of Consular activity, or containing special instructions for Consuls, 2) by the treaties concluded between Estonia and foreign countries, 3) by the laws of the countries in which the Consulates are located and 4) by the generally recognised rules of International Law and international usage.

Consular activities and administration.

§ 3. Of the laws of Estonia those which shall first of all be taken into consideration are the laws concerning the State, the official institutions, their activity and administration, and other laws of general importance. Special attention shall be paid to the laws regulating commerce and industry, the importation and exportation of goods, shipping, the crossing of frontiers, the duties of Estonian citizens (military service, questions of family status) etc., as these laws regulate questions immediately appertaining to the Consular service.

Laws of Estonia.

All the laws enacted during the time of the independence of Estonia are to be found in the State Gazettes. The texts of those Russian Laws, which have still remained in force and which have not been published in translation in the official publications of Estonia are to be found in the Russian Code and its Supplements.

The laws relating to the conduct of Consular matters will be published as soon as possible in a special collection, which shall be supplemented by every Consulate with any other relevant laws enacted in the future and published in the State Gazette, or furnished with the necessary notes in respect of subsequent amendments.

Treaties concluded with foreign countries.

§ 4. Treaties concluded with foreign countries come under consideration from two standpoints. One group of treaties relates to the Consular organisation and establishes the rights of Consuls in their official capacity on the territory of the contracting parties; the other group regulates questions of intercourse between the countries and the rights of their citizens.

Consular Treaties and Conventions (or corresponding clauses of the Trade Agreements) belong to the first group, and Commercial and Maritime Treaties, and all kinds of agreements in respect of intercourse, judicial matters, public welfare etc., to the second group.

Laws of the country in which Consulates are located.

§ 5. Of the laws of the country in which the Consulates are located, all the laws mentioned in the agreements existing between such country and Estonia, or some other country which has been accorded rights enjoyed likewise by Estonia, shall be observed.

The local laws relating to commercial matters, taxation, migration of citizens, changes in the family status, notarial acts, etc., shall especially be kept in view.

International usage.

§ 6. International usage has to be taken into consideration only in so far as other instructions and bases for dealing with questions are absent.

## II. CONSULAR ORGANIZATION.

(Consular Law §§ 4—9).

Consulates and heads of Consulates.

§ 7. Consulates are divided into Consulates-General, Consulates, Vice-Consulates and Consular Agencies with their fixed areas of activity. These are in charge of Consuls-General, Consuls, Vice-Consuls, and Consular Agents respectively. Apart from the heads of Consulates or independent Consuls, Consuls without an independent area of activity may be assigned to the Consulates.

Consuls assigned to Consulates.

§ 8. Consuls who are serving with some other Consul, for instance, Vice-Consuls in Consulates or Consulates-

General, are considered as auxiliary functionaries at the Consulate and act within the limits of powers conferred upon the head of the Consulate. Should a Vice-Consul assigned to a Consulate be at the same time a State official, i. e. a salaried Vice-Consul, he has the right to perform all Consular functions delegated to Consuls de carrière even in the case that the head of the Consulate (if he is an Honorary Consul) has not been invested with such rights. Relations between an Honorary Consul and a career Vice-Consul assigned to the Consulate are dealt with in § 64.

§ 9. Honorary Consuls, who have rendered long or special services during their Consular office, may be granted a higher title than that to which the rank of the Consulate placed in their charge entitles them, if, owing to the established organisation of Consular districts in a certain area, it should be impossible to raise the Consulate to a higher rank.

Consuls with a higher title than that to which they are entitled in accordance with the rank of the Consulate.  
(Titular Consuls).

A Consul in charge of an Honorary Vice-Consulate and a Consul-General in charge of an Honorary Consulate would come under this category of Consuls. As regards rights, such titular Consul-General would correspond to a Consul and a titular Consul to a Vice-Consul; the Consular Law and the present instructions shall be applicable to them accordingly.

§ 10. Owing to the fact that Consulates-General in charge of career Officers are established only in those countries where no Legations exist, the Legations always perform the functions of such Consulates-General in the countries of their residence with jurisdiction over the whole country. If, however, Consulates-General in charge of career Officers are opened in a country where there is a Legation, their jurisdiction embraces a limited area only (not extending over the whole country). If a Minister is accredited to the Governments of several countries, the Legation also performs the functions of the Consulate-General in respect of all those countries where there is no Consulate-General in charge of a career Officer.

Consular functions of Legations.

Every Legation, therefore, has to perform to the full extent the functions prescribed in the Consular Law for Consulates, first of all those relating to Consulates-General.

§ 11. A Minister is, by virtue of his office, Consul-General in the country where the Legation is located, and also in the other countries to which he is accredited, provided no independent career Consul-General has been appointed there. In the countries where are separate Consulates in charge of career Officers with Consular districts embracing the whole country, the Minister is the superior officer in respect of the Consular activity as provided in § 35 of the Consular Law (see § 62).

Minister as Consul-General.

A Minister as Consul-General is entrusted with the direction of the Consular activity and carries out the Consular transactions with the assistance of the office of the Legation.

The immediate assistants to the Ministers are Counselors, Secretaries and Attachés, who are authorised to perform Consular functions on the same basis as the career Consuls, whereby the detailed distribution of the work rests with the Minister, who informs the Ministry of Foreign Affairs of the arrangements made.

Performance of the duties of Consul-General by an officer of a Legation.

§ 12. Upon the decision of the President the performance of duties of Consul-General may be delegated to some other officer of a Legation, for instance, the Counselor, Secretary, etc., who, thereupon, is also charged with the respective rights and obligations. In such cases only the higher direction of the Consular activity rests with the Minister on the basis of § 35 of the Consular Law (see § 62).

If the duties of a Consul-General are delegated to an officer of a Legation, the appointment is to be considered as titular. Officers thus nominated have right to the title of Consuls-General, but their rank in the service remains the same they had when they were appointed to the staff of the Legation. The officer entrusted with the duties of the Consul-General shall be assisted in the performance of Consular functions by the whole staff of the Legation on the same basis as aforementioned.

The Minister may be relieved of the duties of Consul-General either because of existing obstacles which do not permit the Minister to carry out the duties of Consul-General in certain countries, or owing to reasons of expediency in the interests of the Service. As a general rule, the Ministers are relieved from carrying out the duties of Consul-General only for the former reason.

Establishment of Consulates in charge of career Officers.

§ 13. Consulates in charge of career Consuls are opened at such places as are foreseen in the law. Laws concerning the personnel and budget in which a Consular post and credits for the maintenance of such Consulates are foreseen, or laws regulating the organisation of representations abroad may come under this category of laws.

Establishment of Honorary Consulates.

§ 14. Honorary Consulates are established at the discretion of the Minister of Foreign Affairs and the Minister of Economic Affairs in towns where the opening of an Honorary Consulate is desirable in the interests of Estonia. The selection of respective towns is made on proposals submitted by economic organisations or other interested parties, or if the necessity has arisen in the course of the conduct of certain matters. All the circumstances which necessitate the opening of a Consulate in the interests of Estonia, such as the economic and administrative importance of the district, commercial intercourse with

Estonia or opportunities for this, movement of Estonian vessels, the necessity to obtain economic information from the district, interests of Estonian citizens residing in the district, etc., shall be considered in detail when deciding the question.

The ranks of Honorary Consulates (Consulate-General, Consulate, Vice-Consulate, Consular Agency) are fixed by the Ministry of Foreign Affairs having regard to the organisation of the Consular system.

As a general rule, Honorary Consulates-General are only established in countries where no Legation or Consulate-General in charge of a career Officer exists. An Honorary Consulate-General must be located in the capital of a country or a larger economic or administrative centre. If two or more Consulates-General are established in the same country, such country is divided into corresponding Consular districts between two or several Consulates-General.

Consulates, Vice-Consulates and Consular Agencies may be established in the district of an Honorary Consulate-General; Vice-Consulates and Consular Agencies only — in the district of an Honorary Consulate.

Honorary Consulates established in the same place as a Consulate-General in charge of a career Officer, or a Legation, do not, as a general rule, take part in the Consular activity in the direct sense, but only perform certain functions specified by the Consulate-General, with a view to obtaining information, promoting economic and cultural relations, etc. In individual cases, however, all or certain Consular functions may be entrusted to Honorary Consuls at places where a Consulate-General in charge of a career Officer is located.

§ 15. Consulates in charge of career Consuls may be closed only in accordance with the procedure foreseen in the law.

Closing of Consulates in charge of career Consuls.

§ 16. Closing of Honorary Consulates shall be decided by the Minister of Foreign Affairs on his own initiative, if necessary, or upon representations made by the respective career Consul General. He advises thereof the Minister of Economic Affairs.

Closing of Honorary Consulates.

An Honorary Consulate may be closed either owing to the fact that the town where the Consulate is located is altogether removed from the list of Consular establishments, or owing to a temporary suspension of the Consulate in conjunction with the reorganisation of the Consular establishments, or individual changes in the personnel of the Consular Service.

An Honorary Consulate may also be temporarily closed in the event of a precautionary separation of an Honorary Consul from the Service in cases foreseen in § 30 of the Consular Law, if it is deemed inexpedient to

appoint an acting Consul temporarily in accordance with § 32 of the said Law (see § 55).

Definition of the term "Consular District".

§ 17. The extent of country within the limits of which a Consulate is entitled to carry out its functions, and which has been defined at the time of the establishment or re-organisation of such Consulate, shall be called a Consular district, or the area of a Consulate's jurisdiction.

Administrative units, such as a State, a member State, a province, a department, a district and larger cities, or several such units combined, are usually taken as basis for defining a Consular district.

The Consular district of every lower ranking Consulate forms part of the Consular district of the Consulate to which it is subordinated. The Consular district of a Legation performing the functions of a Consulate-General comprises in any case the whole extent of a country, but it may also embrace several countries (see § 10.).

In certain cases the term Consular district should not be interpreted too strictly. It is even desirable on some occasions that the activity of a Consul should extend beyond the confines of his district, especially where there are places not included in the district of any Estonian Consul, or when a prompt intervention is necessary.

In all cases, however, where such necessity arises, the respective Consul shall avoid evoking by his action the antagonism of the local authorities and shall refrain from intervening without due cause in the sphere of activity of another Estonian Consul. If time permits, it is desirable, in such cases, to ask for instructions from the career Consul-General through the immediate superior officer, or, in case of urgency, direct.

### III. CONSULS AND OFFICIALS SERVING AT THE CONSULATES AND THEIR APPOINTMENT.

(Consular Law §§ 10 — 18).

§ 18. Consuls de carrière (consules missi) are salaried officials, as foreseen in the law concerning personnel. They are civil servants and must be Estonian citizens.

Honorary Consuls (consules electi) are either merchants or other qualified persons, selected locally, to perform Consular duties without any compensation. Citizens of foreign countries may be appointed as Honorary Consuls. In the appointment of Honorary Consuls, where all other conditions are the same, preference shall be given to Estonian citizens.

Categories of  
Consuls.  
a) Consuls de  
carrière.  
b) Honorary  
Consuls.

§ 19. Auxiliary functionaries may be assigned to the Consulates. Apart from Vice-Consuls not accredited to any particular Consular districts of their own, as mentioned in § 8, such auxiliary functionaries are Consular Secretaries, and other functionaries and employees. Only functionaries and employees foreseen as personnel shall be employed in Consulates in charge of career Officers. State employees, as well as auxiliary functionaries engaged by an Honorary Consul, may be employed in Honorary Consulates.

Auxiliary functionaries (employees at Consulates).

The latter shall be considered as persons exclusively in the service of the Honorary Consul, having no claims whatever on the Government of Estonia, nor the right to perform official functions of any kind. Consular Secretaries only, maintained by an Honorary Consul at his own expense, who are assigned to such posts on the basis of an agreement with the Ministry of Foreign Affairs from candidates proposed by the latter (in conjunction with the Ministry of Economic Affairs) and perform their duties on the basis foreseen in the agreement, hold a special position. The conditions of their service may be changed only upon the consent of the Ministry of Foreign Affairs. Such Consular Secretaries enjoy the prerogatives foreseen in the Law (they are entitled to a service passport, and to travelling expenses to and from the place of service, etc.), and are empowered, within the limits prescribed when they enter the service, to perform official functions and sign official papers in the name of the Consul.

§ 20. The duties to be performed by officials in the service of an Honorary Consul shall be fixed by the Consul at his own discretion, with the exception of the functions of the Consular Secretary employed upon the consent of the Ministry. The service relations between the Consul and State employees assigned to Honorary Consulates shall be fixed by special instructions (see § 64).

Relations between a Consul and Consular officials or auxiliary employees.

The duties and official functions of employees in Consulates in charge of career Officers shall be fixed by the head of the Consulate in accordance with the laws and regulations in force.

§ 21. Consuls-General de carrière shall be appointed by the President. The candidates shall be submitted by the Minister of Foreign Affairs, in agreement with the Minister of Economic Affairs, except in cases where an officer of a Legation is appointed Consul-General on the basis of § 6 of the Consular Law, when the separate opinion of the Minister of Economic Affairs is not taken.

Appointment of Consuls-General de carrière.

Should a candidate proposed by the Minister of Foreign Affairs to the Minister of Economic Affairs be not acceptable to the latter, the Minister of Foreign Affairs shall decide whether he will stand by this candidate and propose him for the appointment, intimating at the same time the

opinion of the Minister of Economic Affairs, or select another candidate.

The Minister of Economic Affairs shall consider the candidates from the standpoint whether and to what extent the persons selected are qualified to protect the economic interests of Estonia.

Appointment of  
other Consuls de  
carrière.

§ 22. All other Consuls de carrière, apart from the aforementioned, shall be appointed on the same basis by the Minister of Foreign Affairs.

The Minister of Foreign Affairs may place a career Vice-Consul either in charge of a Consulate with an independent Consular district, or assign him to an auxiliary post at a Consulate (see § 8). The respective decision shall be made at the time of the appointment.

Appointment of  
Honorary Consuls.

§ 23. Honorary Consuls shall be selected from candidates proposed by the respective Consulate-General or Legation.

The Consulate-General shall select candidates from 1) persons proposed by economic organisations of Estonia or merchants, 2) persons recommended by official institutions or economic circles of the place of residence, and 3) from candidates who have applied for the appointment personally through the Consulate-General or Ministry of Foreign Affairs.

Should the Consulate-General have no candidates, or no suitable ones, candidates shall be sought among persons eligible and willing to stand for the post of Consul.

For countries where there is no Consul-General, the Consul shall be selected by the Ministry of Foreign Affairs. The following particulars shall be obtained in respect of every candidate: christian name and surname, date of birth, citizenship, nationality, education, profession, financial position, knowledge of languages, and whether the candidate has been or is Consular representative of another country. It should also be indicated, if possible, whether the candidate has any relations with Estonia (business relations, etc.).

References in respect of selected candidates shall be procured from official institutions, economic organisations (Banks, Chambers of Commerce, Stock Exchange Committees, etc.) and from other competent neutral sources. The information given about each candidate shall be so complete that a selection may be based thereon without difficulty, especially if it is necessary to choose from several candidates.

The particulars about candidates selected for the post of Consul shall be submitted by the Ministry of Foreign Affairs to the Ministry of Economic Affairs, and the latter, shall decide whether the candidates are suitable to protect the economic interests of Estonia. Accepted candidates

shall be appointed to the post of Consul by the order of the Minister of Foreign Affairs.

Seniority in the service shall be counted from the date fixed in the order.

§ 24. Officials at Consulates in charge of a career Officer are employees of the State, and, therefore, on their appointment, shall be subject to the Civil Service Law, and the personnel and budget laws in force concerning State employees.

Appointment of officials to Consulates in charge of career Officers.

§ 25. The commission, drawn up in accordance with a prescribed form and granted either in the name of the President or Government or Minister of Foreign Affairs, shall be called the Consul's Patent. The name of the Consul and his domicile shall be found in the Patent. Additional particulars about the Consular district shall be included in the Patent, usually on the reverse side.

Consul's Patent.

Patents for Estonian Consuls shall be granted either by the President or the Minister of Foreign Affairs. Patents shall be granted by the President to those Consuls who are appointed by the order of the President, i. e. to Consul-General de carrière and officers of a Legation performing the duties of Consul-General; to other career Consuls and Honorary Consuls for whom Patents have been prescribed, the Patents shall be granted by the Minister of Foreign Affairs.

Patents of the first category shall be signed by the President and countersigned by the Minister of Foreign Affairs; Patents of the second category shall be signed by the Minister of Foreign Affairs and countersigned by the Director of the Administrative Department of the Ministry of Foreign Affairs.

In exceptional cases a Patent may be granted by the President also to Consuls appointed by the Minister of Foreign Affairs in countries where the existing order prescribes that Patents should be issued by the Head of the State in any case.

As a general rule Patents are granted only to Consuls mentioned in § 7, who have an independent Consular district, whereas in respect of other Consuls a notification in writing shall be sent by the head of the local Legation or Consulate. Exceptions shall be made in respect of Consuls, without an independent Consular district, who are appointed in countries with whom agreements, providing that Patents shall be granted to every Consul, have been concluded. In cases where a Patent is granted to a Consul, without an independent Consular district, the Consular district shall not be stated in the Patent.

Patents shall not be granted to Ministers charged with the duties of Consul-General in countries where it is not

the practice to accept Patents from Ministers charged with the duties of Consul-General.

Exequatur.

§ 26. The Consul may take up his official functions only after receipt of the exequatur (Consuls having an independent Consular district) from the Government of the country in which his residence has been foreseen, or recognition of the fact that he has assumed his official functions (Consuls assigned to Consulates). As a general rule the exequatur shall be applied for in the diplomatic way through the Legation accredited to the Government concerned, or, if there is no such Legation, by the Ministry of Foreign Affairs direct.

In exceptional cases the exequatur may be procured either by the Consulate-General located in the respective country, or, on his appointment, by the Consul himself. The Consular Patent shall be submitted for the procuring of the exequatur. The exequatur is issued in writing in the form of a respective notification or independent document. If in certain countries, in accordance with the existing rules or usage, exequaturs are not granted to Honorary Consuls, the Patent shall not be submitted, and notification regarding the appointment of the Consul shall be made in writing only. In such case the Honorary Consul shall enter upon the discharge of his duties only after the Ministry of Foreign Affairs of the country concerned has acknowledged receipt of the notification.

As a matter of course, it depends upon the Government of the country concerned whether and in what localities it agrees to accept and recognise Consuls. As a general rule the respective rights of countries are defined either in mutual treaties of friendship, commerce and shipping, or by Consular Conventions.

Should the obtaining of the exequatur require a considerable time a provisional exequatur is sometimes requested. In any case, a Consul cannot transact any Consular functions before formal permission has been granted in one form or another.

If it becomes absolutely necessary for a Consul to act, he shall report this fact to his immediate superior and proceed in accordance with instructions received.

Assumption of  
official duties.

§ 27. A Consul may assume his duties after receipt of the exequatur or the recognition replacing it (see § 26) by taking over the Consulate from his predecessor (§ 58) or, in case of a new Consulate, by creating an office.

As regards the obligations of Consuls to carry out certain transactions prior to the receipt of the exequatur, see the last section of § 26.

Consuls de carrière assigned to Consulates shall be considered as having entered upon the discharge of their

official duties at the moment of their arrival at the Consulate. Honorary Consuls in the same position shall be considered as having assumed office from the date of the receipt of the exequatur, or the date of acknowledgement of the receipt of the notification in respect of their appointment.

§ 28. When entering upon the discharge of his duties, a Consul shall report this fact through his immediate superior to the Consul-General de carrière. He shall also notify it to the Consuls subordinate to him. The notification shall contain the address of the Consulate, telephone number and office hours.

Notification re-  
garding assumption  
of official duties.

The Consul-General de carrière shall inform thereof the Ministry of Foreign Affairs and all other Estonian Consuls stationed in the same country.

§ 29. After the Consul has obtained his exequatur, he should, as a rule, pay official calls on the local authorities with whom he will have to maintain intercourse and on the local Consular representatives of other countries. The call shall be made in person, but if the customs prevailing in the place of his appointment are otherwise, local usage shall always be observed. If necessary, the Consul shall also inform the respective official institutions in writing that he has entered upon his duties. No definite instructions can be given as to procedure in these cases and local usages shall be observed.

Official calls.

§ 30. State employees shall be required to take the oath of office as provided in § 9 of the Civil Service Law. The oath shall be taken in the manner laid down in the decision of the Government of the Republic on the 20th April, 1922 (Protocol No. 33, p. III).

Oath of Office of  
career Consuls.

Consuls, who have not taken the oath of office prior to their appointment, shall be required to take the oath before the Director of the Administrative Department of the Ministry of Foreign Affairs immediately after their appointment.

§ 31. Honorary Consuls, before entering upon their duties, shall be required on the proposal of the Ministry of Foreign Affairs to present a written declaration, in a prescribed form, in which they undertake to perform their duties correctly and with zeal.

Written Declara-  
tion of Honorary  
Consuls.

The Minister of Foreign Affairs shall make this proposal after the Minister of Economic Affairs has given his consent to the appointment, but before the issue of the respective order.

The declaration of the Honorary Consul shall be preserved in the personal file of the Consul at the Ministry of Foreign Affairs.

#### IV. RIGHTS AND DUTIES OF CONSULS AND EMPLOYEES OF CONSULATES.

(Consular Law §§ 19 — 28).

General service instructions for other Consular employees occupying posts of career Consuls and employees of the State.

§ 32. Other Consular employees occupying posts of career Consuls and employees of the State shall be subject to all the home service instructions, in so far as these instructions have not been modified by special instructions relating to the Foreign Service Law and the Consular Law.

Therefore, all questions concerning the service, which have not been dealt with in the Consular Law, shall be settled in conformity with other Estonian laws, first of all the Civil Service Law.

Owing to the special conditions under which Consuls carry out their duties, only certain supplementary instructions imposing on Consuls additional restrictions, compared with State employees at home, have been drawn up in the Consular Law.

Prohibition of Career Consuls and employees of Consulates in charge of a career Officer to undertake private employment or engage in private commercial undertakings.

§ 33. State employees in Estonia may be in private employment with the permission of their superiors and engage in commercial undertakings through their agents or members of their family on the basis of § 35 of the Civil Service Law, but it is strictly forbidden for career Consuls and employees of Consulates in charge of a career Officer to undertake private employment or engage in commercial undertakings for the reason, that owing to the nature of their duties, they shall be entirely impartial.

Prohibition of career Consuls and employees of Consulates in charge of a career Officer to act as agent for a compensation on behalf of any private individual or enterprise.

§ 34. Career Consuls, whose duties, as Government officials abroad, comprise the protection of all Estonian citizens in foreign countries, shall guard their interests equally. Should Consuls be allowed to act as agent for a compensation on behalf of private individuals or enterprises a serious collision of interests would inevitably arise, and other citizens, in respect of Consular protection, would immediately be placed in a worse position.

These circumstances are of special importance in the activity of a Consul abroad, and, therefore, it is undesirable, in general, for Consuls to act as agents for a compensation on behalf of individuals.

Prohibition of a Consul to act as agent does not imply that he cannot in any case act as agent on behalf of individual citizens. Should it become necessary in the exercise of his official functions for a Consul to act as agent on behalf of an individual citizen, or if such intervention is directly foreseen in the law, the Consul shall not only undertake to act as agent and accept special powers, but he is even bound to accede to respective requests for assistance. It is forbidden for a Consul to act as agent in

his personal interests only with the object of obtaining a compensation.

§ 35. As the joint representation of several countries by a Consul is deemed undesirable in principle in view of difficulties arising from the conflicting interests of countries and situations likely to occur where the Consul does not know to the interests of which of the countries represented by him he shall give preference, Honorary Consuls shall not be permitted to undertake the joint representation of Estonia and other countries without authorization from the Minister of Foreign Affairs.

Joint representation of Estonia and other countries by an Honorary Consul.

The consent of the Minister of Foreign Affairs may be given only in such cases where there is no fear that the interests of Estonia will suffer in consequence (when another country or countries are not competitors of Estonia in the sphere of economic activity, when the interests do not conflict, when the Consuls perform only administrative functions on behalf of Estonia, etc.), or where the Consular representation of another country is entrusted to an Estonian Consul upon the request of the Government concerned, in the event that the citizens of such country are placed under his protection.

In case a person appointed to a post as Honorary Consul already held a post as Consul for some other country at the time he submitted his candidature, and this fact was indicated by him in the respective application, it shall be assumed that he has received the consent of the Minister of Foreign Affairs at the time of his appointment. Should an Honorary Consul desire to undertake the Consular representation of any other country later, he shall make application through his immediate superior for the necessary consent of the Minister of Foreign Affairs. In case of a negative decision by the Minister of Foreign Affairs, the Consul may undertake the Consular representation of another country only after resigning his office.

§ 36. An Honorary Consul, who is at the same time Consular representative of another country or countries, shall take care that the Consular archives, official books and correspondence are furnished with the respective inscriptions and are kept apart from his business matters.

Requirements to be observed by an Honorary Consul who is also Consular representative of another country.

When discharging the duties of Estonian Consul, the Honorary Consul shall use only the official notepaper of the Estonian Consulate for his correspondence. Such notepaper, the Estonian seals, etc., shall not be used for any other purposes (see also § 132).

§ 37. Honorary Consuls being able to devote only a small portion of their time to the Consular work, it is essential that in Honorary Consulates where the Consular work is comparatively extensive an auxiliary functionary shall be employed.

Obligation of Honorary Consul to employ an Estonian Secretary.

Honorary Consuls are not required in all cases to employ an Estonian Secretary, but only such as are located in the more important centres where it is deemed to be necessary in view of the extent of the Consular business.

Procedure of employing an Estonian Secretary.

§ 38. Where in the view of the Minister of Foreign Affairs the employment of an Estonian Secretary at an Honorary Consulate shall be deemed to be necessary, and provided that an agreement has been arrived at with the Honorary Consul (this ordinarily takes place at the time of the appointment of new Consuls), the conditions of service and salary of the Secretary shall also be fixed and the candidate selected by the Ministry submitted to the Consul for his formal approval. The accepted candidate shall thereupon be sent to his post within the time stipulated.

If the Secretary, on the basis of the respective agreement, in addition to the Consular work (office hours for transaction of the Consular business or performing Consular office duties are fixed for each day) shall also have to be engaged in the business of the Consul, the latter shall be entitled upon the selection of secretaries to put forward his wishes in respect of the candidate's knowledge of languages and experience, which shall be complied with as far as possible.

The conditions of service and the salary fixed prior to the engagement of the Secretary may only be modified by respective new agreements between the Ministry and the Consul, but this does not apply to the raising of the salary.

The salary may be raised at the discretion of the Consul the Ministry being only informed thereof. The salary shall not be reduced without the consent of the Ministry even should the recipient of the salary, i. e. the Secretary himself, agree to such reduction.

Consular fees assigned to Honorary Consuls.

§ 39. Only such fees as have been collected on the basis of the Tariff of Consular Fees, i. e. only Consular fees, may be assigned to Honorary Consuls, whereas fees charged on the basis of other laws, such as passport fees, citizenship fees, etc., shall in every case be paid into the Treasury.

The Consular fees may not be retained by every Honorary Consul, but only by those who are so permitted by a special decision of the Minister of Foreign Affairs. The part of the Consular fees to be retained by an Honorary Consul shall be determined in every case by a corresponding decision. This decision is usually made at the time of the appointment of the Honorary Consul and recorded in the respective order of the Minister. The part of the fees assigned to an Honorary Consul may be determined either on a percentage basis, a fixed sum out of the fees

collected or the Consular fees for certain categories of transactions.

The part of the fees assigned to an Honorary Consul shall be separated from the sums received by the Honorary Consulate after certain intervals (usually once a month after drawing up the monthly accounts). When deducting the moneys the Honorary Consul shall make a corresponding entry in the Book of Transferable Sums into which all receipts are entered at Honorary Consulates in accordance with the Tariff of Consular Fees (see § 82, section 3), and shall certify the entry by his signature.

If part only of the Consular fees is assigned to an Honorary Consul, the balance in such case shall go to the Treasury.

§ 40. Individual Honorary Consuls, who are located in specially important centres or who are working under special conditions, which entail a larger than usual expenditure for the upkeep of the Consulate, are granted supplementary allowances from the Budget in addition to the Consular fees.

Budgetary allowances to Honorary Consuls.

The amount of the allowance in each individual case, if not foreseen in the Budget, shall be determined by the Minister of Foreign Affairs at the beginning of each year of activity within the limits of the credits opened. The allowance shall be paid in advance in quarterly instalments and shall be reckoned as expenditure on the basis of the receipts signed by the Honorary Consul who is in receipt of the allowance.

§ 41. Honorary Consuls shall have the right to wear the uniform confirmed by the Government of the Republic on the 13th May, 1927.

Uniform of Honorary Consuls.

§ 42. The uniform is generally worn on ceremonial occasions and on official calls, where it is customary to appear in uniform, such as official receptions (receptions by State Heads for New Year's congratulations), visits to warships, etc.

Rules for wearing the uniform.

Honorary Consuls are not obliged to procure the uniform, but if an Honorary Consul desires to wear the uniform, it shall correspond in detail to the prescribed form.

An Honorary Consul, who desires to wear the uniform, shall acquaint himself with the local customs in force for the wearing of uniform and shall follow them accordingly.

§ 43 In accordance with § 25 of the Civil Service Law (State Gazette 149—1924) and § 13 of the Foreign Service Law (State Gazette 45—1930) employees of the State shall be entitled to leave of absence annually, after one year's service 2 weeks and after two years' service 1 month. The salary shall be paid during the leave of absence.

Leave of absence of Career Consuls and State servants who are Consular officials.

1) summer holi-  
days.

In the interests of the service, and upon the consent of the State employee, two leaves of absence due may be joined. Leaves of absence may also be joined for a longer period upon the consent of the Minister of Foreign Affairs, provided that the total leave does not exceed 4 months.

As, owing to the limited personnel, the joining of several annual leaves of absence leads to difficulties, chiefs of Consulates shall grant permission for such leave only in absolutely unavoidable cases, except in the case of leaves of absence from representations outside Europe where, on account of the long voyage home, two or three annual leaves may, as a general rule, be joined. Such joined annual leaves shall be taken while in the service of the same representation, the chief of which has decided upon the joining of the leaves of absence or postponement of the annual leave.

If a leave of absence is spent in Estonia, the time normally employed in going to and returning from the home country shall be added to the leave.

## 2) sickleave.

In accordance with § 29 of the Civil Service Law (State Gazette 49—1924) and § 13 of the Regulations Concerning the Rendering of Medical Assistance (State Gazette 3—1921) an employee, in the event of illness, is entitled, on production of a respective medical certificate, to leave of absence up to 26 consecutive weeks, or, in the case of recurrent illness, up to 30 weeks annually, with the right to receive the full salary during the first month, and two-thirds of the salary during the succeeding months.

Medical certificates shall be issued at home either by the confidential medical adviser of the institutions concerned or by qualified medical boards; to obtain leave of absence owing to illness abroad, a certificate shall be produced from the confidential medical adviser of the local Estonian representation, or if there is none — from a governmental or municipal medical officer empowered to issue such certificates to local officials.

In accordance with the provisions of § 25 of the Civil Service Law (State Gazette 149—1924) Consular officers may be granted special leave of absence in case of illness up to one year without salary upon the decision of the Minister of Foreign Affairs and up to six months with salary upon the decision of the Government of the Republic.

3) mode of grant-  
ing leave of  
absence.

The granting of an ordinary leave of absence to a Consul-General de carrière shall be determined by the Minister of Foreign Affairs; leaves of absence for other career Consuls shall be decided by the Consul-General de carrière or the officer of the Legation discharging his duties, or, if the Consul is immediately subordinated to the Minister of Foreign Affairs — by the Minister of Foreign

Affairs. Leaves of absence for other Consular employees shall be arranged by the chief of the respective Consulate.

The granting of special leave of absence shall be decided upon in the manner mentioned in the preceding sub-section.

During leave of absence or absence without leave of a career Consul, his duties shall be discharged by the next ranking Consular Officer at the Consulate: Consul, Vice-Consul, Consular Secretary, clerk.

4) substitute of  
officers on  
leave.

If there is no such official at the post, an employee of the Ministry of Foreign Affairs, a Legation, or another Consulate may be appointed to act as substitute.

In so far as the appointment of a substitute does not depend on the Ministry of Foreign Affairs (an official of the Ministry, question of credits), the matter of the substitute shall be decided upon by the superior officer granting the leave of absence.

Summer vacations may be granted only after the question of the substitute has been decided.

The head of a Consulate shall report to the subordinate Consulates and to such local authorities as are generally notified both the day of his departure on leave of absence and of his return and the name of the Consular Officer who has been appointed to act as substitute.

§ 44. An Honorary Consul may take leave of absence or be absent from his post at his own discretion, provided, however, that he arranges his absence so, that the activity of the Consulate shall not suffer in consequence.

Leave of absence  
of Honorary  
Consuls.

An Honorary Consul shall report to his superior each case of extended absence from his district, and shall also state the name of the person to whom he has delegated the performance of Consular matters in his name and on his responsibility.

If the absence of the Honorary Consul is to be of longer duration than one month, an agreement shall be reached with his immediate superior beforehand regarding the person who will act as substitute.

A career Consul attached to the office of an Honorary Consul shall by virtue of his office replace the Honorary Consul in every case.

§ 45. All State employees serving at Honorary Consulates, as also Consular Secretaries engaged by an Honorary Consul at his own expense on the basis of § 22 of the Consular Law, shall be entitled to leaves of absence on a basis similar to that provided for employees of Consulates in charge of career Officers (see § 43).

Leave of absence  
of employees at  
Honorary Con-  
sulates.

The dates for their leaves of absence shall be determined by an agreement between the Honorary Consul and the respective Consulate-General.

## V. DISCHARGE FROM THE SERVICE OF CONSULS AND EMPLOYEES SERVING IN CONSULATES.

(Consular Law §§ 29 — 33).

Discharge of Consul from the service in general.

§ 46. Consuls shall be discharged from the service in the same order in which they are appointed, i. e. Consuls-General de carrière by the President, and other Consuls by the Minister of Foreign Affairs. Proposals for the discharge of Consuls-General de carrière shall be made to the President by the Minister of Foreign Affairs. The discharge of career Consuls shall be effected in accordance with the Instructions pertaining to the Civil Service, with the exceptions foreseen in the Foreign Service Law.

Honorary Consuls also may be discharged at the discretion of the Minister of Foreign Affairs, and the outgoing Honorary Consul shall not be entitled to claim any indemnification. In order not to prejudice without cause the name of an Honorary Consul as a businessman, this right shall be exercised only where, in case of disagreements with an Honorary Consul, there is no other alternative. Thus, if in conjunction with the reorganisation of the Consular system it should become necessary to relieve an Honorary Consul of his post, agreement shall first be sought with the Honorary Consul regarding the closing down of the Consulate. Failing such agreement, a decision shall be made by the Minister of Foreign Affairs at his own discretion.

A Consul may, in lieu of final discharge, be temporarily separated from the service in the cases mentioned below. Such suspension shall be effected by the order of the Minister of Foreign Affairs.

The outgoing Consul shall continue to perform his duties until such time as the affairs of the Consulate will be turned over to a duly authorised person.

Cases of discharge from the service.

§ 47. Discharge from the service may take place in the following cases: 1) voluntary resignation; 2) reduction of personnel; 3) on the basis of § 42 of the Civil Service Law; 4) loss of the right to be in the State service following a decision of the court; 5) financial difficulties; 6) retirement on pension upon reaching the age limit; 7) recall to the Ministry of Foreign Affairs at the discretion of the authority by whom the appointment was made.

Voluntary resignation of a Consul from the service.

§ 48. A Consul may, at any time, voluntarily resign from the service by tendering a respective request to be relieved of his post.

A Consul is considered to be relieved of his office from the date marked in the respective order.

§ 49. Career Consuls only are subject to discharge in case of a reduction in the personnel. Should the office of a Consul have been abolished owing to a reduction in the personnel and the respective Consul not have been appointed to a new post or recalled to the Ministry of Foreign Affairs (see § 54), such Consul shall be discharged from his post and simultaneously also from the State service.

Discharge of a Consul from the service owing to reduction of personnel.

A Consul discharged from his post shall be entitled to travel back home at the expense of the State upon the conditions stipulated in the Official Journeys' Law and shall have the right to receive an indemnification which is foreseen for discharge from the service owing to a reduction in the personnel.

§ 50. Career Consuls only shall be discharged for this reason.

Discharge of a Consul from the service on the basis of § 42 of the Civil Service Law.

The right to discharge shall rest with the Government of the Republic after examination of a written explanation of the person to be discharged. In districts under a state of defence the President may dismiss the officials appointed by himself and all others may be dismissed by the Government of the Republic without any reason being given. (Law supplementing the Law of State of Defence, State Gazette, No. 26 — 1934).

§ 51. In case a Consul has been sentenced by a court entailing loss of the right to be in the State service, he shall be discharged from the State service immediately after the respective decision has entered into force.

Discharge of a Consul from the service following a decision of the courts entailing loss of the right to be in the State service.

A Consul discharged from the service for this reason shall be considered as discharged at his place of residence. Such Consul shall not be entitled to any indemnification apart from the salary due to him and the travelling expenses home, as provided for in the Official Journeys' Law.

If the decision of the court has been pronounced in respect of a Consul, who has already been temporarily suspended from the service (see § 55), such suspension shall be made final by a supplementary order from the moment the decision of the court entered into force.

In case such decision of the court has been pronounced in respect of an Honorary Consul, he shall be discharged forthwith on the basis of § 15 of the Consular Law.

§ 52. In the event that the financial position of a Consul has become so difficult that he cannot meet his financial obligations, he may be relieved of his duties by the authority by whom he was appointed.

Discharge of a Consul from the service owing to financial difficulties.

Such discharge shall be effected on the basis of the Foreign Service Law and shall only take place in cases where it is found to be absolutely necessary for the prestige of the State or in the interests of the service.

Discharge of a Consul owing to retirement on pension and age limit.

§ 53. Should a career Consul have earned his pension, or should he desire to be pensioned for reasons of ill-health, he shall transmit to the Minister of Foreign Affairs the request to be relieved of his post, stating that he desires to retire on pension, which circumstance shall also be marked in the respective order. Upon the issue of the order arrangements shall simultaneously be made for the convening of a medical board, in conformity with the procedure foreseen for State servants.

A career Consul, who has reached the age of 65 years, shall be discharged from the service owing to the age limit. (State Gazette 42—1934).

A Consul retiring on pension or relinquishing his post under the circumstances mentioned in the preceding section shall be entitled to travel home at the expense of the State, in accordance with the provisions of the Official Journeys' Law.

Discharge of a Consul from his post by recalling him to the Ministry of Foreign Affairs at the discretion of the authority by whom he was appointed.

§ 54. Consuls may likewise be discharged, when so required in the interests of the service, or where the authority who made the appointment shall deem it necessary, provided the reasons mentioned in §§ 49—53 with regard to discharge do not exist.

This right is absolute with respect to Honorary Consuls. In the case of career Consuls, the right may be exercised by recalling them to the Ministry of Foreign Affairs, in accordance with the procedure foreseen in Foreign Service Law (State Gazette 45—1930 and 50—1931).

The official concerned, on arrival at the Ministry of Foreign Affairs, shall be entitled to reimbursement of the same expenses as are refunded to officials who are transferred.

Temporary separation of a Consul from the service in case of a criminal charge.

§ 55. In the event that a Consul is prosecuted on a criminal charge, for which the Estonian Laws provide a sentence of at least one year's imprisonment, the Minister of Foreign Affairs may temporarily separate the Consul from the service. In respect of career Consuls, the measures taken in such case shall be strictly in conformity with the instructions of the Civil Service Law; for Honorary Consuls, the question of temporary separation from the service or final discharge, on the basis of § 15 of the Consular Law, shall rest with the Minister of Foreign Affairs.

All such questions shall be promptly decided upon on receipt of the respective reports at the Ministry of Foreign Affairs. If the basis of the charge is not particularly strong final discharge may not, in every case, be entirely warranted. A court case may end with the rehabilitation of the accused.

The immediate superior of the Consuls concerned shall report to the Ministry of Foreign Affairs without delay upon every charge which, in accordance with § 30 of the

Consular Law, is subject to the decision of the Minister of Foreign Affairs; authenticated evidence pertaining to the case shall likewise be transmitted.

All Consuls against whom such charges have been instituted shall report thereon without delay, through their own immediate superior, to the respective Consulate-General, or, if there is no such Consulate-General, to the Ministry of Foreign Affairs, with the request, in the event that they do not desire to resign that they shall be temporarily suspended from the performance of their official duties.

§ 56. A career Consul may be transferred to a new post, either abroad or to the Ministry of Foreign Affairs, by the authority by whom he was appointed.

Transfer of a  
Consul.

The transfer shall be effected in accordance with the provisions of the Civil Service Law and the Official Journeys' Law.

§ 57. In case a Consul has been discharged, the Minister of Foreign Affairs shall appoint either a new Consul or a temporary substitute or shall decide upon the liquidation of the Consulate. In the case where a Consul has been dismissed or transferred, the Ministry of Foreign Affairs shall appoint a temporary substitute to act until a new Consul has been appointed.

Appointment of  
Consul's substitute.

§ 58. In cases where Consulates pass from the charge of one officer to another, or in cases where Consulates are closed down and turned over to a duly authorised person, there shall be drawn up an official document listing all the Government's property at the Consulate and all private property at the Consulate and all private property deposited at the Consulate for safe-keeping, the respective Consular books, in the first place the book of movable property and the book of deposits being examined.

Formalities on the  
passing of a Con-  
sulate from the  
charge of one Con-  
sul to another or  
on turning over to  
substitutes.

A detailed statement in respect of all the Consular archives to be transferred shall be found in the act of transference, and the state of the archives shall also be mentioned. Should there be also any secret correspondence at the Consulate, this shall likewise be mentioned in the act separately. The act shall contain a declaration of the retiring Consul that no original documents registered in the books of the Consulate remain in his possession, and that he undertakes not to divulge without the consent of the Ministry of Foreign Affairs the contents of documents of which he may have copies.

§ 59. Discharge from the service, suspension, or transfer of Consular Officers who are State servants shall be effected by the order of the Minister of Foreign Affairs in the same manner as prescribed for career Consuls.

Discharge from the  
service, suspension  
or transfer of of-  
ficials serving in  
Consulates.

A Consular Secretary, maintained at the expense of an Honorary Consul, may, upon giving at least two weeks'

notice, be recalled at the wish of the Ministry of Foreign Affairs; the discharge of such Secretary at the desire of an Honorary Consul may take place only upon agreement between the Ministry of Foreign Affairs and the Consul concerned.

## VI. DISCHARGE OF CONSULAR DUTIES BY A CONSUL OF ANOTHER COUNTRY.

(Consular Law § 34).

Entrusting the discharge of Consular duties to a Consul of a foreign country.

§ 60. The Government of the Republic may, with the consent of the country concerned, entrust the discharge of Consular duties to a Consul of a foreign country, in cases where it is not possible to appoint an Estonian Consul in a country either for formal reasons (in a country where there is no diplomatic representation) or for other considerations, or if, in exceptional cases, an urgent necessity for this arises, for instance, in the event of war.

The appointment of individual Consuls by special decisions of the Government, as foreseen in § 34 of the Consular Law, lapses, however, when, with the consent of the Government of the Republic, measures have been taken for securing general diplomatic protection for Estonian citizens in such countries where there is no Estonian representation and consent to this has been received from the country concerned, viz., France, in accordance with the Agreement of 1924 in respect of Syria, and Great Britain, in accordance with the Agreement of 1920, in respect of all other countries. The Consuls of such countries shall be considered as the guardians of Estonian interests in the respective countries, in accordance with the existing agreements.

Rights of a Consul of another country discharging the duties of Estonian Consul.

§ 61. If no special agreement exists between Estonia and the country concerned, the Consul of the foreign country who is charged with the duties of Estonian Consul shall have in general, such of the rights as are accorded to an Honorary Consul, with the same reservation as foreseen in § 8 of the Consular Law.

Consular fees collected for transactions connected with Estonia shall revert either to the respective Honorary Consul or to the country in whose service the Consul stands, provided such order has been foreseen in the laws of the respective country and has been agreed upon.

In cases where there is no provision for charging Consular fees on the basis of the tariff of the country in whose service the Consul stands, the fees shall be charged on the basis of the Estonian Tariff of Consular Fees.

## VII. RELATIONS BETWEEN THE CONSULATES AND ARRANGEMENT OF WORK.

(Consular Law §§ 35 — 39).

§ 62. The Minister accredited to the Government of a particular country, or if there is no such Minister, the chief of the Consulate-General de carrière stationed there, shall supervise the Consular activities in such country. Supervision of  
Consular activities.

In case the Minister is not discharging the duties of a Consul-General de carrière in pursuance of § 6 of the Consular Law, and such duties have been delegated to some other officer of the Legation (see § 12), the task of the Minister shall be to unify and keep in harmony of the diplomatic and Consular functions. For this purpose he shall be entitled to require from the Officer discharging the duties of Consul-General regular information concerning Consular matters, submission of reports on problems which have arisen in the sphere of Consular activity, and shall express his opinion regarding changes concerning the organisation or personnel of Consulates.

In case of differences of opinion, the questions shall be settled by the Ministry of Foreign Affairs on the basis of reports submitted by the Officer discharging the duties of Consul-General, in which reports the standpoint of the Minister shall also be indicated.

In countries where no Legation or separate Consulate-General de carrière exists, the Ministry of Foreign Affairs shall supervise the Consular activity direct, provided that no other arrangement has been made by the Ministry, for instance, if the Consulates in a particular country have not been subordinated to one of such Consulates (for instance, to an existing career Consulate or Honorary Consulate-General).

§ 63. All Consulates shall be in a fixed ranking relationship with one another. Relations between  
the Consulates.

Consulates located in districts under the supervision of a Consulate-General shall be directly subordinate to the Consulate-General. Consulates and Vice-Consulates, which are not subordinate to an intermediate Consulate, shall be directly subordinate to the Consulate-General, others — through the respective Consulates or Vice-Consulates.

All Vice-Consulates and Consular-Agencies shall be subordinate to the Consulate in the district of which they are located, the Consular Agencies either direct or through the Vice-Consulates of the district to which they belong.

All the Consular Agencies located in the district of a Vice-Consulate shall be subordinate to the Vice-Consulate. Career Vice-Consuls attached to Honorary Consulates shall serve on a special basis.

Career Vice-Consul attached to an Honorary Consulate.

a) his rights.

b) arrangement of work.

Duties of the Consulate-General in directing Consular activity.

Supervision by the Consulate General.

§ 64. Career Vice-Consuls attached to Honorary Consulates to undertake the discharge of Consular duties shall not have jurisdiction over an independent Consular district. The district under the jurisdiction of the respective Consulate shall be the district for their activities. They actually perform and organise the Consular work, since, as career Consuls, they are vested with more extensive rights than those which may be delegated to an Honorary Consul.

All Consular acts shall be drawn up and executed by the career Vice-Consul. The Honorary Consul is entitled to draw up and execute acts only in the absence of the career Vice-Consul and to the extent that he is personally authorised to do so by a special decision of the Minister of Foreign Affairs on the basis of § 8 of the Consular Law. Intercourse with official institutions and the correspondence of the career Vice-Consul shall, in such Honorary Consulate, be conducted in the name of the Consulate.

In order to discharge the duties entrusted to him, the career Vice-Consul shall be entitled to maintain relations with official institutions and to correspond at his own discretion, with the exception of written communications to the Ministry of Foreign Affairs of the country where he is located. The career Vice-Consul shall maintain constant contact with the chief of the Consulate.

§ 65. The Consulate-General shall be charged with the general direction of Consular activities in the district under its jurisdiction.

The Consulate-General shall see to it that the Consulates under its jurisdiction acquit themselves of their obligations with zeal and with care, and shall give them the necessary instructions to this effect. The instructions given by the Consul-General shall be strictly in accordance with the laws in force, with the present instructions, and with the instructions of the Minister of Foreign Affairs concerning special questions.

The Consulate-General shall, within the limits of its authority, settle all complaints instituted against subordinated Consulates, and, if required, shall make its observations to the party in fault, or direct the attention of the parties to any divergencies which have occurred in the conduct of the matter. In case more serious errors are involved, which are subject to settlement by the Ministry of Foreign Affairs, the Consulate-General shall submit a respective report to the Ministry.

§ 66. The Consulate-General, or the Consulate discharging the duties of the Consulate-General, shall, when and as required, inspect the Consulates under its jurisdiction and shall submit reports on these inspections to the Ministry of Foreign Affairs. An official document shall be

drawn up in regard to each inspection, one copy of which shall remain at the Consulate inspected.

The following particulars shall be obtained on each inspection and shall be recorded in the official document: are all the necessary books kept at the Consulate; are the existing books properly kept; are the necessary documents in respect of monies received and transmitted available; are the lists of inventory of the Consulate kept in order and in what state are the archives of the Consulate; whether and what faults have been found in the way the affairs of the Consulate are conducted (noncompliance with instructions, illegal dispositions, fees incorrectly charged, etc.).

Inspections shall take place either in the course of ordinary tours of inspection, which are undertaken at fixed periods for the inspection of a certain group of Consulates in the district of a Consulate-General, or, in special circumstances, in respect of a particular Consulate. A copy of the document drawn up upon the results of the inspection shall be sent in the usual way to the Ministry of Foreign Affairs.

§ 67. The inspection may be undertaken in the name of the Consulate-General either by a Minister, Consul-General, officer of the Legation discharging the duties of Consul-General, or by an employee of the Legation authorised by them.

Persons undertaking inspections in the name of the Consulate-General.

§ 68. Other Consulates shall also have the right to inspect subordinate Vice-Consulates and Consular Agencies. Such inspections shall be undertaken, in practice, only in cases where so prescribed by the Consulate-General and to the extent indicated by the latter.

Supervision by other Consulates.

The inspection shall be carried out in such cases either by the chief of the Consulate or by the career Vice-Consul attached to the Consulate.

## VIII. CONSULS' RELATIONS WITH THE LOCAL AUTHORITIES.

(Consular Law §§ 40 — 41).

§ 69. The Consul shall establish and maintain the best relations with the local government and its institutions.

He shall abstain from any political activity which is directed against the Government or regime of the country of his residence, as also from actions and statements which might be so interpreted.

Duties of Consul for the establishment of relations with the local authorities.

In case of necessity the Consul shall apply for guidance to the Consulate-General.

Mode of Consul's intercourse with the official institutions of his place of residence.

§ 70. The Consul shall be entitled to hold intercourse with all institutions, with which, in accordance with the laws of the country of his residence and local usage, he is permitted to have direct relations. Intercourse and correspondence with the Ministry of Foreign Affairs of the country of residence shall be permitted only within the limits prescribed in § 122 of the present instructions, viz., Consuls-General only may hold direct intercourse, and in the case of Consuls only those stationed in the countries where there is no Consul-General or Minister.

Removal of obstacles which have arisen in the official activity.

§ 71. Should the authorities of the country of the Consul's residence interfere with the Consul's official duties or refuse to accede to his justifiable demands, the Consul shall submit a report on the subject to the Estonian Minister or, if there is no Estonian Legation in the country of his residence, to the Minister of Foreign Affairs, who shall communicate with the foreign government with a view to removing the existing obstacles.

## IX. ORDER OF SUBMITTING INFORMATION AND REPORTS.

(Consular Law §§ 42 — 44).

Information.

§ 72. Information shall be given, in the order prescribed in § 42 of the Consular Law, concerning economic, legislative, social and political questions, upon which, in accordance with the provisions of § 67 and § 68 of the same Law, reports shall be submitted.

Obligation to give information.

§ 73. Information shall be given immediately concerning concrete questions which have arisen in the Consulate's activities or in the discharge of the duties foreseen in the Law. Detailed reports shall be despatched upon the collection of data. General reports shall be submitted for fixed periods and upon fixed dates.

Order of submitting reports.

§ 74. Information shall be given in the form of 1) special and 2) periodical reports. Periodical reports shall be submitted quarterly on the basis of the Calendar year, whereby the last of such reports in a year shall constitute the annual report.

Special reports.  
a) contents.

§ 75. Special reports shall be required to meet the changing requirements, for prompt action, to achieve practical and concrete aims, and such mode of communicating information shall be used in the first place.

Should events occur in the economic sphere of the Consul's district which may be of interest to Estonia, or in respect of which the Consul is in need of instructions, he is bound to report upon these immediately.

Special reports, as distinct from periodical reports, shall deal with: 1) particular events, the description of which requires much space and cannot, therefore, be included in the general reports; 2) intelligence of interest only to limited circles; 3) reports of a secret or confidential nature.

Should the matter be urgent and of special importance, the report shall be preceded by a brief telegraphic report.

In accordance with general practice, Consuls shall submit their special reports to the Consulates-General de carrière or to the Légation to which they are subordinate. Should the report concern matters of an urgent or specially important nature, a copy shall be forwarded simultaneously to the Ministry of Foreign Affairs and a corresponding mark to this effect made on the report forwarded to the Consulate-General.

b) order of forwarding reports.

The career Consulate or Legation shall either 1) forward the report with its remarks to the Ministry of Foreign Affairs, or 2) submit its own report, based on the information received, to the Ministry.

In case the Consulate is immediately subordinate to the Ministry of Foreign Affairs, or if the Consulate is entitled to correspond direct with the Ministry, the report shall be addressed direct to the Ministry of Foreign Affairs, whereby the Consulates, who are specially authorised to correspond direct with the Ministry, shall also send a copy of the report for informative purposes to the career Consulate or Legation.

Reports other than those of a secret or confidential nature, shall be drawn up in five copies. One copy of the report shall be kept by the Consulate, which has drawn up the report, one copy sent to the career Consulate or Legation, and three copies to the Ministry of Foreign Affairs. The Ministry shall in its turn inform the institutions interested. Reports drawn up by a Consulate in charge of a career Officer shall be prepared in four copies, and three copies of the report shall be forwarded to the Ministry of Foreign Affairs.

§ 76. General reviews for fixed periods, such as quarterly reports, as provided for in § 74, shall be named periodical reports. In these reports the Consulates shall give a detailed survey of the economic life in their districts, dealing with matters from the standpoint of Estonian interests and drawing comparisons between the data contained in the report and the reports submitted in previous years. These reports shall comprise statistical information regarding all the more important economic branches, especially such as are of interest to Estonia. The data to be found in special reports as well as in official publications, periodicals, and information received from other sources

Periodical reports.

shall be utilised. The materials shall be analysed. The Consul submitting the report shall give his own opinions and judgments, and shall make suggestions.

The contents of the report shall be divided into descriptive and statistical parts. For the sake of clarity the descriptive part may be divided into chapters. In the event of delay in receiving official statistical figures, the statistical part may be sent in later. Likewise, in the absence of subject matter, the forwarding of particular chapters may be postponed. When transmitting additional information it shall be indicated each time to which report or part thereof the information relates.

a) dates of submission.

Periodical reports shall be forwarded by the Consulates to the Consulates in charge of career Officers or Legations not later than one month after the end of the period under account viz., those for the first quarter, not later than the 1st May, those for the second quarter, not later than the 1st August, those for the third quarter, not later than the 1st November, and the annual report, not later than the 1st February of the following year.

Consulates in charge of career Officers or Legations shall send in their reports, on the basis of, or supplemented by the reports of the Consuls, to the Ministry of Foreign Affairs, not later than within one month following the dates mentioned above.

Consuls who are directly subordinate to the Ministry of Foreign Affairs shall submit their reports on the same dates. Other Consuls, who, as an exception, have direct relations with the Ministry of Foreign Affairs shall submit their reports on the dates prescribed for the submitting of reports by Consulates in charge of career Officers or Legations.

b) order of sending.

Consulates shall submit their periodical reports to the Consulates in charge of career Officers, or Legations, who make use of them as material for drawing up their own reports. The reports shall be furnished in two copies to enable the career Consulate, or Legation, if necessary, to attach one copy to its own report. This shall be done in every case, if the report contains more detailed data than may have been included in the report of the career Consulate, or which have been dealt with by the latter in a summarised form, or if the aforesaid reports are of interest for some other reason.

The reports of the career Consulate, or Legation, shall be drawn up in four copies, three copies of which shall be forwarded to the Ministry of Foreign Affairs, who shall use them as information for other institutions concerned.

In case no extra copies of the materials pertaining to the report are available, the copies collected shall be attached to the original report, which in any case is kept

at the Ministry of Foreign Affairs. This rule shall apply also to the reports of Consulates which the career Consulate, or Legation, shall deem necessary to attach to its own report, and which have been mentioned above.

Consulates subordinate to Consulates in charge of career Officers, which, as an exception, are entitled to have direct relations, with the Ministry of Foreign Affairs, shall address their reports in two copies to the Ministry of Foreign Affairs and one copy thereof to the respective Consulate de carrière to serve as material for the general survey.

Consulate directly subordinate to the Ministry of Foreign Affairs shall submit their reports on the same basis and in the same order as prescribed for Consulates de carrière.

§ 77. Consuls shall submit the following reports at the end of the budgetary year: 1) annual report on the activities of the Consulate and 2) financial report in respect of income and expenditure for the account of the State.

The latter report shall be submitted only by such Consuls as have accounts with the Ministry, viz., those to whom budgetary credits have been allotted.

Consuls at whose disposal State funds have been placed for certain specific purposes only (for instance, loans granted for travelling home) shall render a respective account separately.

§ 78. The report on activity shall contain a full review of the activities of the Consulate for the budgetary year, together with an analysis of its activities, the opinions of the Consul and suggestions based on the analysis. The report shall deal with the Consulate's activity in the economic field in conjunction with the economic reports submitted on the basis of § 42 of the Consular Law, avoiding statements on matters which are unnecessary and outside the scope of the report. The report shall consist of 1) descriptive part and 2) statistical tables in accordance with the forms prescribed by the Ministry of Foreign Affairs.

The Consular district and the personnel of the representation submitting the report (Consulates in charge of career Officers shall mention all the Consulates subordinate to them) as well as any changes which may have taken place shall be indicated in the descriptive part of the report. This shall be followed by summarised characteristics of the activity for the year, referring to one or other of the tables.

The Consulate submitting the report shall fill in the columns provided in the statistical tables under which it had transactions. Tables under which no transactions at all are recorded shall not be submitted, and a remark to this

Reports to be submitted at the end of the budgetary year (reports on the activities of the Consulates).

Report on the activity of the Consulate.  
a) contents.

effect shall be made in the descriptive part of the report. Should it be found desirable to furnish additional statistical data for the illustration of certain branches of activity not provided for in the table a special table shall be drawn up.

The entries in the Consular books shall serve in the first place as statistical material.

b) basis for drawing up.

The reports shall be confined to the Consular districts, i. e. each Consulate shall render an account of the activity in its own Consular district. Those Consulates which have Consulates subordinate to them shall include in their own reports an account of the activity of their subordinate Consulates.

Order of submitting reports on activity.

§ 79. Consulates shall submit their reports to the respective Consulates-General de carrière, or Legations, in two copies. Special prescriptions are laid down in respect of those Consulates which, although subordinate to the Consulates-General de carrière, have been authorised to maintain direct relations with the Ministry of Foreign Affairs. Such Consulates shall forward the original report to the Ministry of Foreign Affairs and one copy thereof to the Consulate-General de carrière.

Consulates-General de carrière, or Legations, shall draw up a general survey on the basis of the reports furnished by the subordinate Consulates and upon their own activities, and shall submit the survey in three copies accompanied by the table pertaining thereto to the Ministry of Foreign Affairs, joining to them one copy of the reports sent by the subordinate Consulates.

Consulates directly subordinate to the Ministry of Foreign Affairs shall also submit their reports in the same order as prescribed for the Consulates-General de carrière.

Dates for the submitting of reports on the activities of the Consulate.

§ 80. Consulates shall submit their reports to the Consulates-General de carrière, or Legations, not later than the end of the first month following the close of the budgetary year.

In case a Consulate has been permitted to maintain direct relations with the Ministry of Foreign Affairs, the report shall be forwarded to the Ministry of Foreign Affairs on the same date, while a copy only shall be addressed to the Consulate-General de carrière.

Consulates-General de carrière, or Legations, shall submit their reports at the latest by the end of the second month following the close of the budgetary year.

Consulates directly subordinate to the Ministry of Foreign Affairs shall send in their reports on the dates which are prescribed for the Consulates-General de carrière.

Financial reports.

§ 81. The financial report for the year of activity is represented by the monthly reports and shall be forwarded to the Economic and Accountancy Bureau of the Ministry

of Foreign Affairs by: 1) Consulates de carrière, 2) Honorary Consulates directly subordinate to the Ministry of Foreign Affairs, who are in receipt of sums for the account of the Treasury.

The financial transactions of those Honorary Consulates who are in receipt of sums for the account of the Treasury, but are themselves not directly subordinate to the Ministry of Foreign Affairs, shall be embodied in the reports of the Consulates-General, or Legations discharging the duties of a Consulate-General, to which such Honorary Consulates are subordinated and to which they are under the obligation to render monthly accounts. Such Honorary Consulates as have no revenue subject to transmission to the Treasury shall render an account of their financial transactions quarterly in the order provided for in § 82 p. d.

The Ministry of Foreign Affairs may, as an exception to the general rule, grant permission for the submitting of accounts quarterly also to the Honorary Consuls mentioned in p. 2 of the first section of the present article.

The financial reports shall be submitted in two copies.

§ 82. The monthly financial reports shall be drawn up in respect of the financial transactions during each previous month in the respective Consulate. The financial report of a Consulate de carrière shall consist of: 1) a statement regarding the position of the cash, 2) a separate report in respect of income, 3) a separate report in respect of expenditure, 4) a report in respect of transferable sums.

The financial report of an Honorary Consulate consists of a report in respect of transferable sums.

The financial transactions in respect of income and expenditure, apart from transferable sums, shall be recorded in the statement regarding the position of the cash. On the income side of this statement shall be mentioned 1) cash balance on the first day of the month, 2) advances received from the Ministry of Foreign Affairs, 3) total amount of income for the account of the Treasury on the basis of the separate report in respect of income mentioned in p. b. of the present article, and 4) all other sums received, with the exception of transferable sums, which shall be mentioned separately, whereby the basis on which they were received (letters, orders) and their nature (debt to the State, settlement of personal accounts, transfers of seamen's monies, etc.) shall be mentioned.

On the expenditure side of this statement shall be mentioned: 1) the total amount of budgetary expenses of the Consulate during the month under account on the basis of the separate report on expenditure (see p. c. below), 2) expenditure for the account of the Ministry of Foreign Affairs and other institutions and persons, 3) cash balance on the last day of the month.

Drawing up of  
monthly financial  
reports.

a) statement of  
cash position or  
cash report.

The items of expenditure appearing in sub-section 2 shall be recorded separately, indicating on what basis they were incurred and their nature, and in proof of such expenditure, the respective documents bound together in a separate bundle shall be submitted.

The income and expenditure sides of the statement of the position of the cash shall balance.

b) report in respect of income.

The total sums received during the month under each category of State income (on the basis of the income nomenclature) shall be recorded in the report on income and the following documents shall be joined in proof: 1) reports on State income transferred which shall form the basis for the entries in the cash book (see § 142 p. d) and which shall be supplemented by documents or explanations, and 2) reports and enclosures thereto in respect of income received at the subordinate Honorary Consulates for the account of the Treasury, provided there has been such income (see fourth section of p. d. of the present article).

An index of the documents joined to the report on income shall be made in each separate case.

c) report in respect of expenditure.

The sums disbursed from the budgetary credits during the month shall be recorded in the report on expenditure.

These disbursements shall be recorded in separate groups in the order of the expenditure nomenclature, and the respective documents, arranged in the order of the expenditure nomenclature, and furnished with an index, shall be joined as proof. The report on expenditure as well as the index shall be drawn up in accordance with a special form.

d) report on transferable sums.

In the report on transferable sums shall be recorded 1) in Consulates de carrière — such financial transactions as have taken place on the account of other institutions or persons and have been carried through the cash book of transferable sums (see § 93 p. 17) but are not accountable at the Ministry of Foreign Affairs, for instance, sums placed at the disposal of Consulates by the Ministry of Public Welfare for rendering assistance locally, sums of the Ministry of War for various purchases, etc., and 2) in Honorary Consulates — all financial transactions, whereby the transactions for the account of the Ministry of Foreign Affairs shall be recorded separately.

All sums received and disbursed shall be recorded separately in this report, mentioning on whose account the money has been received or payments made. The marking of Consular revenues in the reports of Honorary Consulates forms the sole exception to this rule, since such revenues have to be given in total.

It shall also be clear from the reports of Honorary Consulates whether the Consular revenue has been trans-

mitted or retained wholly or in part by the Honorary Consul in accordance with the entries in the cash book of transferable sums, in which, on the expenditure side, respective remarks based on the vouchers or receipts of the Honorary Consul, shall be found.

Only documents concerning State income and expenditure shall be attached to the reports on transferable sums of Honorary Consulates (Honorary Consulates shall annex to their reports extracts from the Book of Consular fees for the period under account).

In case the relevant documents have been despatched prior to the report, as prescribed for certain categories of expenditure (debit notes against loans for repatriation and transfers of seamen's monies) in respect of which documents are forwarded immediately, copies of such documents shall be annexed to the report.

§ 83. Should no exceptions have been made in the cases foreseen in § 81, the financial report shall be drawn up at the end of the month under account and forwarded to the Ministry of Foreign Affairs not later than the 5th of the following month. (If an opportunity occurs to forward the report by courier-post arriving at Tallinn before the 15th of the month, the report may be withheld, as an exception, until such date).

Dates for submitting financial reports.

In the event that the Consulate rendering the report is not under the obligation of accounting to the Ministry of Foreign Affairs, the report shall be transmitted to the respective Consulate-General on the basis foreseen above, and the latter shall include the financial transactions of subordinate Consulates in its own report for the month under account.

If exceptions have been made in the order set forth in § 81, the abovementioned dates shall fall in the month following the period under account.

## X. SUSPENSION OF CONSUL'S ACTIVITY IN CASE OF WAR.

(Consular Law § 45).

§ 84. So long as no arrangements have been made for the suspension of official functions, the Consul shall continue to perform his duties within the possible limits and shall be prepared to close down the Consulate temporarily on receipt of pertinent instructions from the Minister of Foreign Affairs, or upon the withdrawal of his exequatur by the Government of the country of his residence.

Official activity in case of war between Estonia and the country of the Consul's residence.

Temporary closing  
of Consulate.

§ 85. On the temporary closing of a Consulate all the archives together with the Consular books, Government property at the Consulate, property of private persons deposited at the Consulate for safekeeping, official requisites (coat-of-arms-shield, flag), official notepaper, etc., shall be safely packed and, in accordance with respective instructions, either sent to Estonia, or, if this is impossible, handed over for safe-keeping to the diplomatic or Consular representation of the country which has undertaken the protection of Estonian citizens in the meantime, or, if there is no such country, into the care of the representation of some other friendly country.

The Consular archives and property shall, in such cases, be handed over in cases sealed with the Consular seal, after a list specifying their contents has been compiled and provision made to enable the more important or necessary parts to be separated either immediately or later (for instance, secret archives). A receipt shall be taken as to the handing over of the cases, which together with the seals shall be sent by a safe way either to an Estonian representation in a neighbouring country specified in the liquidation order (also, if deemed appropriate, owing to long distance from Estonia) or to the Ministry of Foreign Affairs accompanied by a report drawn up upon the procedure followed in the liquidation of the Consulate.

## XI. BUSINESS HOURS OF A CONSULATE.

(Consular Law § 46).

Business hours of  
a Consulate.

§ 86. A Consulate shall work every day excepting Sundays and the more important Estonian national and local holidays. On weekdays the business hours at Consulates in charge of career Officers shall at least be of the same duration as in Government institutions in Estonia and at Honorary Consulates in conformity with local usage, but not less than two hours daily.

Office hours.

§ 87. Office hours shall be fixed with a view to the nature of the Consulate's activity and local conditions, keeping them as far possible in line with the office hours of local official institutions and other Consulates.

In exceptional cases the Consular officials shall not refuse to perform their duties outside of regular office hours.

The fixed office hours shall be indicated on the name plate affixed to the outer side of the entrance door to the Consulate. The respective particulars shall also be inserted as far as possible in the reference books published locally.

## XII. OFFICIAL REQUISITES OF A CONSULATE: FLAG, COAT-OF-ARMS-SHIELD, SEALS.

(Consular Law § 47).

§ 88. The national flag is defined by the Law of the National Flag (State Gazette 84/85—1922). The flag is tricoloured, in the order beginning from the top: sky-blue, black and white in equal stripes. The ratio between the breadth and length of the flag shall be  $7 \times 11$ . Special flags were defined by the Government of the Republic on the 27th June, 1933 (State Gazette 95—1933). A Consulate shall be in possession of a flag measuring  $2\frac{1}{4}$  metres in length with the corresponding breadth.

National flag.

§ 89. The national flag shall be hoisted on the 24th of February, the anniversary of the independence of the Republic of Estonia, on other dates officially specified in Estonia and in the country of the Consul's residence, as well as on occasions when flags are hoisted, conforming to the usage of local Consulates.

Hoisting of national flag.

It shall be prohibited to fly the flag, if any date or event should be celebrated, which might in any way give offence to Estonia.

The flag shall be hoisted in suitable positions and placed so that the lower edge is not less than 3 metres from the ground (State Gazette 5—1934). The flag may be flown from sunrise until sunset.

§ 90. The State coat-of-arms has been defined by the Law of the State Coat-of-Arms (State Gazette 117/118—1925). The large State coat-of-arms represents a shield showing on a gold field the figures of three blue leopards surrounded on three sides by a garland of oak leaves. The small State coat-of-arms is similar to the large coat-of arms, but without the garland.

State coat-of-arms.

The order for the use of the State coat-of-arms has been prescribed in the regulations for the use of the State coat-of-arms.

§ 91. The Consular seal represents a circle  $3\frac{1}{2}$  cm. in diameter, bearing in the middle the small State coat-of-arms and on the border the denomination of the Consulate (Eesti Vabariigi Konsulaat at ...) in the Estonian language.

Consular seal.

A Consulate shall possess two official seals: one of rubber — and the other of metal.

§ 92. The coat-of-arms-shield of a Consulate represents an oval metal shield on which is to be found the device of the large State coat-of-arms and on the border the denomination of the Consulate in two languages: on the top in the Estonian language and under either in the language of the country of residence or in the French language.

Coat-of-arms-shield of a Consulate.

The coat-of-arms-shield shall be affixed wherever possible on the outer wall of the building (in a conspicuous position) in which the Consulate is domiciled — if possible, above the entrance, where the flag-staff shall also be placed (or the socket of the flag-staff).

### XIII. CONSULAR BOOKS.

(Consular Law §§ 48—49).

Books in use at  
Consulates.

§ 93. The following books shall generally be in use at Consulates.

- 1) Register of letters received,
- 2) Register of letters despatched,
- 3) Register of births,
- 4) Register of deaths,
- 5) Register of marriages,
- 6) Register of vessels,
- 7) Sub-register of vessels,
- 8) Consular register,
- 9) Book of acts,
- 10) Passport book,
- 11) Visa book,
- 12) Book of deposits,
- 13) Book of Consular fees,
- 14) Cash book,
- 15) Book of credits,
- 16) Book of State revenues,
- 17) Cash book of transferable sums,
- 18) Book of inventory,
- 19) Control book in respect of estates and property accepted for safe-keeping,
- 20) Book of protocols for the registration of protests and disputes in questions of family status,
- 21) Letter delivery book (see § 134).

Books which shall  
be kept at Con-  
sulates in charge of  
career Officers.

§ 94. Consulates in charge of career Officers shall possess the books enumerated in the foregoing paragraph under numbers 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 21. At Consulates within whose districts ports are located, the books mentioned under numbers 6 and 7 shall also be kept.

Books which shall  
be in use at Hon-  
orary Consulates.

§ 95. Honorary Consulates shall possess the books enumerated in the foregoing paragraph under numbers 1, 2, 8, 13 and 17 and, if need be, upon the order of the Ministry of Foreign Affairs or Consulate-General, also numbers 18 and 19.

At Honorary Consulates within whose districts ports are located, the books mentioned under numbers 6 and 7 shall also be kept.

In case an Honorary Consulate has been granted the right to draw up Notarial Acts, to issue or prolong passports and to grant visas, the books mentioned under numbers 10 and 11 shall also be kept.

An Honorary Consulate to which a Vice-Consul de carrière has been assigned shall possess the same books as are prescribed for Consulates in charge of career Officers, excepting the account books mentioned under numbers 14, 15 and 16.

§ 96. All letters received by the Consulate shall be recorded in the Register of letters received, with the exception of secret letters, which shall be registered separately.

Register of letters  
received.

The register of letters received is provided with the following columns: 1) Current numbers, 2) Date, 3) From whom received and what contents, 4) Basis (in reply to what letter), 5) Number of reply given, 6) Archive remarks. Section. Year. Category of file. Number of file (the last four as sub-divisions).

§ 97. All letters despatched by the Consulate shall be recorded in the Register of letters despatched, with the exception of secret letters, which shall be registered separately.

Register of letters  
despatched.

The register of letters despatched is provided with the following columns: 1) Current numbers, 2) Date, 3) From whom sent and what contents, 4) Basis (Number of letter received), 5) Number of reply received, 6) Archive remarks. Section. Year. Category of file. Number of file (the last four columns as sub-divisions).

§ 98. All births of Estonian citizens, which take place in the Consular district, shall be recorded in the Register of births.

Register of births.

The Register shall be kept in conformity with the provisions of the Law of Family Status (State Gazette 191/192 — 1925), i. e. the original copies shall be bound in book form, and the second copies, in loose sheets, numbered in accordance with the pages of the book.

§ 99. All deaths of Estonian citizens, which take place in the Consular district, shall be recorded in the Register of deaths.

Register of deaths.

The Register shall be kept in conformity with the provisions of the Law of Family Status (State Gazette 191/192 — 1925), i. e. the original copies shall be bound in book form, and the second copies, in loose sheets, numbered in accordance with the pages of the book.

§ 100. All marriages contracted at the Consulate shall be recorded in the Register of marriages. The Register shall be kept in conformity with the provisions of the Law of Family Status (State Gazette 191/192 — 1925), i. e. the original copies shall be bound in book form, and the second

Register of  
marriages.

copies, in loose sheets, numbered in accordance with the pages of the book.

**Register of vessels.**

§ 101. In conformity with § 72 of the Consular Law, particulars regarding the movement of Estonian vessels, registered at the Consulate, in ports coming directly within the jurisdiction of the Consular district, shall be recorded in the Register of vessels.

The Register of vessels is provided with the following columns: 1) Current numbers, 2) Date, 3) Category and name of vessel, 4) Net tonnage of vessel, 5) Master of vessel, 6) Place, date of issue and number of the Crew List, 7) Arrival: from where, when, and for what purpose, 8) Cargo (nature and total weight), 9) Departure: where and when, 10) Cargo carried (nature and total weight), 11) Consular fee charged on registration: basis, amount in kroons and in foreign currency, 12) Rate of exchange at which the kroons were converted, 13) Remarks.

**Sub-register.**

§ 102. In conformity with § 76 of the Consular Law, all Crew Lists issued and changes made in Crew Lists at the Consulate shall be recorded in the Sub-register.

The form of the Sub-register has been published under Form E on the basis of § 66 of the Seamen's Home Law (State Gazette No. 13 — 1928).

**Consular register.**

§ 103. All acts made, certified, or legalised at the Consulate, and extracts and copies of acts, which have been recorded in the Book of acts, shall be entered in the Consular register. The entries are made in the form of a brief summary embodying the more important particulars.

The Consular register is provided with the following columns: 1) Current numbers, 2) Date, 3) At whose instance the act has been made (name, residence), 4) Contents of the act made certified or legalised, 5) Value of the act or number of pages, 6) Consular fee charged: basis (§§ of the Consular Tariff), amount in kroons and foreign currency, 7) Rates of exchange at which the kroons were converted, 8) Remarks, 9) Signature of the recipient or number of the letter under which the act has been forwarded.

The person bearing or sending by post the document for certification or legalisation, or the institution which has sent the document under covering letter to the Legation for certification, shall be recorded in the column "at whose instance the act has been made". In the column "contents of the document issued, certified or legalised" shall be recorded the denomination of the institution and to whom the document has been issued, the contents of the document, what act the Legation has performed (legalised, certified, etc.). In case the Legation itself has issued the document, the party to whom the document has been given out and the contents shall be recorded in the column.

§ 104. All acts drawn up by the Consulate in its notarial capacity shall be recorded verbatim in the Book of acts (see § 215 p. 1).

Book of acts.

The Book of acts is provided with the following columns: 1) Current numbers, 2) Contents of the act, 3) Remarks.

§ 105. All passports granted and prolonged shall be registered in the Passport book.

Passport book

The Passport book is provided with the following columns: 1) Current numbers, 2) Date, 3) To whom the passport has been issued or prolonged: a) Name, b) Place and date of birth, c) Profession, d) Residence (permanent and temporary abroad), e) Since when abroad, 4) On the basis of what document issued or prolonged, 5) From what date until what date the passport has been issued or prolonged, 6) Passport fee charged: a) basis, b) amount in kroons and foreign currency, 7) Consular fee charged: a) basis, b) amount in kroons and foreign currency, 8) Rates of exchange at which the kroons were converted, 9) Remarks.

§ 106. Visas of entry and transit visas issued by the Consulate shall be registered in the Visa book.

Visa book

The Visa book is provided with the following columns: 1) Current numbers, 2) Date, 3) Full name of the recipient of visa, 4) Date of birth, 5) Profession, 6) Citizenship, 7) Purpose of journey and destination, 8) On what document the visa has been affixed, 9) Category of visa, dates of validity for entry and permit of sojourn, 10) Consular fee charged: a) basis, b) amount in kroons and foreign currency, 11) Rate of exchange at which the kroons were converted, 12) Remarks.

§ 107. Property, parcels and packages of every description received at the Consulate for safe-keeping or transmission shall be entered in the Book of deposits.

Book of deposits.

The Book of deposits is provided with the following columns: 1) Current numbers, 2) Date, 3) Name and residence of depositor, 4) Effects deposited for safe-keeping, 5) Value of effects, 6) For how long deposited, 7) Consular fee: a) basis, b) amount in kroons and foreign currency, 8) Rate of exchange at which the kroons were converted, 9) Remarks.

§ 108. All Consular revenue at Honorary Consulates shall, on the basis of the other Consular books (Consular register, Passport book, Visa book), be entered in the Book of Consular fees, either on the same day or after specified periods dependent upon the number of transactions and the instructions given.

Book of Consular fees.

The Book of Consular fees is provided with the following columns: 1) Year, month, day, 2) Consular fees, with sub-divisions: a) from whom received, b) for what

transaction, 3) basis for the fee (§§ of Consular Tariff), 5) Number of transaction or receipt issued, 6) Amount.

Cash book.

§ 109. All monies received and paid out, with the exception of external sums subject to entry in the Cash book of transferable sums, shall be recorded in the Cash book.

Book of credits.

§ 110. The book prescribed in the regulations pertaining to book-keeping (State Gazette 26 — 1931), which has been adapted for representations abroad, shall, in accordance with the following form, be used as the Book of credits: 1) Fixed credit, 2) Renewed credit, 3) Date and contents of transaction, 4) Amount of expense, 5) Sums paid out at the Ministry of Foreign Affairs, 6) Free credit, 7) Remarks. Particulars are also to be found on each page regarding the nomenclature of expenses (chapter, §, letter).

Book of State revenues.

§ 111. State revenues shall be entered in the Book of State revenues. The book is provided with the following columns: 1) Year, month and day, 2) From whom received, 3) For what purpose, 4) Nomenclature of revenues, 5) Numbers of transaction or cash receipt, 6) Amount in kroons and foreign currency.

Cash book of transferable sums.

§ 112. External transferable sums at Consulates in charge of career Officers, and all monetary transactions at Honorary Consulates, shall be recorded in the Cash book of transferable sums.

The Cash book of transferable sums is an ordinary current-account book.

Book of inventory.

§ 113. All State property to be found at Consulates shall be recorded in the Book of inventory.

The Books of inventory shall be kept in accordance with the same forms as have been prescribed for State institutions, provided no exceptions admissible in law have been made by special agreement with the Ministry of Economic Affairs through the Ministry of Foreign Affairs.

All Consulates in charge of career Officers are under the obligation to keep the Book of inventory. As a general rule, very little State property is to be found at Honorary Consulates (flag, shield, seals, some books, etc.), and it is, therefore, appropriate that the records of such property shall be kept at the Consulates in charge of career Officers to which the Honorary Consulates are subordinate. Consulates in charge of a Consul of Estonian nationality, or where an Estonian Secretary is employed, may, in exceptional cases, be required to keep the Book of inventory. The obligation to keep the Book of inventory is decided upon in the case of Honorary Consulates by the Consulate-General to which they are subordinate, and, in the case of Consulates directly subordinate to the Ministry of Foreign Affairs, by the Ministry.

§ 114. The Control book in respect of estates and property accepted for safe-keeping shall be kept for the recording of such property as has been handed over to the Consul or is at the Consul's disposal, and which is not in the nature of a deposit (see § 107), i. e. property which has been left in the care of the Consul owing to the death or absence of the owners. This book shall be kept at Honorary Consulates only when so prescribed.

Control book in respect of estates and property accepted for safe-keeping.

The Book is provided with the following columns: 1) Current numbers, 2) Date on which the property was accepted for safe-keeping, 3) Description of property accepted for safe-keeping, 4) Dispositions in respect of property (arrangements for sale, transmission, etc.), 5) Remarks.

§ 115. All protests lodged and disputes arising in connection with registration of changes in family status, first of all in case of marriages, shall be recorded, in the form of protocols, in the Book of protocols for registration of protests and disputes.

Book of protocols for registration of protests and disputes on recording changes in family status.

The Book of protocols has no columns. The current numbers of protocols shall be written in front of each protocol. All other particulars shall be embodied in the text.

§ 116. All the Consular books, with the exception of the Registers of letters received and despatched shall be verified before putting into use.

Verification of Consular books before putting into use.

All account books (Cash book, Book of credits, Book of State revenues, Book of transferable sums, Book of inventory, Book of deposits, Book of Consular fees), Consular register, Book of acts, Passport book, Visa book and Control book in respect of estates and property accepted for safe-keeping, which are issued to Consulates in charge of career Officers and Honorary Consulates directly subordinate to the Ministry of Foreign Affairs, shall be verified by the Ministry.

In the case of other Consulates, such books shall be verified by the Consulates-General de carrière.

Registers for recording changes in family status and Books of protocols for recording protests (§ 93 p. 20) shall be verified by the Ministry of the Interior. The Sub-register of vessels shall be verified at the Seamen's Home. These books shall be verified before they are sent to the Consulates.

§ 117. The act of verification consists in this, that the pages or folios of a respective book shall be numbered (dependent upon whether the text covers one or two pages) and the book furnished with an endorsement mentioning the institution to which it has been issued, and how many numbered pages it contains (the number in the endorsement

Act of verification.

shall be marked in words). The verification endorsement shall be furnished with the signatures of two respective officials. The signatories at the Ministry of Foreign Affairs shall be the Director of the Administrative Department and the Chief of the respective Bureau.

#### XIV. HANDBOOKS AND BOOKS TO BE USED IN THE CONSULAR SERVICE.

(Consular Law § 50).

Handbooks and materials which shall be found at each Consulate.

§ 118. Each Consulate shall be in possession of a set of instructions pertaining to the Consular service and of the Consular tariff, the texts of laws in force in Estonia and in the country where the Consulate is located, in so far as these are necessary in the performance of the Consular duties, as well as the texts of treaties concluded between Estonia and the foreign country, where the Consulate is located, and a list of Estonian representations abroad.

Consulates in charge of career Officers shall, in addition to the above, be in possession of a complete set of the "Estonian State Gazette" (Riigi Teataja) as well as the texts of treaties concluded between Estonia and foreign countries, and in so far as possible, of a complete set of the texts of treaties concluded between the country where the Consulate is located and other countries.

These data shall also be procured, in so far as possible, by the more important Honorary Consulates.

Consulates in charge of career Officers and all Consulates established at ports shall, in addition, be in possession of data and general information on ports within their district as well as in Estonia and on harbour dues to be paid in such ports.

Apart from the above, each Consulate shall procure, in so far as possible, all yearbooks and handbooks which are necessary for the performance of the Consular duties.

Books and printed matter, which have been procured or sent to the Consulate at the expense of the State, shall be accounted as State property.

Method of keeping account of books.

§ 119. The method of keeping account of the books at the Consulates de carrière is laid down in the "Regulations concerning the computation and rendering account of material property in State institutions" (State Gazette 17 — 1932). For keeping an account of books at Honorary Consulates see § 113.

## XV. CORRESPONDENCE.

(Consular Law § 51).

§ 120. The official language in which Consular correspondence is to be carried on shall be: 1) in corresponding with the Ministry of Foreign Affairs, Estonian representations abroad, Estonian institutions and citizens — the Estonian language; 2) in corresponding with the official institutions of the country where the Consulate is located and its citizens — either the language of the country of the Consul's residence or the French or English languages; 3) in corresponding with the citizens of other countries — the French or English languages.

Language of Consular correspondence.

The following exceptions shall be in force in respect of p. 1.: a) Honorary Consulates for which, upon the consent of the Minister of Foreign Affairs, some other generally known foreign language (French, English, German) has been determined for use in correspondence, shall correspond with the Ministry and the official Estonian institutions in such language. The same language shall likewise be used by the official Estonian institutions in their intercourse with such Honorary Consulates; b) Honorary Consulates shall be permitted to correspond with private persons and firms also in the other languages mentioned as the language of Consular correspondence in the List of Estonian representations abroad.

At Consulates de carrière and at those Honorary Consulates where the chief is an Estonian or where a career Vice-Consul or Estonian official has been assigned, the Consular books shall be kept in the Estonian language; at other Consulates in the language which has been determined as the official language of correspondence.

§ 121. Centralisation and uniformity shall be regarded as the first rules for the regulating of Consular correspondence.

Rules for Consular correspondence.

The general direction of the Consular activity is carried out by the Ministry of Foreign Affairs through the Consulates-General and other Consulates directly subordinate to the Ministry and the correspondence shall accordingly be carried on in the same order of subordination. This rule shall be applicable to intercourse between the Consuls and Estonia, as well as to intercourse between official Estonian institutions and the Consuls.

The Ministry of Foreign Affairs shall correspond directly only with Consulates discharging the duties of Consulates-General and with such Consulates as are in direct subordination to the Ministry. Other Central Institutions entitled to hold direct communication with the

Consulates, in cases provided for in the present general Instructions, shall correspond with the Consulates on the same basis. All other official institutions having certain wishes or tasks requiring the assistance of the Consulates shall apply to the Consulates on such matters through the Ministry of Foreign Affairs. The same order shall be observed by Central Institutions entitled to hold direct communication with the Consuls, when dealing with questions which do not come immediately within the proper sphere of Consular functions.

Exceptions to this general rule are given hereafter, see particularly §§ 170, 182, 183 (passports), 196, 200, 201, 203, 205 (visas).

The instructions pertaining to correspondence, which are in force for all official institutions, shall be observed in so far as they are not modified by the present Instructions. Private communications by letter on official matters shall be avoided. Should this appear to be unavoidable, a private letter may, in such case, serve only as complementary to an official letter on points which it is not desired to touch upon officially.

Communication  
between the Con-  
sulates and the  
official institutions  
of the country of  
residence.

§ 122. Consulates-General may, as a general rule, communicate directly with the Ministry of Foreign Affairs of the country where the Consulate is located, other Consulates only when there is no Consulate-General, or if this right has been granted to them.

All Consulates shall be entitled to communicate direct with other official institutions to the extent permitted to the Consulates of other countries, whereby it is recommended that communication with Central Institutions should be effected whenever possible through the intermediary of the Consulates-General.

In cases where a Legation discharging the duties of a Consulate-General addresses such official institutions in Consular matters, this shall be effected in the name of the Consular Division of the Legation and on the Consular stationery.

Communication with the local foreign representations shall take place in conformity with established local practice; Consulates shall be entitled in any case to communicate with other Consulates domiciled within their Consular districts.

Communication  
between the Con-  
sulates and private  
institutions and  
persons.

§ 123. The Consulates may, in the performance of their Consular duties, carry on correspondence with private institutions and persons without any restrictions. Requests from private institutions and persons, which the Consulate is unable to settle or the settlement of which is outside its competency, shall be forwarded to the Consulate-General. Requests upon which the fees (Consular fees) have not been paid shall, for collection of the respective fees, be dealt with

in a similar way in case the Consulate itself has not succeeded in obtaining payment.

It shall be prohibited to execute special commissions in matters involving expenses, unless the requisite sums to meet such expenses have been paid or deposited in advance, as well as commissions which do not come within the sphere of the Consular functions.

§ 124. Correspondence shall be carried on by means of ordinary and secret letters.

Classification of correspondence in accordance with the contents.  
Meaning of ordinary and secret letters.

§ 125. A letter the contents of which shall, in the interests of the State, be known only to the officials or institutions concerned shall be considered as a secret letter.

Upon multiplication of such letters all precautionary measures shall be taken to avoid the production of surplus copies. Secret letters shall be registered separately (in registers similar to those for ordinary letters) and special repositories shall be arranged for their preservation (see § 137 d).

All other letters shall be considered as ordinary letters.

Although the contents of ordinary letters may become generally known, it shall be prohibited to publish them in the press, if this has not been expressly provided for, and to divulge their contents without the knowledge and consent of the chief of the institution to outside persons and institutions.

§ 126. Letters shall be divided as regards form into: 1) reports (submissions), 2) prescriptions and 3) communications. A letter from a subordinate to his superior shall be named a report, a letter from a superior to a subordinate — a prescription, a letter outside subordination, letters to other institutions, etc. — a communication. The difference between a report, prescription and communication lies only in the construction of the text of a letter, which in conformity with its contents may, in individual cases, take on a special form.

Classification of correspondence as regards form.

Note: Submissions despatched after fixed periods or for certain fixed periods (weekly reports, annual reports, etc.) shall be named a report.

A prescription or communication (orders, enquiries, notifications, etc.) which is sent out simultaneously with one and the same contents to several institutions, shall be named circulars.

A communication drawn up in the third person, and sent out without signature or only under the seal of an official institution, as customary in international intercourse, shall be named note verbale. Consulates do not use this form of correspondence.

§ 127. Consulates shall also use: 1) protocols and 2) aides-memoire.

A record in writing (description of circumstances) made by an official institution or by an official in the

Special forms of letters in use at Consulates.

discharge of his official duties shall be named a protocol. At a Consulate, a record in writing in respect of an official transaction in the Consular activity (protocols in respect of examinations, proving of certain circumstances etc.) shall be deemed a protocol.

A survey drawn up in the third person in respect of certain circumstances or procedure and submitted without signature to complement or confirm, as a summary of the existing matter, a verbal statement shall be named aide-memoire.

Classification of letters in the order of urgency.

§ 128. Letters shall be divided into four categories in the order of their urgency: 1) without a specified date for attention, 2) with a specified date for attention, 3) urgent or immediate, and 4) very urgent.

Letters with fixed date for attention, urgent and very urgent letters shall be marked in the right-hand top corner respectively — “specified date for attention”, “urgent” (“immediate”, “very urgent”, “for immediate attention”).

Letters with fixed date for attention shall be dealt with at least by the date fixed, urgent and very urgent letters as soon as possible. In case difficulties are experienced or anticipated in attending to a letter at the proper time, the Consulate in receipt of the letter shall inform the sender thereof.

Contents of letters.

§ 129. Each letter, with the exception of summarised surveys and reports for fixed periods, shall deal with one question or definite circumstance only. Should letters, which do not conform to this rule, be sent to Consulates, subsequent correspondence shall be carried out in accordance with the general rule opening as many separate files (acts) as may be required by the contents of the letter, and taking as basis for each file either a corresponding extract from the letter or a copy of the whole letter.

In longer letters, the gist of the contents shall be set down in one or two lines before the text of the letter.

In every letter sent in reply to a letter received the number and date of the letter answered shall always be mentioned, and, if necessary, also the numbers and dates of own previous letters.

Signing of letters.

§ 130. Consular letters shall be furnished with one signature only. Which letters are to be signed by the Consul and which by other Consular officials, if such exist, shall be determined on the internal distribution of the work (see §§ 11 and 20).

Letters bearing on more important and fundamental questions shall in any case be signed by the chief of the Consulate or his substitute.

For the procedure of signing at Honorary Consulates where a career Vice-Consul is assigned, see Instructions § 64 p. b.

§ 131. The tone of a letter shall be sober and businesslike — free from a polemical tendency, sharpness of any kind and expressions of sentiment. Tone, style and courtesy phrases of letters.

The language of a letter shall correspond to the generally recognised standard requirements of the language. Foreign terms and meaningless expressions shall be avoided.

The forms of courtesy at the beginning and at the end of a letter shall be as brief as possible; the traditional forms of courtesy shall be observed in correspondence with the official institutions of foreign countries.

§ 132. The Consulates shall use note-paper upon which the name of the institution is inscribed; the note-paper may bear the device of the large State coat-of-arms. Note-paper.

The quality of the paper shall be in correspondence with the contents and importance of the letter. Letters intended for preservation in the archives for a longer period and letters sent to official institutions of foreign countries shall be written on superior quality paper. Paper of an inferior quality shall be used for correspondence with the official institutions and citizens of Estonia.

The address of the institution (domicile), date of despatch and current number in accordance with the Register of letters despatched shall be found on a letter.

In case the Ministry of Foreign Affairs shall prescribe the use of a uniform note-paper (equal size, quality and text of heading) such note-paper shall be adopted for all Consulates.

§ 133. Envelopes used in correspondence shall bear the name of the respective institution and shall match the note-paper. Envelopes.

For despatching secret letters only envelopes made of strong non-transparent paper shall be used.

§ 134. The Consulates shall despatch their letters either by mail or by courier (when possible), whereby secret letters shall be forwarded by mail in registered packets only, and shall also be sealed in addition, as every secret letter. Despatching of letters.

In case several letters are despatched to one institution, the letters shall be contained, if possible, in one envelope. This shall be done in any case when corresponding with Estonian institutions.

Letters of the Consulates mentioned in the third section of § 121 shall be despatched to the Ministry of Foreign Affairs — provided the correspondence is always large in volume — on certain fixed days (once or twice a week), exceptions to be made only in cases of urgent letters.

All letters to the Ministry of Foreign Affairs shall be despatched whenever possible in registered envelopes, and the more important ones shall be sealed in addition. A

packet containing the mail of a Consulate to the Ministry of Foreign Affairs, forwarded periodically as mentioned in the foregoing section, shall be sealed in any case.

When forwarding mail to the Ministry of Foreign Affairs either by courier or in an envelope through the post, a mailing list shall be drawn up each time on the prescribed form in duplicate. One copy of the list shall be retained by the forwarding institution and the other copy and the control-mark sent with the mail. The control-mark only shall be returned in the course of the post and the institutions having despatched the mail shall attach the control-mark to the copy of the mailing list retained (or gum it on the reverse side of the list) as proof of the arrival of the mail at its destination. In case the mail does not tally with the accompanying list, relevant remarks shall be made on the control-mark. As an exception, the list enclosed with the mail may, by order of the Ministry of Foreign Affairs, be drawn up in the form of an accompanying letter.

Should the mail be forwarded by courier, a courier post despatch list shall, in addition to the mailing list mentioned above, be drawn up in quadruplicate. Three copies of this list shall be forwarded with the mail (one copy handed to the courier in addition to the courier list and two copies enclosed in the mail packet); on delivery of the mail the copy carried by the courier shall be returned to him as proof of receipt of the mail. Of the copies enclosed in the packet one shall be retained by the recipient of the mail and the other returned to the sender as proof of the receipt of the mail, replacing thus the control-mark mentioned above.

Individual letters to the Ministry of Foreign Affairs and all secret letters despatched shall be accompanied by the control-mark only, which is returnable duly completed.

The number to be found on the mailing list shall be marked on the packets or envelopes making up the courier post (in case several packets are despatched the number shall be supplemented, according to the number of packets, with Latin numerals, for instance, should the number of the mailing list be number 100, the packets shall be marked 100<sup>I</sup>, 100<sup>II</sup>, 100<sup>III</sup>); the same procedure shall be followed when forwarding letters accompanied by a mailing list through the post. The mailing lists shall bear the current numbers of the mailing list file, which shall begin for each year of activity with the number 1.

Mailing lists shall not be drawn up when sending several letters in a covering envelope to other institutions (not to the Ministry of Foreign Affairs). Only the numbers of the letters enclosed in the envelope shall be marked upon it.

Consulates in charge of career Officers shall possess for letters sent by mail or by hand a letter despatch book in which shall be recorded the numbers of the letters or the numbers of the mailing lists to be found in the covering envelope, as well as postal charges and proof of despatch. The signature of the person handing in the mail, the postal official receiving it or the recipient of mail delivered by hand shall be considered as proof of despatch. In case the postal arrangements at the place where the Consulate is located provide for ordinary letters being handed in for despatch at the Post Office, such facilities shall be made use of in the first place. Post Office receipts, if issued free of charge, may be gummed or affixed in some other way in the letter despatch book as proof of despatch of registered letters.

## XVI. ARCHIVES.

(Consular Law § 52).

§ 135. The archives of all Consulates in charge of career Officers shall be arranged on the same principle and on a uniform basis of classification in accordance with the list of standardised categories of archives and files of the Ministry and representations abroad.

Rules for the arrangement of Consular archives.

Of the files fixed for Consulates in accordance with the list of archives only those files for which correspondence exists shall be used by individual Consulates.

The arrangement of archives of Honorary Consulates in compliance with the present instructions shall be obligatory only for those Honorary Consulates where a career Vice-Consul or Estonian Secretary is assigned, but for the sake of uniformity it is very desirable that other Honorary Consulates should also arrange their archives in so far as possible on the same principle.

Archives shall be divided into two parts — 1) secret archives and 2) ordinary archives — in accordance with the same list.

§ 136. Archives are divided into: 1) classes, 2) categories, 3) files, and 4) acts.

Division of archives as regards contents.

Archives are divided into classes in accordance with the periods fixed for the preservation of archival documents.

Archival documents are divided, according to their interrelationship, into categories, files and acts.

There are three classes: class I — archival documents which are to be permanently preserved; class II — archival documents to be preserved for a period of from 5—20 years,

a) classes.

and class III — archival documents to be preserved for a period of from 1—5 years.

To the first class pertain: 1) archival documents of general importance which might prove of interest to scientific and other institutions, 2) documents regulating the Consular duties and service lists of officials, 3) Consular registers, lists of destroyed files and acts, and acts relating to the handing over of archival documents to the State Archives.

To the second class pertain archival documents containing data in respect of the economic matters and personnel of Consulates for which interest and need might arise in the course of 5—20 years.

To the third class pertain archival documents which will not be required in the future.

b) categories.

A group of files which, in accordance with the interrelationship of the archival documents therein, has been singled out as a separate section of the archives within the limits of the meaning of a category shall be named a category.

The number of categories at Consulates is dependent upon the list of archives fixed by the Ministry and drawn up in accordance with the instructions in force for State institutions.

c) files.

A group of acts collected in accordance with their interrelationship, within the limits of the meaning of a file shall be named a file.

d) acts.

Correspondence and data relating to a matter (question) and arranged in chronological order shall be named an act.

An act forms the initial unit of an archive.

Technical arrangement of archival documents.

§ 137. Each act shall be placed in a separate folder. Acts shall in turn be placed in the file folders and the files shall be placed in separate archive boxes in the order of the categories and files fixed in the list of archives.

a) requirements as regards acts.

Ordinarily either stronger paper of foolscap size or thinner folders, so-called act covers, dependent upon the volume of correspondence, shall be used as folders for acts. Should an individual act consist only of a couple of documents, they may be placed in the file without a special folder and separated by a single sheet only bearing the denomination of the act.

The number of the category and file to which the act pertains shall be marked in the right-hand top corner of the act folder, the denomination of the contents of the act shall be marked in the middle, and the date of commencement and completion of the act marked below on the right-hand side.

The date on which the Consulate received or despatched the first letter in respect of a certain matter or question shall be marked as the date of commencement of an act.

The date on which the last letter in respect of a matter or question has been received or despatched and by which the matter or question has been settled or finally decided shall be marked as the date of completion of an act.

Finished correspondence relating to the I and II classes shall be affixed to the folders in chronological order commencing from the top with the first letter and shall not contain blank sheets (these shall be removed). When affixing the letters to the folders care shall be taken that the text of the letter remains fully visible.

The number of sheets contained in a completed act shall be marked on the reverse side of the folder.

Paper of a durable quality (cardboard, carton) shall be used as folders for files. b) requirements as regards files.

The number of the category and file in accordance with the list of archives shall be marked in the right-hand top corner of the file folders, the denomination of the file shall be marked in the middle, and the year below on the righthand side.

The denomination of the contents of the file shall appear on the inner side of the folder or on a separate sheet in front of the acts of files of the first or second category (see § 136 a).

Acts shall be placed in files in alphabetical order or in the order of the dates of their completion and shall be furnished with consecutive numbers.

Special cardboard boxes with one side open (top) shall be used as boxes of archives at Consulates-General, and shall have the following measurements: 1) length — 39—40 cm., height — 25 cm., and breadth — 9—10 cm.; 2) at other Consulates: length — 39—40 cm., height — 25 cm., and breadth — 4—5 cm. c) requirements as regards archive boxes.

On the end of the box which is visible in the cupboard shall be marked on a special label: 1) year of activity to which the archival documents pertain; 2) denomination of the category of the archives or files in accordance with the contents of the box and 3) name of the Consulate.

Labels of a different colour may be used on the boxes to distinguish secret archives.

It is desirable to use for current archives a separate box for each particular category of the archives (in smaller Consulates one box may be used for several categories); in the archives of completed matters as many categories as possible shall be placed in one box (in smaller Consulates, the completed acts for the whole year, if possible) in order

to save space on the assembling of the archival documents at the Consulate-General, Central Institution or State Archives.

d) requirements as regards cupboards for archives.

Solid cupboards which can be securely locked shall be used as repositories for archives; the depth of the cupboard shall at least be equal to the length of the archive boxes.

Archival documents shall be placed in the cupboards by years commencing from the top downwards, from left to right. Should a Consulate have no special receptacle for secret archives (steel safes, etc.) these archives shall always be placed on the top shelf of the cupboard. The secret archives at a Consulate-General shall be kept separate in any case.

It shall not be permitted to place in the archive cupboard anything but the correspondence and office books of the Consulate. Particular attention shall be paid to this requirement at Honorary Consulates. A label showing that it contains the archives of such and such Consulate shall be found on the door of the cupboard (important to safeguard the inviolability of the Consular archives on the basis of international law and international treaties).

Archives of current and completed matters.

§ 138. In arranging the archives a difference shall be made between completed matters and current archives since both are arranged independently.

Current archives consist of the incompleted correspondence of previous years and fresh correspondence during the year of activity.

Archives of completed matters consist of completed acts assembled for each year of activity during which respective matters or questions were finally settled or decided.

A list, in accordance with the prescribed form, in which all books, files and acts contained in the archives are to be recorded, shall be kept in respect of the archives of completed matters.

Acts may be taken out of completed files only in case of the utmost necessity.

Should an act be removed from a file permanently an appropriate note, mentioning for what purpose the act has been removed, shall be made on the list of acts of the respective file.

Should, however, an act be removed temporarily, a receipt signed by the party to whom the act is handed shall be kept (attached to the list of acts) in the respective file.

Destruction of old archives.

§ 139. Archival documents of class III subject to destruction shall be kept during the period which has been provided for their preservation (1—5 years) and shall afterwards be set apart for examination pending the

final decision for their destruction, which may only take place upon the decision of the Archive Council. Lists of the archival documents marked out for destruction shall be submitted, in triplicate, to the Ministry of Foreign Affairs.

The respective archival documents shall be destroyed by burning on receipt of the permission for their destruction. A special act shall be drawn up with regard to the destruction.

§ 140. All archival documents of former years, which are not subject to destruction at Consulates in the manner prescribed in § 139, shall be assembled at the respective Consulates-General and handed over to the Ministry of Foreign Affairs on the dates determined for this purpose. Should there be no such Consulate-General, the said documents shall be transmitted to the Ministry of Foreign Affairs direct. A list in respect of the archives handed over shall be drawn up every time and the receiving institution shall confirm receipt of the archival documents enumerated in the list.

Handing over of  
old archival  
documents.

Should a Consulate be liquidated, all the Consular archives, which are deemed to be completed after the unfinished matters have been separated at the discretion of the Consulate-General or the Ministry of Foreign Affairs, shall be handed over to the Consulate-General or the Ministry of Foreign Affairs.

## XVII. CONSULAR FEES.

(Consular Law § 53).

§ 141. The Consuls shall charge fees for Consular services on the basis of the Tariff of Consular fees bearing in mind the special arrangements for charging higher fees to the nationals of those countries where higher fees are charged to Estonian nationals.

Scale of Consular  
fees.

§ 142. Account shall be rendered of all Consular revenue including that which is retained by Honorary Consuls.

Accounting for  
Consular revenue.

At Consulates in charge of career Officers the Consular revenue shall be entered into the Book of State revenues (§ 93 p. 16). At Honorary Consulates the Consular revenue shall be entered into the Book of Consular fees (§ 93 p. 13).

a) books.

The basis for accounting shall be: 1) an entry relating to a Consular transaction into a certain Consular book foreseen in § 93 or 2) a respective entry into the Cash receipt book of the Consulate if, for certain transactions, no special book exists (for instance, transactions in connection

b) basis for ac-  
counting.

with the inspection and sealing of property, etc.) or if in the respective book no column is provided for charging the fees (for instance, Consular fee levied on petitions which are entered into the Register of letters).

It shall be borne in mind that as a general rule receipts are not given for the Consular transactions which are registered in the books for separate transactions and receipt of which is marked on the respective document (legalisations, visas, prolongation of passports). This shall be allowed only in special cases where the parties concerned need a receipt for particular reasons. In such cases a note shall be made on the counterfoil of the receipt that the fee has been entered into the respective Consular book under a certain number.

c) monetary unit  
for computation.

Consular fees shall be levied in accordance with the Tariff, whereby the amount of the fee in Estonian kroons shall form the basis of the charge. Its equivalent in foreign currency shall be levied at the rate of exchange of the day, which is the average of the buying and selling rate of the Bank of Estonia. Should the applicant desire to defray the fee in Estonian kroons, the Consulate cannot refuse to accept payment in Estonian currency.

d) method of  
keeping ac-  
counts.

Consular revenue shall be accounted for at Honorary Consulates as follows: 1) all revenue received on the basis of the cash receipts shall be entered into the Book of Consular fees, each transaction separately, at the time the receipt is given, 2) all other revenue recorded in the other Consular books shall be entered into the Book of Consular fees once a month in total according to the respective books, for instance, Consular fees received in respect of transactions recorded in the Consular register from the 1st January until the 1st February 193... kr. . . ., Rmk., £; on the next line: Consular fees received in respect of visa transactions from the 1st January until the 1st February 193... kr., Rmk., £, etc.

Fees received at Honorary Consulates shall be accounted for in the Book of Consular fees in the currency of the country in which the Consulate is located.

In addition to the entries in the Book of Consular fees, the total amount of the revenue shall be carried through the Cash book of transferable sums (§ 93 p. 17).

In case the Consular revenue collected at an Honorary Consulate is assigned either wholly or in part to the Honorary Consul in accordance with § 39, the Honorary Consul shall retain the respective sum for his own benefit against a special receipt, showing this sum as expenditure on the right-hand side of the Book of transferable sums.

The Consular revenue collected by Consulates in charge of career Officers shall be accounted for in the Book

of State revenue (§ 93 p. 16) on the basis of both: 1) cash receipts, and 2) entries made into the individual Consular books in Estonian kroons and foreign currency on the day the revenue is received and shall be carried over from this book in totals in accordance with the nomenclature of revenues into the Cash book (§ 93 p. 13) three times a month (for every 10 days) on the basis of the reports for the handing over of State revenue, together with other revenue which has been entered into the Cash book of State revenues.

When performing Consular transactions for which payment of the fee is to be demanded later (liable to occur in executing commissions of the Ministry of Foreign Affairs or transactions for the account of private individuals, the latter to be avoided, if possible), the fee shall be marked in the respective Consular book, in accordance with the Tariff, in Estonian kroons only and a notation made in the column reserved for remarks as to whom the demand for payment has been made. Such sum shall not be entered into the Book of State revenue and the column "fee in foreign currency" shall remain empty.

e) fees not collected when performing a Consular function.

Should such fee be paid to same institution later, it shall be accepted in exchange for a receipt, on which shall be marked that it is the fee owed for such and such transaction, and shall be entered under the revenue for that day, recording the number of the transaction and the amount only, as an exception to the order prescribed in respect of fees for which a receipt is given.

Should such fee be paid to the Ministry of Foreign Affairs later or to some other Consulate, it shall be accounted as revenue at the Ministry or at the Consulate to which the fee has been remitted, and the Consulate which performed the function shall be notified thereof for the purpose of marking in the respective Consular book, in the column reserved for remarks, that payment has been made.

The institution performing the function shall see to it that unpaid fees are defrayed.

§ 143. The Consular fees charged shall be marked each time on the respective document either in the text of the endorsement, or separately, mentioning the fee levied and the basis for the charge (Consular fee charged on the basis of § ... of the Consular Tariff).

Marking Consular fees on documents.

§ 144. Should the use of Consular stamps be introduced the provisions of §§ 142 and 143 will be adjusted to the amendments, which will be put into force by the Ministry of Foreign Affairs supplementarily.

Consular stamps in payment of Consular fees.

## XVIII. PROTECTION OF THE RIGHTS OF ESTONIAN CITIZENS.

(Consular Law §§ 54—56, 58).

Rights of Estonian  
citizens abroad.

§ 145. The rights of Estonian citizens abroad are determined by the laws of the country in which the Consul resides, by virtue of treaties concluded by the latter with the Republic of Estonia or by other international treaties and usages. The laws of Estonia come into consideration in so far as this is foreseen by the laws of the country of the Consuls residence or by existing treaties.

Knowledge of  
existing treaties.

§ 146. In order to discharge his duties, it is necessary that a Consul shall be well conversant with the treaties concluded by the country of his residence with Estonia. The texts of such treaties are to be found in the State Gazette and the publication "Estonian treaties with foreign countries".

Since treaties with other countries are usually concluded on the most favoured nation basis, i. e. all the privileges which have been or will be accorded to other foreign countries — their nationals shall be enjoyed by Estonia, a Consul shall make himself acquainted also with all the treaties concluded between the country of his residence and other countries. A Consul shall follow the treaty policy of the country of his residence and shall draw the attention of the Estonian institutions concerned to the privileges applicable to Estonia by virtue of other treaties.

In concrete cases a Consul shall see to it that such rights are extended to Estonian citizens.

Knowledge of the  
laws of the country  
of residence.

§ 147. A Consul shall make himself well acquainted with the laws of the country of his residence, first of all, with those which, on the basis of existing treaties, are applicable to Estonian citizens. A Consul shall avail himself of every opportunity to acquaint himself with the relevant laws.

Duties of Consul  
in case of violation  
of the rights of  
Estonian citizens.

§ 148. In case of violation of the rights of Estonian citizens, such as the raising of obstacles in the enjoyment of certain rights, placing Estonian citizens in an inferior position or wrongful application of laws, it shall be the duty of the Consul to take whatever steps are necessary to reestablish Estonian citizens in their rights. Such steps shall comprise the rendering of all kinds of information and advice to the parties concerned, intervention for the protection of a citizen, support before the official institutions of the country of the Consul's residence, reporting the circumstances to the Consulate-General or Ministry of Foreign Affairs, etc. The Consul shall also transmit applications addressed through him to the local authorities.

§ 149. Before each particular case of intervention, the Consul shall carefully examine the question in point. He shall take steps only in case of actual violation of the rights to which Estonian citizens are entitled. In case of doubt, the Consul shall inform himself of the merits of the case by instituting enquiries.

Circumstances to which due regard shall be paid on intervention.

When applying to the official institutions of the country of his residence, the Consul shall take care not to address himself to institutions with which he is not entitled to communicate direct.

Consulates domiciled in countries where Legations exist shall be prohibited to maintain direct relations with the Ministry of Foreign Affairs of the country concerned. This may take place in exceptional cases, but only upon the authorization of the Legation.

This restriction shall not, however, apply to the maintenance of relations with local representations of the Ministry of Foreign Affairs of the country of residence (for instance, agencies of the Commissariat of Foreign Affairs in certain towns of the U. S. S. R.), should such institutions exist.

The treaties in existence set forth in greater detail the mode of maintaining relations.

§ 150. Judicial investigation, prosecution and detention entail certain formalities.

Judicial investigation and prosecution.

The Consul shall watch that all proceedings, such as interrogations, arrests, or use of other preventative measures, detention in custody, etc., are performed in the legal manner.

The laws of the country of residence relating to judicial procedure embody detailed prescriptions determining, for instance, the period of detention in custody without a charge being preferred, and for what offences detention in custody is allowed upon preliminary investigation, etc.

§ 151. In the event of interrogation or detention of Estonian citizens, should circumstances, which are in contravention of the laws or existing treaties, become known to the Consul, he shall draw the attention of the respective official institutions to them and require that the mistake shall be remedied or that such occurrences shall be obviated in future. Should such circumstances be brought to the knowledge of the Consul by the Estonian citizen concerned, the Consul shall take official steps only after the statement put forward in the application has been verified on examination.

Duties of Consul when protecting Estonian citizens in case of illegal acts.

The Consul shall inform the Consulate-General or the Legation of the steps he has taken and the results and the latter shall give instructions as to the taking of further steps, if such shall be necessary.

The Consul shall endeavour to acquaint himself as to the conditions under which Estonian citizens are detained, and, if permissible in accordance with the local laws, shall also visit prisons, if possible, as deemed necessary.

## XIX. ESTATES.

(Consular Law § 57).

Report in case of death.

§ 152. All cases of death of Estonian citizens abroad shall be reported immediately to the Ministry of Foreign Affairs, and, when possible, to the deceased's next of kin, if known.

An official certificate of death shall be presented, if possible, with the report. In case the certificate of death cannot be sent, the cause of death shall be stated and detailed particulars, which would assist in establishing the identity and heirs, furnished in respect of the deceased (name, age, place of birth, permanent address, addresses of the next of kin, date and place of death, etc.).

Estate and taking care of estate.

§ 153. Property left by a deceased citizen shall be taken charge of.

Should relatives or heirs of the deceased be at hand, it shall be their duty to see that the estate is safeguarded. In the absence of these persons, the local authorities (police, court, etc.) carry out the necessary formalities, in so far as the existing treaties do not impose these obligations on the Consul.

In the absence of treaties, the intervention of the Consul shall be confined to such functions as are prescribed by the laws of the country of his residence or by local usages. Should treaties exist, the procedure provided for in them shall be observed.

The conditions and the cases in which the Consul intervenes in matters relating to an estate have been provided for in such treaties. The respective treaties either leave the performance of the formalities entirely to the Consul, in which case the local authorities only assist him, or limit the intervention of the Consul to his attendance at the formalities carried out at the local official institutions.

Under no conditions shall the Consul go beyond the limits prescribed by the laws of the country of his residence. He shall particularly pay due regard to the fact that he is not entitled to settle disputes arising in respect of an estate for which only judicial institutions are competent.

Estates taken charge of by Consul.

§ 154. The Consul shall take charge only of such estates as have been left by deceased Estonian citizens in his district, if: 1) the heirs of the deceased or

their agents or the executor of the will are not at hand and 2) if the existing treaties, laws of the country of residence and special conditions admit of his intervention or provide for it direct.

An estate shall be taken charge of without delay upon receipt of the report of the death. Such report is generally received from the authorities of the country of the Consul's residence.

The instructions pertaining to the taking charge only such estates as have been left by a deceased Estonian citizen in the Consular district shall not be interpreted too strictly. If, for instance, an Estonian citizen dies during a temporary sojourn in the district of a certain Consul, his permanent residence and the bulk of his property being, however, situated in the district of some other Consul, all the necessary steps in connection with the estate shall be taken by the Consul in whose district the deceased citizen has his permanent residence, whereas the Consul, in whose district the death occurred, shall take charge only of the property situated within his district, informing the other Consul thereof.

Taking charge of an estate shall also imply disposition for the safeguarding of any rights to which the deceased had title, for instance, protesting of bills of exchange which belonged to the deceased, should the dates have matured, in order not to forfeit the right to claim indisputably, taking steps to obtain life insurance and other monies, etc.

Upon taking charge of an estate, the Consul shall be careful to avoid in all his dispositions any acts, which, according to the laws of the country of his residence, might render him responsible for any debts against the estate.

§ 155. When taking charge of an estate, it shall be the first duty of the Consul to check the property by means of drawing up a list of the effects (inventory).

When drawing up the inventory, the further disposition of the property taken care of shall be decided, i. e. whether and of which effects preservation is necessary and useful, which effects in view of their liability to deteriorate and diminish in value, etc., should be disposed of, what arrangements shall be made for the sale of the effects, and where the rest of the property shall be kept in the future.

Property taken charge of shall be preserved until either: 1) the heirs are established and the property delivered to them or to their agents on the spot or 2) it is forwarded to the Ministry of Foreign Affairs.

The inventory shall be drawn up in the presence of witnesses. The witnesses shall be chosen from acquaintances of the deceased or his servants; in their absence the landlord of the house or flat shall be called as witness. Should the local laws or existing treaties stipulate that repre-

Duties of Consul  
when taking charge  
of an estate.

a) drawing up the  
inventory.

representatives of the police be present, the latter shall be requested by special invitation to participate in drawing up the inventory. In case of their non-appearance, the inventory shall be compiled in their absence.

The act of drawing up the inventory shall be recorded in protocol. A description of the place where the property is situated, the process of drawing up the inventory, all the dispositions made, the witnesses present and the statements made by them in respect of the person of the deceased or for the purpose of elucidating matters connected with the property, shall be recorded in the protocol. The protocol shall be signed by all present.

b) sealing property taken charge of.

Property taken charge of shall be sealed. In case of bulky effects (furniture, etc) requiring special accommodation for safe-keeping, individual packages and articles shall not be sealed, but the room or rooms only. For the sealing of all inlets to such room or rooms (windows, doors) strips of paper shall be placed over the windows or doors or their parts, one end of such strip being attached to the windows or doors themselves and the other end to the frame of the window or door, both ends being sealed.

Before sealing, from the respective room shall be removed: 1) all extraneous effects, 2) such effects as are subject to surrender on the basis of claims against the estate and 3) such effects as are destined for realisation. In addition, effects needed for the interment (shroud, etc.) or to be used before the interment shall be left unsealed. The latter effects shall be handed over into special keeping and a notation to this effect made in the protocol.

Under Point 2 shall come, for instance, payment in kind to servants for time already due.

Money, more important documents — in the first place the will, securities and valuables, of which special care has to be taken, shall be separated from the rest of the estate when sealing the effects. A respective notation shall be made in the list of the effects.

Under securities is meant all kinds of shares, stocks and obligations. Under valuables shall be understood gold and silver articles, jewellery and pearls.

c) liquidation of effects liable to become useless or to deteriorate and lose value when stored, and the preservation of which is too costly.

Effects separated from the bulk of the estate when drawing up the inventory, which are liable to become useless, to deteriorate or to lose value, such as foodstuffs of a perishable nature, and soiled articles likely to suffer further from longer storage, etc., shall be sold under the arrangement of the Consul in the most suitable and advantageous way (if possible, each time by auction). The same procedure shall be followed with regard to effects the preservation of which would involve expenses out of proportion to the value of the article (for instance, preservation of ordinary furniture).

The proceeds from the sale of such effects shall be added to other sums belonging to the estate.

The Consul shall make the following disbursements out of the estate: 1) defray the costs of the last illness and interment of the deceased, 2) grant to the deceased's family essential maintenance, should the family have no other means of subsistence, 3) satisfy such of those claims directed against the estate as are legally indisputable, exercising, however, extreme caution so as not to incur responsibility to the heirs (wages of servants, rent for living quarters which has not been paid up to date, etc.), 4) defray the expenses connected with the preservation and storage in safe-keeping of the estate (Consular fee for drawing up the inventory, transactions in connection with the sale of the effects, obtaining possession and transmission of the effects, rent for rooms, etc.).

The incurring of such expenses shall be warranted only in case the respective funds, either found in cash among the estate or obtained from realisation of the estate, are at the disposal of the Consul. With regard to medical and funeral expenses see also § 369.

After settlement of all claims the residue of the estate shall be handed over to the heirs. This shall be effected either on the spot by the Consul or in Estonia through the Ministry of Foreign Affairs or the Justice of the Peace of the 1st District of Tallinn (all matters pertaining to estates abroad come under his jurisdiction) to whom the property shall be forwarded by the Consul.

Money and documents shall be forwarded in insured packets or by means of book transactions; the effects shall be sent, if possible, in Estonian vessels. Should this be impossible, transport shall be arranged in the cheapest way, with due regard to what has been emphasised above, viz., that effects of little value shall be realised. The cost of transport shall not exceed the value of the effects, except in cases where the persons interested in the estate hold themselves responsible for the costs of transport and deposit the respective amount.

Exception to this rule is made in § 156 in respect of the estates of seamen.

The estate shall be handed over immediately: 1) if the Estonian courts have already established the heirs, 2) if the estate has been placed at the disposal of the Consul for transmission to a specified person and 3) if an administrator has been appointed for the estate.

Effects of little value, similarly also smaller sums of money may be handed over by the Ministry of Foreign Affairs, as an exception, to the next of kin, in preliminary trust, even if they have not yet been established as the heirs.

d) settlement out of the estate of claims directed against the estate.

e) handing over of estate to the heirs.

In all other cases estates shall be handed over through the Justice of the Peace of the 1st District of Tallinn to whom the estate shall be sent for disposal.

Estates left by  
seamen.

§ 156. With regard to estates left by seamen the aforementioned order shall be in force with the following exceptions. In case of the death of a seaman while serving on board of a ship, the shipmaster shall draw up an exact list of the effects left on board by the deceased. The shipmaster shall hand over the estate at the first available opportunity either to the seaman's heirs or their attorneys or to the Elder of the Seamen's Home or an agent of the Seamen's Home. Should it be impossible to ensure the safety of the estate on board ship, the shipmaster shall hand over the estate to the nearest Estonian Consul or dispose of it under the most advantageous terms. In the latter case the shipmaster shall be bound upon arrival at an Estonian port to hand over or forward the proceeds of the sale, together with an account, to the Elder of the Seamen's Home for transmission to the heirs in the order foreseen in § 29 of the Seamen's Law.

Estate left by a seaman, which has been placed at the disposal of the Consul by the shipmaster, shall be forwarded by the Consul through the Ministry of Foreign Affairs to the Elder of the Seamen's Home. The order of transmission of such estate shall be the same as laid down for other estates.

Consul's duties as  
regards estates of  
Estonian citizens  
taken charge of  
by the local of-  
ficial institutions.

§ 157. If on the basis of existing treaties or laws of the country of the Consul's residence, estates left by Estonian citizens are taken charge of by the local official institutions, the duties of the Consul shall be restricted to such functions as have been foreseen by such treaties or laws or local usages. As a general rule the Consul is empowered to participate in the drawing up of the inventory and to place his seal against the seals of the local official institutions, which proceeding shall be recorded, in general, in the same order as upon drawing up an inventory direct in accordance with § 155.

The Consul shall take care that the next of kin and the persons entitled to inherit the estate shall be traced in Estonia through the Ministry of Foreign Affairs and informed of the procedure and formalities for obtaining possession of the estate. The Consul shall be bound to watch the developments in such matters relating to estates and shall see to it that the interests of Estonian citizens do not suffer.

Duties of Consul  
as regards estates  
left by nationals  
of other countries  
to which Estonian  
citizens might be  
heirs.

§ 158. If a national of the country of the Consul's residence or of some other country dies and leaves estate to which Estonian citizens are appointed as the heirs or could be the heirs according to the best belief of the Consul, it shall be the duty of the Consul to collect, in so far as

possible, full particulars regarding the deceased national and the property left by him, and to inform thereof, through the Ministry of Foreign Affairs, the parties interested.

Subsequent steps shall be taken by the Consul in conformity with the directions received from the Ministry of Foreign Affairs.

## XXII. PROCEDURE OF GRANTING VISAS.

(Consular Law § 61).

§ 195. Questions concerning entry into and movements of foreigners in Estonia shall be regulated by the following instructions.

1. Law of the Proving of Identity and Movements (State Gazette 48 — 1930 § 4, § 25).

2. Regulations Relating to Crossing of the Frontier of the Republic and Sojourn of Foreigners in Estonia (State Gazette 54 — 1930).

3. Regulations of the Ministry of the Interior Relating to the Keeping of House-Books (State Gazette 54 — 1930).

4. Respective international treaties (State Gazette 63 — 1933, and the Supplements thereto).

§ 196. Questions concerning diplomatic and service visas shall come under the jurisdiction of the Ministry of Foreign Affairs, the granting of ordinary visas shall be dealt with by the Ministry of the Interior. These institutions shall also decide all pertinent concrete questions.

Instructions to Consuls shall be issued by the Ministry of Foreign Affairs in agreement with the Ministry of the Interior. Directions, guidance and decisions in respect of individual cases, which are subject to the decision of the Ministry of the Interior, shall be issued by the latter direct. Consuls shall apply in such questions directly to the Ministry of the Interior.

§ 197. Visas shall be granted by: 1) Consulates in charge of career Officers, 2) Honorary Consulates to whom this right has been granted by special authorization of the Ministry of Foreign Affairs.

Consulates in charge of career Officers shall be entitled to grant visas of every category. The powers of Honorary Consuls to grant visas may be restricted to certain categories of visas determined by the order of the Minister of Foreign Affairs.

Honorary Consul shall be authorized to grant visas as and when the necessity for this arises. Such right shall be delegated in the first place to Honorary Consulates placed in charge of an Estonian citizen or to which an Estonian Secretary is assigned.

Laws regulating questions concerning entry into and movements of foreigners in Estonia.

Institutions empowered to grant visas and the instructions issued by them.

Consuls authorized to grant visas.

Categories of  
visas.

§ 198. Visas shall be granted: 1) for entry and 2) for transit either for a single journey, or for several or repeated journeys (with validity up to one year).

Visas shall be with regard to the form: 1) diplomatic, 2) service and 3) ordinary visas.

Diplomatic visas shall be granted to holders of Diplomatic passports or to such holders of Service passports as correspond in rank to official persons in Estonia entitled to hold Diplomatic passports (§ 19 of the Law of Proving of Identity and Movements), with due regard to the principle of reciprocity.

Service visas shall be granted to holders of Service passports and to such holders of ordinary passports as correspond in rank to official persons in Estonia entitled to hold Service passports (§ 20 of the Law of Proving of Identity and Movements).

A special agreement between the countries concerned shall be necessary for the granting of visas for several journeys. Visas for several journeys may be issued as an exception to holders of Diplomatic passports in the absence of special agreements, provided that similar facilities are accorded to Estonian citizens by the country in whose service such persons stand.

Procedure of  
granting visas by  
Consuls.

§ 199. Consuls, who are authorized to grant visas, may issue:

1. diplomatic and service visas either for entry or transit: a) to citizens of countries where no restrictions are in force in respect of Estonian citizens holding similar passports — immediately, without previous communication with the Ministry of Foreign Affairs, b) to citizens of countries where restrictions are in force — on the basis of reciprocity.

2. ordinary visas of entry — immediately, without previous communication with the Ministry of the Interior, except in the cases enumerated hereafter where entry is prohibited.

3. ordinary transit visas — immediately, if the requirements stipulated hereafter have been fulfilled.

Special procedure shall be in force for the granting of visas to summer tourists.

Additionally, Consuls shall carry out all orders received from the Ministry of the Interior for the granting of visas to individual persons.

Restrictions upon  
granting visas of  
entry.

§ 200. It shall be prohibited to visa passports, without the consent of the Ministry of the Interior, of persons for whose entry into Estonia restrictions have been imposed, and of which Consuls have been informed by special instructions.

Restrictions upon  
granting transit  
visas.

§ 201. Transit visas shall not be granted without the consent of the Ministry of the Interior: 1) to persons without citizenship in the absence of a guarantee that they do not

intend to remain in Estonia, 2) to persons who have already been refused entry or transit once.

All persons applying for a transit visa shall be required to produce a visa which permits them to continue their journey from Estonia (this requirement shall be waived only in case the applicant for the visa has the right on the basis of existing international treaties to enter the country to which he is travelling without a visa).

§ 202. In the case of foreigners (apart from persons without citizenship), who are desirous of travelling to Estonia for the summer holidays, entrance is possible during the summer season according to a simplified procedure. Visas are granted by Consuls without previous reference to the Ministry of the Interior, if it has been established that: 1) the person concerned is actually going to Estonia for summer holidays and not for some other purpose; 2) has sufficient means to spend the summer in Estonia; 3) is not politically harmful to Estonia; 4) has property, employment or business at home which ensure his return.

Visas for summer  
tourists.

The summer holiday season is counted from the 1st May until the 15th September. The visa shall be granted solely for travelling to summer resorts. The places mentioned in the State Gazettes 40 and 58 — 1926; 11, 83, 87, 107, and 108 — 1927; 36, 87 and 88 — 1929; 61 — 1930, and 47 — 1931 are considered to be summer resorts.

A visa granted on the aforementioned basis shall bear a notation in red ink above the visa indicating the particular summer resort and the period for which the visa has been granted, for instance: "Permitted to spend two months' summer holiday at Kuressaare"; "Permitted to spend summer holiday at Narva-Jõesuu until the 1st September". It shall be made clear to the recipient of the visa on each particular occasion, that, in accordance with this visa, sojourn in other places, without the special permission of the Prefect of the Police, is forbidden.

§ 203. Should a permit of entry or transit be granted by the Ministry of the Interior either on the basis of representations made by the Consul or upon application received direct and should such permit have been brought to the knowledge of the Consul, he shall then be obliged to grant the visa.

Permits of entry  
granted by the  
Ministry of the  
Interior.

Should a permit have been granted following direct application to the Ministry of the Interior by the parties concerned and a notification thereof giving the address of the applicant have been sent to the Consul, it shall be the duty of the Consul to inform the parties concerned that the permit has been received, without special instructions to this effect. Exception to the above rule is made in respect of those applicants whose domicile is outside the confines of the country of the Consul's residence. Such applicants

shall be notified only when this is expressly mentioned in the communication of the Ministry of the Interior.

Postponement of the issue of visa granted by the Ministry of the Interior.

§ 204. The Consul shall not cancel a permit which has been granted by the Ministry of the Interior. Should the Consul, however, have additional information in his possession which might prove an obstacle to the granting of visas, he may postpone the issuing of the visa pending reconsideration of the case by the Ministry of the Interior. For this purpose the Consul shall be obliged to return the whole of the correspondence on the matter to the Ministry of the Interior together with the additional information and his own observations.

A new decision by the Ministry of the Interior shall be final and shall be carried out.

Formalities on obtaining a visa.

§ 205. Applications for visas may be oral or in writing. Written applications shall be required only on occasions when the matter has to be referred for decision to the Ministry of the Interior. In the latter case the applicant shall submit a filled in application form with two photographs, one of which shall be retained by the Consulate. The more important particulars about each recipient of a visa shall be entered in the Book of visas.

Action of granting of visas.

§ 206. The action of granting a visa shall comprise: 1) affixing the visa on the passport or document substituting it and 2) noting the granting of the visa in the Book of visas. Special stamps shall be used for visas — the principal stamp, which is either in the Estonian and French or in the Estonian and English languages, and additional stamps such as "Transit Visa", "Service Visa", "Diplomatic Visa".

The text of the principal stamp shall be completed with the necessary inscriptions.

Above the top edge of the visa stamp shall be inscribed: 1) name and surname of the recipient of the visa, 2) all the restrictions imposed in respect of sojourn or place of sojourn in Estonia, for instance: "Entrance permitted for 2 weeks outside Tallinn".

Terms of visas.

§ 207. Two periods shall be marked in each visa: 1) the term of validity of the visa, i. e. the period during which the crossing of the Estonian frontier is permitted, 2) term of sojourn.

The term of validity of a visa shall be such as to allow the frontier to be reached within that period. Generally this is 14 days (for journeys from more remote countries correspondingly longer).

The term of sojourn marked is dependent upon the purpose of the journey, but shall not exceed two months.

Permission for a longer sojourn may be given solely by the Ministry of the Interior.

The term of validity of a transit visa shall be fixed on the basis mentioned above. The term of sojourn in Estonia permitted by a transit visa is 48 hours only.

In visas valid for several journeys, the final date of expiry of the visa or a specified term (valid for one year, for six months, etc.) shall be marked as duration of validity and as term of sojourn in visas for several entries "not exceeding 2 months each sojourn", and in transit visas valid for several journeys "not exceeding 48 hours each journey in transit".

The term of validity of diplomatic and service visas shall be determined in accordance with the wish of the traveller, the term of sojourn not being defined in a diplomatic visa, and in a service visa either not defined or marked on the same basis as in an ordinary visa, with due regard to special agreements or reciprocity.

§ 208. Reports shall be sent to the Ministry of the Interior every quarter concerning visas granted. The report shall contain all the particulars which have been entered in the Book of visas apart from the column of fees.

Report concerning  
visas granted.

§ 209. Diplomatic and service visas shall be issued gratis. The Tariff of Consular Fees and tables of visa fees published by the Minister of Foreign Affairs in the State Gazette (State Gazette 63 — 1933 with Supplements thereto) shall be observed on the granting of visas.

Visa fees.

The Ministry of Foreign Affairs shall be notified of all cases where the Estonian tariffs differ from the scale of fees charged to Estonian citizens in other countries.

§ 210. Visa fees collected abroad shall be deemed to be Consular fees and shall go to the Treasury, leaving out of account receipts from visas at those Honorary Consulates where the Honorary Consul has been granted the right to retain the fees for his own benefit.

Accounting for  
visa fees.

The revenues going to the Treasury shall be accounted for in accordance with the instructions of the Accountancy and Economic Bureau of the Ministry of Foreign Affairs.

§ 211. Foreigners arriving in Estonia shall register with the Police after each entrance in accordance with § 12 of the "Regulations Relating to Crossing the Frontier of the Republic and Sojourn of Foreigners in Estonia" (State Gazette No. 54 — 1930). In case of necessity travellers shall be informed thereof.

Formalities in con-  
nection with the  
sojourn of for-  
eigners in Estonia.

The procedure of obtaining permission to work has been foreseen in the State Gazettes 26, 28, 32 — 1932.

## XXIV. TRANSLATIONS.

(Consular Law § 63).

Duties of Consuls  
in the branch of  
translations.

§ 232. In accordance with § 63 of the Consular Law the Consul shall be authorized to make translations of deeds and other documents submitted to him and to certify such translations, but it has not been made compulsory for the Consulates to do translations. If, however, the Consul shall find that the making of a translation leads to difficulties at the Consulate for certain reasons (lack of time, technical nature of the document, etc.), the submitter of the translation shall be referred to a sworn translator, respective institution, or to some trustworthy person known to the Consul, who has the necessary experience in making translations.

Rights of Consul  
in the branch of  
translations.

§ 233. All Consuls de carrière and those Honorary Consuls so authorized by the Minister of Foreign Affairs shall be entitled to make translations and to certify them. The right to make translations shall be granted in the first place to those Honorary Consuls who are Estonian citizens or who employ an Estonian Secretary, dependent upon their personal knowledge of languages.

Consuls may translate, in general, only such documents as have been issued in Estonia and are to be acted upon in the country of the Consul's residence or which have been issued in the country of the Consul's residence and are to be acted upon in Estonia.

In the absence of other arrangements, it shall be permitted to make translations only from the Estonian language into the language of the Consul's country of residence and vice versa.

Should a translation be made on a separate sheet or sheets or if the translation cannot be done on the original document and it is necessary to take an additional sheet or sheets, these shall be joined to the original document either by binding or glueing and shall be furnished with the seal, so that it will be possible to use the translation only together with the original document.

§ 234. All deeds and documents of official institutions of foreign countries, which the Consulates procure or transmit in the course of their official duties to Estonian official institutions upon the request of the latter or on the basis of instructions prescribed by the laws (documents relating to family status, etc.) and to which translations have to be annexed, shall be translated and certified free of charge. In other cases a fee in accordance with the Consular Tariff shall be charged for the translation and attestation of documents with due regard to the fact that the fee for the

Fees for  
translations.

a) translations  
made at a  
Consulate.

translation and certification of a translation is given in the Tariff conjointly.

In case a translation, which has not been certified by a sworn translator or an appropriate institution, is submitted to the Consulate for certification, the Consul shall be obliged to control the translation before certifying it, since the attestation of such translation implies responsibility for it to the same degree as for a translation made by the Consulate itself.

b) unofficial translations made outside the Consulate.

Should a translation have been made inexpertly or incorrectly to such an extent that it has to be done over again, the Consulate may undertake to remake the translation or to return it to be done again by a sworn translator or other appropriate institution or by a trustworthy person known to the Consulate, whose linguistic competency is recognised. If the translation is made anew at the Consulate, the fee shall be charged as for a translation made at the Consulate, with the respective endorsement.

In the event that the Consulate certifies with the attestation of the signatures only that a translation has been made by a sworn translator, officials discharging the duties of sworn translators or by the proper official institutions so authorized in accordance with the local laws, the same procedure shall be followed with regard to the formalities and Consular fees as in the case of an ordinary legalisation.

c) legalisation of official translations in the country of the Consul's residence.

§ 235. The Consulate shall furnish a translation, made by the Consulate or submitted for attestation, with a certification endorsement in which it shall be indicated from what language into what language the translation has been made and that the translation compares with the text of the original document. The endorsement shall be furnished with the signature of the Consul, the seal, and the number of the Consular Register. The amount of the fee and the paragraphs on the basis of which it has been charged shall likewise be indicated in the endorsement. If in accordance with the Consular Tariff the certification of a translation is to take place free of charge, the following remark shall be made in the endorsement: "On the basis of § ... (Note no. ...) of the Consular Tariff free of charge."

Text of the certification endorsement of a translation.

In case that a document issued in the country of the Consul's residence and intended for subsequent use in Estonia is submitted, without legalisation, for translation or certification of the translation, such document shall, in addition to the certification of the correctness of the translation, be furnished with the legalisation endorsement in compliance with legalisation requirements; both endorsements may be incorporated into one. No separate fee for legalisation shall be charged in such cases.

## XXV. LEGALISATIONS.

(Consular Law § 64).

Interpretation of  
the act of legalisation.

§ 236. Legalisation is a special Consular act with which it is certified that a legalised document has been issued in accordance with the laws in force in the district where the document has been executed and that the signatures to be found on the document are authentic.

This act shall not be confused with notarial attestations (see § 224).

Documents which are detrimental to the sovereignty of the Republic of Estonia or to public security shall not be legalised.

The legalisation of documents is necessary in view of the fact that documents drawn up abroad are valid in Estonia only after legalisation by the respective Estonian Consul (see interalia §§ 464 and 465 of the Law of Civil Court Procedure).

Exceptions to the general procedure of legalisation are foreseen in §§ 1275 and 1276 of the Law of Civil Court Procedure (executing decisions of courts of foreign countries) and in commercial treaties concerning certificates of origin.

Legalisations in  
countries where  
there are no  
Estonian Consuls.

§ 237. In case a document has been issued in a country where the Consular functions are performed by Consuls of those foreign countries who are entrusted with the protection of Estonian citizens (see § 60) the legalisation endorsement of Estonian Consul is replaced by the legalisation endorsement of the Consul of such country, provided the latter endorsement has been certified by the Estonian Ministry of Foreign Affairs.

In case of a document, which has been issued in a country where there is no independent Estonian representation and provided such document has not also been certified by the Consul of the foreign country performing the Consular functions in the order indicated in the first part of this paragraph, the usual legalisation shall be replaced by the legalisation of the Consul, resident at Tallinn, of the country where the document has been issued, if the latter endorsement has been certified by the Estonian Ministry of Foreign Affairs.

Rights of Consuls  
upon legalisation  
of documents.

§ 238. All Consuls shall have the right to legalise documents within the limits prescribed hereafter.

As a general rule, Consuls shall legalise only such documents as have been drawn up or issued in their Consular districts, but in case of need they may also legalise documents drawn up or issued in another Consular district, provided such districts are located in the same country. Consulates-General may legalise documents also with-

out certification by the Ministry of Foreign Affairs of the country of residence, whereas other Consulates can legalise documents only when certification by the Ministry of Foreign Affairs of the country of residence is to be found on the document, except in the case of documents of origin (certificates of origin and additional certificates pertaining to them), which may be certified direct by all Consulates, and documents drawn up by notaries located in the district of the Consul, sworn translators and officials discharging their duties, provided specimens of the signatures and seals of such officials have been made known to the Consulate.

In case the district under the jurisdiction of a Consul-General embraces several countries, he shall be entitled to legalise documents issued in all such countries.

§ 239. As regards form legalisation acts are twofold: 1) acts of legalisation of documents of origin and 2) acts of legalisation of all other documents.

Categories of acts  
of legalisation.

The difference lies in the variation of the text of the legalisation endorsement.

1. The legalisation endorsement of documents of origin (see § 238, section 2) contains two statements: 1) that the institution which has issued the document is entitled to do so on the basis of an existing agreement and 2) that the signatures and seal upon the document to be certified are authentic. In addition to this the Consular fee charged and the basis for charging the fee (the basis for exemption if the legalisation is effected without fee) current number in accordance with the Consular register and the date of the transaction shall be marked. The endorsement shall be furnished with the signature of the official entitled to effect the legalisation and certified with the seal.

Legalisation of doc-  
uments of origin.

2. The legalisation endorsement in other cases shall contain the following statements: 1) that the document has been issued in accordance with the laws in force in the country of the Consul's residence, 2) that the signatures of the officials who have issued the document or who have certified it and that the seal of the institution (Ministry of Foreign Affairs, notary, etc.) are authentic. In addition to this the Consular fee charged and the basis for charging the fee (the basis for exemption if the legalisation is effected without fee), current number in accordance with the Consular register and the date of the transaction shall be marked. The endorsement shall be furnished with the signature of the official entitled to effect the legalisation and certified with the seal.

Legalisation of  
other documents.

§ 240. Provided no agreement is in existence for the waiving of legalisation fees on a reciprocal basis, such fees shall be charged on the basis foreseen in the Tariff of Consular fees.

Legalisation fees.

In cases where a document is to be legalised as well as translated, no special fee shall be charged for the legalisation (see § 235, section 2).

## XXVIII. THE CONSUL'S DUTIES IN THE FIELD OF ECONOMIC MATTERS.

(Consular Law §§ 67—70).

General duties of Consul in the field of economic matters.

§ 283. It shall be the aim of the Consul's activity in the field of economic matters to protect the economic interests of Estonia in every respect. To discharge this task the Consuls shall: a) supply information upon the economic situation in their districts to the respective official institutions in Estonia in the order determined in §§ 72—76, dealing in particular with the branches enumerated in § 68 of the Consular Law; b) encourage the propagation of information concerning the economic situation in Estonia with a view to establishing economic connections with the country of the Consul's residence and c) assist in the concluding of business transactions, which are in the interests of Estonia by means of advice as to the marketing opportunities and conditions and bringing businessmen into touch with one another.

Reports upon the economic situation in the Consul's district.

§ 284. Reports upon the economic situation in the Consul's district shall be divided as regards their contents into two sections: 1) reports reviewing the economic situation of the country of the Consul's residence as a whole, with a view to securing a general survey of the financial situation, industry and agriculture, trade, shipping and of the economic policy, etc., of the respective country, which would be of use in deciding practical questions and 2) reports dealing with foreign trade in conjunction with possibilities for Estonian imports, opportunities for the marketing of Estonian merchandise and conditions of sale, transport and payment, as well as customs duties, all kinds of restrictions upon the importation and transit of merchandise, marketing of Estonian goods or creating improved conditions for their marketing in the country of the Consul's residence or in some third country, particularly in the case where the country of the Consul's residence is a competitor of Estonia in respect of certain goods on third markets.

Reports covering the first category shall be submitted quarterly on the basis foreseen in § 74 p. 2 and shall be drawn up solely by the Consulates-General, Consulates discharging the duties of the latter and by such Consulates as are located in countries where there is no Consulate-

General, which are directly subordinate to the Ministry of Foreign Affairs.

These reports shall be based upon the special reports of the Consulates covering the same period and official data of the country of the Consul's residence, which shall be analysed by the Consul submitting the report and augmented with the necessary explanations, with due regard also to the information collected by the Consul personally and information obtained from private sources. Such reports need not necessarily be lengthy, but they shall cover as far as possible the entire field of economic matters. Statistical summaries or tables shall be joined to the reports as annexes.

Reports of the second category shall be drawn up by all Consulates and sent in as special reports on individual questions in the order foreseen in § 75, particular attention being paid to the marketing conditions and possibilities for the export goods enumerated in the special instructions of the Ministry of Foreign Affairs in this respect.

The duties of Consulates located in a given country in regard to the supplying of such information shall be more closely defined by the respective Consulate-General, having regard to the specific conditions and the division of economic centres in that country.

§ 285. Apart from matters of a purely economic nature the Consul shall also follow questions in other fields, which in one way or another are bound up with economic matters or are of importance for securing a general review of the developments in the economic life of the country of his residence.

Reports upon political, legislative and social conditions in conjunctions with economic matters.

Such branches may be legislation and legislative practice, social conditions, developments and reforms in this sphere and policy, in so far as these might be of interest to Estonia or create interest as factors influencing economy.

In case of need the respective materials shall be utilised either in the consecutive quarterly reports mentioned above or in separate reports.

§ 286. The Consul shall encourage the propagation of general and of economic information concerning Estonia in the country of his residence, assisting the institutions and enterprises acting or intending to act in this sphere (International Chambers of Commerce, Information Bureaux, etc.), taking upon himself the corresponding initiative, and participating in direct propaganda on suitable occasions by means of literature, the press or oral statements.

Giving of information in the country of residence about Estonia and the economic situation of Estonia.

In order to discharge this duty efficiently the Consul shall see to it that the necessary handbooks and data concerning Estonia are available at the Consulate, that an

adequate supply of publications and photographs provided for propaganda purposes are at hand for distribution and that the Consulate shall have at its disposal, when possible, a collection of trade samples for those interested in the matter. In the case that enquiries for information concerning the economic situation of Estonia are addressed to the Consulate in the interests of foreign trade, either by foreign firms or foreign private individuals, the Consul shall reply to such enquiries carefully, to the point and neutrally, refraining from giving preference to any competing firm to the detriment of another. Under no condition shall the Consul undertake to give information concerning the solvency of Estonian firms — this shall take place through the usual trade channels with the assistance of respective institutions (banks, special information bureaux, etc.).

Giving information to firms and private individuals in Estonia concerning the conditions and economic situation of the country of residence.

§ 287. Apart from the economic reviews and reports to be sent to Estonia, which are intended for the use of the official institutions, concerned with the direction of economic activities, the Consul shall also furnish necessary information regarding the economic situation of the country of his residence to organisations, firms and private individuals, who have applied to him for such information, securing and forwarding the required data as promptly as possible.

Such enquiries are likely to occur in the first place about matters which have not been dealt with at all or not in sufficient detail in reports submitted to the official institutions with whom, in order to obviate unnecessary correspondence, the parties interested should keep in touch or matters connected with concrete transactions (detailed price calculations, etc.) or entirely new questions.

In case of enquiries about matters for which data are available or have been sent by the Consulate previously to the competent official institution, the enquirer shall either be directed to the said institution or the information already furnished shall, if necessary, be brought up to date and given over again.

Consuls shall not be permitted to give information concerning the solvency of firms or persons in the country of their residence and persons desirous of obtaining such information shall use the same channels as indicated in the last section of § 286. This prohibition shall not apply to the supplying of other information concerning foreign firms (for instance, how long they have been established, articles of association, etc.).

The Consul may undertake to act as intermediary when required to do so.

## XXIX. DUTIES RELATIVE TO THE MERCHANT MARINE.

(Consular Law §§ 71 — 86).

§ 288. It shall be the duty of the Consuls to assure themselves, that Estonian ships enjoy all the rights and facilities, which have been foreseen in respective treaties or to which they are entitled on the basis of the most favoured nation treatment or equal treatment with the ships of other countries. Such facilities may be — ship's measurement and the fees levied in this sphere, port, quay, pilot and lighthouse dues and quarantine and customs formalities, coastal navigation, pilotage facilities, etc.

Duties relative to the Merchant Marine in general.

The Consul is bound to assist masters of Estonian vessels in the exercise of their rights and shall watch that the dues collected from Estonian vessels are not higher than provided for by laws and agreements.

The Consul is bound to protect shipmasters and seamen as he sees fit before local official institutions. Should Estonian vessels meet with difficulties upon arrival, discharging, loading or upon departure or if severe penalties are imposed upon an Estonian shipmaster for irregularities or transgressions, in particular, in questions of customs and quarantine formalities, which are insignificant or have happened through ignorance, or if the shipmaster has been obliged to require the services of a broker, or, if, owing to lack of knowledge of the local language, he has been compelled to incur other expenses or meet with difficulties, the Consul shall be authorized and shall be bound to support the shipmaster before the official institutions, or, if necessary, to take steps for the removal of the difficulties, for the waiving or reduction of fines, or, in accordance with the circumstances, to demand better treatment.

If the Consul shall find sufficient basis to admit of his intervention in disputes about a vessel, its freight or its cargo, he shall not then refuse to act as arbitrator or intermediary on behalf of the shipmaster. Assistance shall not be rendered in the event of unfounded claims.

In case the Consul is in doubt as to whether or not to render assistance, he shall report the matter through his immediate superior to the Consulate-General or to the Ministry of Foreign Affairs, provided the Consular establishments of the country in which the Consul resides are directly subordinate to the Ministry.

§ 289. The Consul shall be obliged to give information to shipmasters about the laws in force locally and other circumstances, which are of importance to them. When required he shall also give particulars about the fees

Consul's duty to give information about the laws in force.

levied upon vessels. The Consulates shall be in possession of full particulars concerning such fees. A shipmaster on his own part shall be bound to acquaint himself with the regulations and rules in force in respect of shipping at the ports where he puts in. He shall pay particular attention to this in the case of war or blockade. Persons and institutions concerned may find particulars regarding the facilities accorded to Estonian ships in the State Gazette, where all international treaties are published, or in the publication issued by the Ministry of Foreign Affairs "Estonian treaties with foreign countries".

Obligation to register ships.

§ 290. Vessels engaged in merchant shipping, including also tugs, pilot and salvage vessels, are under the obligation to register at the Consulates, if they remain in port for 24 hours and longer. Exempt from the obligation to register are: 1) craft up to 20 tons gross; 2) ships which have entered the roadstead in ballast and depart under the same ballast without putting into the harbour.

Place of registration.

§ 291. Registration shall be effected at the Consulate within whose Consular district a given port is located. Particulars about the Consular districts are to be found in the list of representations abroad, which is published in print. If a port is situated in the district of two or more Consulates, i. e. in addition to the local Consulate, it also comes under a higher ranking Consulate (for instance, the port of Liepaja belongs directly to the district of the Vice-Consulate at Liepaja, but, in addition, it also comes under the district of the Legation or Consulate-General at Riga), the ship shall be registered at the local Consulate. A Consulate, which is not situated at the port from which the shipmaster has forwarded his report, provided the port is directly within the district of such Consulate, shall also be regarded as the local Consulate.

Purpose of registration.

§ 292. Registration of vessels enables the Consul to supervise the movements of vessels in the district under his jurisdiction. Only through the means of registration is the Consul able 1) to perform to the full extent his various duties connected with ships and, in particular, exercise the police powers vested in him; 2) collect the necessary statistical data as to the movements of vessels; 3) control payment of the registration fees at the proper time and take coercive measures for the payment of fees in the proper order.

Order of registration.

§ 293. In view of the heavy duties which usually devolve upon the shipmaster during the ship's stay in a port, the obligation to register shall be facilitated for him in so far as possible.

Registration may take place either by mail or personally upon submission of the respective report, whereby no objection is raised if the report, signed by the shipmaster,

is submitted by his deputy or agent. The shipmaster's report may be forwarded by mail in the first place from such ports where there is no Consulate and when the report has to be forwarded to a Consulate located in another town, within whose district the port is situated. In ports where there is a Consulate and the fee for the ship's registration is consequently payable, it is usual for the shipmaster to appear in person at the Consulate. Appearance in person is desirable also in the interests of the shipmaster himself, since in addition to registering the ship he can settle other questions at the same time. Failure to appear at the Consulate in such ports where a Consulate is established is permissible only in cases where the obligations of the vessel in respect of payment of fees are discharged on the shipmaster's instructions by other parties. A standard form shall be used for the shipmaster's report and the respective forms, which can be procured from the Department of Waterways and the Seamen's Home, shall be found on board of the ship.

The obligation to register devolved solely upon the shipmaster and he is personally responsible if this requirement of the law is not complied with. Whenever it becomes evident that the obligation to register is being deliberately evaded (for instance, repeated cases), the question of imposing fines upon the shipmaster shall be raised. In other cases, such as the forwarding of the necessary particulars later or in some other way, extenuating circumstances may be taken into account and a warning only be given.

A shipmaster is expected to furnish upon registration only such particulars as he is in a position to give at the moment. It is not allowed to postpone registration for the reason only that it is impossible to supply all the required data within 24 hours. The shipmaster's report shall be delivered with the particulars already available. Should additional information be needed later, this may be submitted separately.

The shipmaster's report shall contain particulars concerning the vessel, its crew, passengers, the voyage and cargo. Particulars concerning the crew (except in the case of registration by mail) shall be examined with the crew-list and the latter shall be endorsed to the effect that it has been produced.

§ 294. The particulars to be furnished relating to a vessel shall be: category, name, signal letters, home port, net tonnage and the owners. **Particulars required upon registration.**

The personnel of a vessel shall be understood to comprise the officers and crew. Their number shall be indicated and with regard to the passengers also the number who left the vessel in the port.

The particulars to be indicated concerning the voyage shall be: time and place of departure, destination and intermediate stops, date of arrival at the port where registration takes place, stay and anticipated date of departure.

In respect of the cargo the particulars to be indicated shall be: nature and quantity of the cargo taken on board at the commencement of the voyage and at intermediate ports, as well as the nature and quantity of the cargo loaded and discharged at the port where registration is effected.

The particulars relating to the cargo shall be expressed in general terms without entering into details (for instance, the ships cargo consists of timber and miscellaneous goods, total weight tons . . . . and not: ship's cargo consists of so many boards, so many props, 3 tons of such and such cargo, 2 cases of such and such, etc.).

In addition to the data required the shipmaster may also furnish upon registration such other data as he shall deem to be necessary.

Entry into a special book of particulars submitted upon registration.

§ 295. The Consul shall enter into the Register of vessels (see § 93, 6, § 101) the more important particulars contained in the shipmaster's report upon the registration of vessels.

Production of documents as proof of particulars submitted.

§ 296. In order to perform efficiently the various duties entrusted to him in the field of shipping, it shall be the duty of the Consul to verify the information supplied, especially when controlling whether or not the requirements of the law with regard to the technical state of the vessel and the crew have been fulfilled.

The controlling of the shipmaster's report shall be confined solely to the particulars submitted, if the latter do not disclose circumstances which require further investigation. Should, however, the necessity arise, additional documents or explanations shall be demanded. The particulars submitted concerning a vessel shall be compared with the data given in the "Register of Estonian shipping" and corrected, if required, in accordance with the latter. This register or the Certificate of Measurement of the ship shall form the basis upon which the fees are levied.

Shipping documents shall be considered as the documents for identification of the cargo, the certificate of registration of the ship or provisional flag certificate as proof of the right to fly the flag, etc., the crew-list for controlling the number of the crew, diplomas for establishing the navigation rights of the ship's command, and the log-book of the ship for recording occurrences on board of the ship, etc.

In order to avoid occasioning any delay, the documents produced to serve as proof shall be returned im-

mediately they are no longer required. Should it be impossible for any reason to produce the proofs required, for instance, in the case that the shipping documents have been handed over to the customs authorities, etc., the examination may be carried out, if possible, indirectly or postponed until the respective proofs shall be available.

§ 297. In case of need the shipmaster is bound to substantiate the particulars submitted in his report by oral or written explanations. The Consul may require the shipmaster to appear before him in person only in the port where he is actually stationed, but in such case it shall also be borne in mind that the shipmaster may be required to call in person only when this is absolutely essential to enable the Consul to discharge the duties with which he is entrusted.

Explanations may be required either in connection with certain circumstances or in the event of a special investigation, for instance, on the basis of complaints lodged by members of the crew in respect of service relations, conditions of work, etc.

§ 298. The Consul is bound to report to the Department of Waterways all deficiencies disclosed upon registration and the checking of documents; this shall be done especially in the event that the ship's papers are found to be irregular or completely missing.

The Consul shall also direct the attention of the shipmaster to such deficiencies and require that they be remedied, informing the shipmaster, that if he fails to comply with this order he will be held personally responsible for the consequences therefrom. If such deficiencies are connected with non-fulfilment of the instructions relating to signing on and discharge, the Consul shall be entitled to detain the ship pending the rectification of the deficiencies (Seamen's Law § 79).

§ 299. The signing on and signing off of seamen and the formalities connected therewith shall be regulated by the Seamen's Home Law (State Gazette 13 — 1929) and the regulations of the Ministry of Communications relating to the Seamen's Home Law (State Gazette 50 — 1928, 36 — 1932) and the Seamen's Law (State Gazette 45 — 1930).

The signing on and signing off of seamen is a contract under public law whereby the official performing the act attests the enrolment of seamen in the service of a ship on the basis of service agreements after checking the service agreements of the seamen about to be enrolled (§ 11 of the Seamen's Law) and their qualifications for the post and after oral explanations to them of the conditions of service agreements in the presence of the shipmaster or his deputy or, if it is a case of signing off, upon verifi-

Obligation of the shipmaster to give explanations and to appear before the Consul in person.

Duties of Consul to report deficiencies which have taken place or are disclosed upon registration.

Signing on and signing off.

cation as to whether in respect of the seaman to be signed off (or signed on afresh) all the conditions of the service agreement have been fulfilled and that the seaman is satisfied, officially certifies in the same order that the seaman has left the ship (place, date and reason for leaving).

The main purpose of the act of signing on and discharge is: a) to assure to seamen upon their enrolment and the conclusion of service agreements impartial advice and the control of competent public authority in order to obviate in the agreements any infringements of the law and to establish that the seaman understands the stipulations of the service agreement;

b) to assure to seamen on their discharge from the service of a ship impartial advice, settlement of disputes and the control of public authority, with a view to establishing in each particular case whether all the stipulations of the agreement and the provisions of the Seamen's Home Law have been fulfilled;

c) to ensure strict control as regards numbers and qualifications of the ship's complement.

Signing on or off the crew-list may be either complete or partial. The signing on or off of the whole crew-list shall take place when a vessel is furnished with a new crew-list. A new crew-list shall be issued only in the case where a vessel bound on a voyage or voyages in a fixed navigation area is without a respective crew-list and the former crew-list (if one existed) has been cancelled by the signing off of the whole of the crew of the vessel. A new crew-list shall likewise be issued and the whole of the ship's crew signed off and signed on afresh in the event that the crew-list of a vessel is cancelled on account of the transference of the vessel to a higher navigation area or when there is a change in the general stipulations (time of work, etc.) mentioned on page 3 of the crew-list. In case the declared personnel of the vessel has decreased by one-half or more, for instance, in case of stoppage or laying up of the vessel for the winter, the entire crew of the vessel shall be signed off and the crew-list in any case withdrawn. The cancelled crew-list shall be withdrawn and sent to the Seamen's Home together with the sums due to the latter (deduction of 1% from the wages on the basis of § 35 of the Seamen's Home Law).

If in a valid crew-list no free space remains for further enrolments, a supplementary crew-list bearing the same number shall be issued and certified by the authority performing the signing on and a relevant note to this effect made on the original crew-list. It shall be prohibited to make any other amendments in a duly issued crew-list. As regards the procedure for issuing a supplementary crew-list see § 300.

A partial signing off or signing on takes place in case a member of the crew is discharged or a new member joins the crew of the vessel.

Upon enrolment or discharge, a seaman shall be obliged to sign the crew-list in the presence of the authority performing the act, i. e. the seaman shall be present in person except in the cases foreseen in §§ 72, 73, 85 and 86 of the Seamen's Home Law. If in the cases mentioned in the said paragraphs the signing on and discharge is performed in the absence of the seaman, the authority performing the act shall when signing on the seaman enter into the crew-list the words "On the basis of § 72 of the Seamen's Home Law" or "On the basis of § 73 of the Seamen's Home Law" and when signing off — the words: "The seaman was not present when signed off". Care should, nevertheless, be taken in each particular case to perform the signing off, when possible, in the presence of the seaman concerned, if this is not precluded by his illness, desertion, drunkenness or any other grave reason.

Upon signing off a seaman, the authority performing the act shall certify (on the basis of the crew-list) in the service certificate of the seaman being discharged, in addition to other circumstances, the time of his service on board and the fact that 1% has been deducted from his wages by the shipmaster for the benefit of the Seamen's Home (Seamen's Home Law §§ 31, 35, 84). The time of service on board shall be calculated from the date of enrolment until leaving the vessel, or in case the seaman is not leaving until the date of signing off.

A seaman shall be required to produce his service certificate in each case of enrolment or discharge, if he is registered as a seaman at the Seamen's Home and is in possession of such certificate. For so long as the seaman is not signed off, his service certificate shall remain in the custody of the shipmaster (Seamen's Home Law § 60).

A signing on or discharge performed by a Consul shall be entered upon the crew-list and the Sub-register (see § 93, sub-section 7). In addition to this, a respective notification about each particular signing on or off, or in case the signing on involves the issuing of a new crew-list, a copy of the crew-list shall be sent on the prescribed form to the Seamen's Home (signing on register of the Seamen's Home).

In order to establish the due number, qualifications and status of the complement of a vessel, the respective laws and regulations pertaining to navigation, published as stated below, shall be observed upon the enrolment of seamen:

a) deck officers — State Gazette 115 — 1927, 6 — 1928, 104 — 1928, 54 — 1930, 59 — 1931;

- b) engineers — State Gazette 185/186 — 1925, 104 — 1928;
- c) wireless operators — State Gazette 14 — 1932, 25 — 1932;
- d) deck hands, galley and cabin personnel — State Gazette 31 — 1933;
- e) engine room staff — State Gazette 31 — 1933.

Crew-list.

§ 300. The list of officers and crew of a vessel, issued in accordance with the prescribed form, shall be named the crew-list and shall be found in every ship.

The crew-list shall be drawn up by the authority signing on the ship's crew for certain voyages or for a period of time for use in a fixed navigation area and shall be certified and delivered to the ship upon the enrolment of the required complement.

The crew-list is consequently an official proof that the crew has been signed on officially in accordance with the stipulations set forth in service agreements and the crew-list or, in the case of discharge, signed off after such stipulations have been complied with (or not complied with).

The crew-list serves as the passport of seamen on board ship and as a certificate in respect of the numbers, qualifications and status of the whole crew of the vessel and as such has been accorded public recognition in general intercourse at sea and on shore.

All the entries in the crew-list upon signing on and discharge shall be made and certified by a duly authorized person only. With regard to signing off, an exception has been provided in § 86 of the Seamen's Home Law. The particulars certified in the crew-list by the authority performing the act cannot be changed. For this reason it is impossible to alter the wages of a seaman or other stipulations of the agreement after enrolment otherwise than by signing the seaman on afresh on the basis of a new service agreement, which must be preceded by a legally valid signing off.

The full name and qualifications of the shipmaster, as that of the person supervising the fulfilment of the stipulations of the service agreements and responsible for the whole ship's complement, shall also be mentioned in the crew-list (and Sub-register).

The stipulations of the service agreement of the shipmaster himself and his salary are not entered upon the crew-list since the crew-list shall only confirm the relation contracted between the vessel's complement and the shipmaster, the latter being the legal representative of the owners (§ 9 of the Seamen's Home Law) and not the relation as contracted between the shipmaster and the owners.

The crew cannot be signed on a vessel which has no shipmaster.

The name of the shipmaster shall be entered upon the crew-list (and Sub-register) under number 1. In case the shipmaster leaves the vessel and is discharged, a new shipmaster shall be signed on before the crew-list is returned to the vessel and his name entered in the first available line following the last enrolment in the crew-list.

Since the crew-list is not an agreement but simply an official attestation of the stipulations of the service agreements produced and other conditions agreed to upon enrolment, the service agreement of a seaman may be valid already previous to signing on and may remain valid after discharge, or even after cancellation of the crew-list.

The duration of the service agreement of a seaman shall be established from the contents of the agreement and, if such agreement is a standard one, on the basis of the provisions of the seamen's law pertaining thereto (§§ 11, 12, 13, 14, 15 etc.).

Upon each enrolment of the whole ship's crew, the date of issue of the crew-list shall be recorded in the crew-list as the date of signing on (Seamen's Home Law § 75); should, however, an additional signing on take place subsequent to the issue of the crew-list, the day upon which the signing on is performed by the appropriate authority shall be noted.

A new crew-list shall not be issued, if the existing one still holds valid and good for the continuation of the ship's voyages. Should, however, no space remain in a valid crew-list for further enrolments, a supplementary crew-list bearing the same number and certified by the appropriate authority shall be issued and the date of issue of the supplementary crew-list entered upon the original crew-list. The issue of a supplementary crew-list shall not be entered upon the Sub-register and a copy thereof need not be sent to the Seamen's Home since the supplementary crew-list does not change the main data embodied in the original crew-list.

The form of the crew-list is published as a supplement to the Instructions pertaining to the Seamen's Home Law (State Gazette 36—1932). Copies of the forms of the crew-list are to be obtained at the Seamen's Home and shall be found at every Consulate.

§ 301. Upon enrolment, each member of the crew, the shipmaster excepted, shall be required to produce a seaman's service certificate issued by the Seamen's Home (Form D State Gazette 50—1928); in cases where the seaman is a foreigner, the production of a document corresponding to the service certificate of an Estonian seaman (Sailor's Book, Sjømans Book, etc.) shall be required. In exceptional circumstances the Consul may waive this requirement upon the responsibility of the shipmaster. Foreigners whose service certificates do not replace pass-

Documents to be produced when signing on.

ports shall be required to produce their passports in addition so as to obviate difficulties in case of their discharge in foreign countries. If in order to sign off in a foreign country a seaman of a certain country a permit of entry is also required, the respective visa shall also be produced.

Apart from this, each particular officer and member of the crew obliged to possess special qualifications shall be required to produce also the respective diploma.

When inspecting the diplomas, it shall be borne in mind, that in respect of each navigational year, the Minister of Communications may in his regulations make exceptions for extending sailing rights by advancing the grades.

Control of seaworthiness of a ship.

§ 302. The Consul shall carry out an examination of a ship's seaworthiness either on his own initiative or upon the request of the shipmaster, the crew or other interested parties. The Consul shall invite experts to take part in such surveys. The survey may be either complete or partial, for instance, solely for testing of the fog signals.

Ships which are considered to be Estonian ships and have the right to fly the Estonian flag.

§ 303. On the basis of § 7 of the Law Relating to Entry upon the Property Register and Registration of Vessels (State Gazette 9—1937) a ship shall be considered to be an Estonian ship if it belongs:

1. to an Estonian citizen;
2. to a shipping company where not less than 50 per cent of the value of the ship belongs to the partners who are Estonian citizens or the juridical persons mentioned in p. 3—5;
3. to a full partnership, in which at least one-half of the full partners and the managing director are Estonian citizens and at least 50 per cent. of the property of the full partnership belongs to Estonian citizens;
5. to a partnership, in which all the full partners are Estonian citizens and at least 50 per cent. of the property of the partnership belongs to Estonian citizens;
6. to a joint stock company or co-operative association the management of which is domiciled in Estonia and the majority of the members of the board are Estonian citizens.

Upon the sanction of the Minister of Communications in each individual case, a vessel of not less than 500 gross registered tons belonging to nationals or juridical persons of foreign countries shall, as an exception, on the basis of § 8 of the same law, be considered as an Estonian vessel, if the owners of the vessel are represented in Estonia by an Estonian citizen permanently domiciled in Estonia, who has authority over the vessel in an equal degree with the owners, and if the owners deposit with the Department of Waterways the sum mentioned in the permit of the Minister of Communications, which shall not exceed six months' wages of the whole ship's crew, to meet claims which might possibly be instituted against the vessel.

Of the categories enumerated above, only such vessels as have been entered upon the Property Register, or are registered or have acquired a temporary flag certificate, on the basis of the Law Relating to Entry upon the Property Register and Registration of Vessels, shall be entitled to fly the Estonian flag; in addition to such vessels, all warships and government vessels performing administrative duties shall be entitled to fly the Estonian flag.

§ 304. Such documents are: 1) the ship's flag certificate (Law Relating to Entry upon the Property Register and Registration of Vessels, State Gazette 81 — 1937, Art. 661, part II, § 11), 2) ship's certificate of registration (§ 102 of the Law Relating to Entry upon the Property Register and Registration of Vessels), 3) the ship's provisional flag certificate issued by an Estonian Consul (§ 13 of the Law Relating to the Entry upon the Property Register and Registration of Vessels).

Documents proving  
the title and  
obligation to fly  
the flag.

The flag certificate shall be issued to vessels belonging to the categories enumerated in § 303 upon entry of a vessel into the Property Register at the Department of Waterways, and the ship's certificate of registration — upon registration at the institution mentioned in § 89 of the Law Relating to Entry upon the Property Register and Registration of Vessels.

The provisional flag certificate shall be issued abroad to vessels entitled to fly the Estonian flag in case the owners are unable to have the vessel entered upon the Property Register or to register the vessel. The said certificate shall be issued by the nearest Estonian Consul de carrière or, as an exception, by such Honorary Consul as has been duly authorized to do so by the Minister of Foreign Affairs in agreement with the Minister of Communications.

§ 305. The form and text of the flag certificate have been determined by the Minister of Communications and the certificate contains the following particulars (with the English translation):

Ship's flag  
certificate.

1. date of entry of the vessel upon the Property Register of Vessels and the registration number,
2. ship's class and name,
3. ship's home port,
4. ship's signal letters,
5. amount of stamp duty and office fees, date of issue and number of flag certificate.

§ 305<sup>1</sup>. Estonian vessels, which are not subject to or have not been entered upon the Property Register of Vessels on the basis of § 1 and 2 of the Law Relating to Entry upon the Property Register and Registration of Vessels, and other floating craft, with the exception of vessels belonging to Yacht Clubs, etc., shall be entered upon the

Ship's certificate  
of registration.

register into which vessels, not entered upon the Property Register, are registered.

Upon registration of a vessel or floating craft not entered upon the Property Register, a certificate of registration recording the date and number of the registration, owners, displacement and measurements of the ship shall be issued as proof of the title to fly the Estonian flag, rights of ownership and other particulars required. The certificate shall contain in addition also data to be found in the ship's flag certificate.

Ship's provisional  
flag certificate.

§ 306. In the event of a ship having been bought or built abroad, the Consul may, upon receipt of a respective notification from the owners in writing, issue a provisional flag certificate, if so authorized. The owners are required to produce before the Consul data and proof in respect of:

- 1) rights of ownership of the vessel,
- 2) title to fly the Estonian flag,
- 3) class, displacement and measurements of the vessel,
- 4) mortgage debts on the vessel.

The declarer shall undertake at the same time to cause the vessel to be entered upon the Property Register or to register it within the period provided for by law, i. e. in the course of six months. The validity of a provisional flag certificate shall hold good for six months. This period of validity may be prolonged by the Consul, if required, but for a period not exceeding one year from the date of issue of the certificate, whereby the application shall be submitted at least one month before the elapse of the period prescribed by the law.

The form and the text of the provisional flag certificate shall be determined by the Minister of Communications and the Consulates shall be supplied with the respective forms.

The Consul shall immediately report to the Department of Waterways the issue or prolongation of a ship's provisional flag certificate, furnishing at the same time copies of the application of the owners and the provisional flag certificate issued and shall also state the grounds upon which the certificate was issued.

Withdrawal of  
ship's documents  
giving the right to  
fly the Estonian  
flag.

§ 307. Documents granting the right to fly the Estonian flag shall be withdrawn from a vessel which has been sold to foreign nationals or juridical persons or if the vessel forfeits the right to fly the Estonian flag in some other way (for instance, in case the owner has relinquished Estonian citizenship) or if the vessel is lost, disappears without trace or is declared totally unfit for use, or is removed from the Property Register or not included in the Property Register or the Register of Vessels. The Department of Waterways shall be informed through the Consulates-

General of each particular sale of a vessel which has come to the notice of the Consul and the ship's documents shall also be forwarded, if such have been handed to the Consulate.

For flying the Estonian flag unlawfully, the parties who have so used the flag as well as those who have made it possible through neglecting to forward the ship's documents to the Department of Waterways, shall be held responsible.

§ 308. If debts are contracted on the transfer of a vessel to the Estonian flag or the ship is taken over already burdened with debts or if the debts are contracted on some other occasion of which information has been received, the Consul shall transmit the relevant particulars to the Department of Waterways.

Collecting data  
about debts on a  
ship.

§ 308<sup>1</sup>. A mortgage debt on a vessel may be either judicial or voluntary mortgage.

Ship's mortgage.

A mortgage on an Estonian vessel may be drawn up before an Estonian Consul abroad, should the laws of the country of the Consul's residence not prevent it.

Upon drawing up a mortgage, the Consul shall send the original and the copies of the ship's mortgage deed to the Department of Waterways for entry upon the Property Register. Upon entry into the Property Register, one copy of the ship's mortgage deed shall be returned to the Consul for transmission to the mortgagee-creditor.

When drawing up, altering or cancelling a ship's mortgage, the registration certificate of the ship shall also be sent, together with the mortgage deed, to the Department of Waterways or abroad, to the Consul, who shall duly endorse the certificate accordingly (Law Relating to Entry upon the Property Register and Registration of Vessels §§ 87 and 88).

Only Consuls de carrière and such Honorary Consuls as have been duly authorized to do so by the Minister of Foreign Affairs in agreement with the Minister of Communications shall be entitled to draw up a ship's mortgage and endorse the documents accordingly.

§ 309. The Consul shall render assistance to any Estonian vessel meeting with an accident at sea, which has occurred within his district or in its vicinity.

Assistance in case  
of accident to a  
ship at sea.

A sea accident implies loss or damage to the ship, death on board or bodily injury sustained and further, any other damage suffered by the vessel or its cargo from the forces of nature (heavy head winds, taking shelter owing to gales).

Loss of a vessel shall imply foundering, running upon rocks, grounding in shallows or running ashore in such a way that the refloating and repairing of the vessel are rendered impossible.

Rendering assistance in the first two cases shall involve arrangements for the salvage operations and subsequent aid, in other cases — general assistance to the parties concerned.

Arrangements for salvage work in case of loss of a vessel.

§ 310. In case of loss or damage to a ship, the Consul shall, on receipt of information relating thereto, communicate immediately with the appropriate local authority, such as the port authority, police, lighthouse and pilotage authority and the customs, in order to ascertain what information is in their possession regarding the nature and extent of the accident, whether salvage work is required, whether and what has been done in respect to salvage work, if the arrangements made are adequate and whether anything further could be done. In case the information about the accident has been received privately, the absence of official notification or proposal to intervene in the matter shall not prevent the Consul from taking immediate action.

In accordance with general practice usually laid down by commercial and maritime treaties or Consular Conventions, it devolves upon the local authorities to notify the Consul without delay.

In the event that salvage work has not been commenced, the Consul shall attend to the salvaging of the vessel and cargo and to the rescue of the persons on board and shall himself be bound to keep a close watch on the salvage operations. In case of loss of a vessel or serious accident to it, it is desirable that the Consul shall proceed personally to the place of the accident, provided it has not occurred at a too great distance from his residence.

The shipmaster, owner of the vessel or his agent, if on the spot, shall make arrangements for the salvage operations.

In case the laws of the country of the Consul's residence or existing treaties provide that the salvage work shall be directed by the Consul and no persons responsible for the direction of such operations are on the spot, it shall be the immediate duty of the Consul to direct the work of salvage. The Consul shall likewise be bound to supervise the salvage operations and to proceed personally to the place of the accident, if he is requested to do so by the owners, shipmaster or agent of the owners. In such case his travelling expenses shall be chargeable to the parties concerned.

If by virtue of the laws or existing treaties, the direction of the salvage operations devolves upon the Consul, the local authorities concerned are bound to make the preliminary arrangements for the salvage work and to hand over to the Consul or his deputy upon their arrival on the scene the direction of the work. Further interven-

tion of the local authorities shall be confined in this case to maintaining order and to watching the interests of the salvors, if they are not members of the crew of the vessel, settlement of the customs formalities in regard to merchandise recovered and giving the necessary assistance to the Consul.

§ 311. In case of shipwreck, the Consul shall take steps to have securely stored the parts of the vessel, the cargo and property of the crew, which have been brought ashore or recovered during the salvage operations for raising the ship or bringing it into harbour (if such arrangements are made by the owners). The Consul shall take care, that with the assistance of the official institutions and experts, a list of the property salvaged shall be drawn up and signed by the shipmaster and the persons who took part in drawing up the list. The parties interested shall be entitled to receive copies of this list as well as to inspect the articles on the spot. After the expenses of the salvage work have been defrayed or guaranteed and the customs formalities complied with, the property salvaged shall be placed at the disposal of the shipmaster or in his absence at the disposal of some person authorized to receive the property. Failing this, the property shall be retained. As an exception, such of the property as the crew and passengers have immediate need shall be handed over.

Subsequent rendering of assistance.

Salvaged property on condition that it is not to be sold is generally not liable to customs duty. This is defined in greater detail by treaties.

Should the shipmaster, owners or their agents not be on the spot, it shall be the immediate duty of the Consul to take charge of the property salvaged. He shall draw up a list of the property recovered and deliver it subsequently for storage in a safe place. If the property was insured, these formalities are generally performed under the supervision of the Consul by the representative of the insurance company.

Should it be anticipated, pending the receipt of the owners' dispositions, that the salvaged property cannot be preserved without loss, i. e. if there is any fear that the salvaged property may deteriorate in whole or in part or lose its value, the Consul shall be entitled to dispose of the property in a suitable way (if possible, by auction). The sum received therefrom together with the report upon the sale shall be sent to the owners by the Consul on his own responsibility through the Ministry of Foreign Affairs.

The duties of the Consul shall terminate as soon as the owner of the property or the representative of the insurance company have arrived on the scene. The Consul is forbidden to accept any authorization or power in

connection with salvage work, since his intervention in salvage work and the formalities connected therewith are admissible in no other capacity than that of a representative of the interests of the State.

Members of the crew of a shipwrecked vessel shall be provided with shelter and maintenance pending their conveyance home or finding berths in other ships. (More detailed stipulations in this respect are to be found in § 352, p. a.).

The remains of persons who have been drowned or who have been killed in the shipwreck shall be interred under the supervision of the Consul (see §§ 361—363).

If a vessel has sustained damage, the Consul shall render assistance for removal of the ship to a safe place for repairs. Upon the wish of the parties concerned or if the parties are not on the spot, the Consul shall arrange for a survey to establish the extent of the damage sustained by the vessel and the state of the cargo. The survey shall be held by experts in the presence of the Consul or his deputy and the findings of the experts and their calculations shall be submitted to the Consul, who shall endorse the documents accordingly. On completion of the repairs, the Consul shall arrange, upon the request of the shipmaster, a survey of the vessel's seaworthiness.

The Consul shall watch that members of the crew who have suffered bodily injury in the accident shall receive the necessary medical treatment and that others, if they are obliged to remain ashore, are provided with shelter and their immediate needs. Should lives have been lost in the accident, arrangements shall be made for the interment of the bodies.

Consul's duties in cases of accidents at sea apart from rendering assistance.

§ 312. The Consul shall report to the Ministry of Foreign Affairs and the Department of Waterways through the Consulate-General every accident to a ship at sea, mentioning what action has been taken by him in the matter. The owners of the vessel shall also be informed, if possible and found necessary. In case of the total loss of a vessel, the Consul shall take charge of the ship's papers and forward them to the Department of Waterways. Should the papers be lost, all the circumstances as may have bearing on the case shall be investigated and the results reported to the Department of Waterways.

In case of an accident to a ship at sea, the Consul shall institute an enquiry for elucidation of the accident. Should the accident involve average, the Consul, upon the wish of the parties concerned, shall also assist in drawing up a Sea Protest, provided this comes within his competency.

Information regarding accidents.

§ 313. An accident shall be reported immediately without awaiting the results of the enquiry. In case of the

total loss of a vessel, the ship's certificate of registration and certificate of measurement shall also be forwarded to the Department of Waterways in order that the vessel may be removed from the Register of Vessels of the Republic of Estonia.

A full report of the findings shall be submitted upon completion of the enquiry.

§ 314. In case of a shipwreck, the Consul shall take charge of the following ship's papers: ship's certificate of registration, certificate of measurement, crew-list, log-book, and engine-room log-book.

Taking charge of  
ship's papers.

These documents shall be forwarded to the Department of Waterways only after use, the three last mentioned only upon completion of the investigation.

§ 315. The object of the investigation is to place on official record all the circumstances connected with the accident in order to be able to assess the case also later in the event the parties concerned would not be available (particularly important if the crew is signed off or if the crew of some other vessel, which is not due to arrive in Estonia for some time, has to be interrogated). The enquiry shall elucidate the causes of the accident in order that measures may be adopted to prevent the occurrence of similar accidents. An enquiry is conducted in the general interests and is of a public nature. A Sea Protest only is of import under Civil Law.

Investigation for  
the elucidation of  
accidents.

An enquiry shall be held in case of the following accidents at sea: if a vessel has been lost, abandoned at sea or stranded in such a manner, that without cutting away the masts, throwing the cargo overboard or without the assistance of a salvage vessel or tug, it has been found impossible to refloat the vessel, or if a vessel has been in collision or some other accident has happened to it involving loss of human life.

The following circumstances shall be elucidated upon investigation: whether any defects in the vessel itself, in its equipment or in its personnel were the cause of the accident; whether the accident was occasioned by the cargo; whether the vessel was overloaded; whether the cargo was of a dangerous nature; whether there were any faults or deficiencies in the stowage or the strengthening of the cargo or whether insufficient and unsuitable ballast or its improper disposal have caused the accident; whether any carelessness or negligence on the part of the shipmaster or some other member of the ship's crew or any carelessness or negligence on the part of the master or some other member of the crew of another vessel were the cause of the accident; whether negligence on the part of the pilot, absence of sea charts, lighthouses, navigation marks and other necessary guides at sea or the error and negligence

of persons, whose task it is to keep such guides in order, were the cause of the accident.

Act of investigation.

§ 316. Should the Consul be informed through notification by the shipmaster or some other channels, that a sea accident which requires investigation (see § 315, sub-section 2) has not been enquired into by any other competent authority, the Consul shall proceed with the investigation without delay.

A written report submitted by the shipmaster, to which shall be annexed a list of the members of the crew and other persons, who might be able to give explanations about the occurrence, shall serve as the basis for the investigation.

The Consul shall determine the date upon which the shipmaster shall appear at the Consulate together with the witnesses appointed by him (these should in the first place be members of the ship's crew) for preparing the official protocol. The Consul shall be entitled, if need be, to request the attendance at the Consulate of other members of the crew not appointed as witnesses by the shipmaster, likewise also third parties as well as experts. The parties interested or their agents shall be notified by the Consul of the date fixed for the investigation. In case that the examination of witnesses should prove to be impossible for the reason that the witnesses are nationals of another country and cannot be compelled to appear at the Consulate, steps shall be taken for their examination through the local institutions (if necessary through the Ministry of Foreign Affairs) arranging, if possible, for a representative of the Consulate to be present at the examination. Should it transpire from the shipmaster's statement that data regarding the weather conditions, similarly, more explicit details about the place of the accident have an important bearing on the investigation of the case, the Consul shall procure the required data with the assistance of the local authorities by the date of the enquiry.

The Consul shall take steps to ensure that the original ship's log-book and the engine-room log-book shall be produced upon the date of the investigation.

On the date fixed for the hearing the Consul shall interrogate in turn the shipmaster and the persons the latter has brought with him. Extracts from the ship's log-book shall be compared. If the statements of the shipmaster or witnesses require further elucidation or are conflicting, the Consul shall endeavour to clear up the matter by further interrogation of those concerned. In order to obviate subsequent corrections in the ship's log-book and the engine-room log-book, an appropriate notation shall be made in them.

Before interrogation, the witnesses shall each be placed in separate rooms and shall also be separated again after their evidence has been taken.

The investigation of the case shall be conducted in the following order. The proceedings shall be recorded in a protocol in full. The declaration of the shipmaster shall be recorded word for word in the protocol or shall be annexed thereto. The names of those present and the capacity in which they are attending the investigation shall be recorded. The domicile of the witnesses, their age and in the case of members of the crew — occupation, shall be ascertained and recorded. The witnesses shall be cautioned to tell nothing but the truth in their statements in order that, if required, they may confirm their testimony on oath, since the Consul is not empowered to administer oaths. It shall then be ascertained whether any reasons exist for the exclusion of individual witnesses from the case. The reasons shall be recorded in the protocol, but such witnesses shall be questioned notwithstanding.

The extract from the log-book, which has already been compared with the log-book or is compared during the investigation shall be read and incorporated in the protocol or annexed thereto. Should no log-book have been kept or should it have been lost, a written statement of the shipmaster describing the occurrence shall be dealt with in a similar manner.

The crew-list shall be treated in the same way, whereupon the witnesses shall be removed. The shipmaster shall then give an oral explanation concerning the occurrence to supplement the description to be found in the ship's log-book or the statement replacing it. The Consul shall put such questions as he deems necessary for elucidation of the case calling upon the assistance of experts, if required. Subsequent to the foregoing, the statement of the shipmaster recorded in the protocol shall be read over.

The witnesses are thereupon called one by one and each of them is bound to state what he knows about the accident. If need be the Consul shall help them with pertinent questions, but this shall be done in any case should the evidence of a witness diverge from the shipmaster's statement or from the entries in the log-book. In this case also the Consul may avail himself of the assistance of experts.

The evidence of each witness shall be read out to him and he shall be asked whether he adheres to it strictly as recorded in the protocol. Should a witness desire to amplify or modify his depositions as recorded in the protocol, supplementary entries shall correspondingly be made and read out. It shall be recorded in the protocol that the evidence has been read over to the witness and confirmed

by him. The witness shall then be dismissed. The examination shall not be conducted by simply reading over the entries in the log-book or other account of the occurrence and asking the witness whether he has anything to add. Each witness shall state what he knows or what has come to his knowledge. In case of divergencies in individual statements, the persons concerned shall be confronted with one another and efforts made to establish whether there are any real grounds for the divergencies or if it is a case of misunderstanding.

The parties interested are entitled to interrogate the persons under examination.

The following data shall without any condition be recorded in the protocol at the enquiry.

1. place and date of the occurrence as accurately as possible;

2. if the ship's papers are lost — the circumstances connected with their loss;

3. in case of a more serious accident which may have resulted in the loss or abandonment of the vessel — the subsequent fate of the vessel. If required, a survey shall be held in company with experts at the place where the vessel is lying and the results of the survey recorded in detail in the protocol;

4. whether the measures of distance, latitude, longitude and time or period of time submitted by the witnesses have been taken correctly and checked by them or, if they are based solely upon supposition or other conclusions. With regard to the measure of time, the time (Greenwich, for instance), which was in use on board, shall be accurately recorded.

#### Sea Protest.

§ 317. A protocol drawn up on the basis of the shipmaster's declaration shall be deemed to be a Sea Protest, if it relates to: 1) an occurrence upon the loading or discharging of a ship or during a sailing, as a result of which damage has been sustained by the ship or cargo or from which such damage is likely to result, 2) a death on board and 3) an occurrence when in collision with another ship damage and losses have been sustained by the latter. A Sea Protest is an important instrument under Civil Law. A Sea Protest is deemed to be a document of the first importance in a lawsuit.

Sea Protest shall be drawn up by the shipmaster in Estonia before a Notary Public and abroad, either before the competent local authority or before a Consul.

An Estonian shipmaster when abroad is bound to draw up the Sea Protest upon the first available opportunity, either before the competent local authority or before the local Estonian Consul, if the latter is entitled to perform this function or, if there is no such Consul, before the

Estonian Consul whose residence is the nearest in the ship's sailing and who is entitled to draw up the Sea Protest.

§ 318. Such Consuls as are invested with the powers to perform notarial functions shall be entitled to draw up Sea Protests. In practice, Consuls are authorized to draw up Sea Protests when this is not prevented by the laws of the country of their residence or existing treaties.

Consuls who are entitled to draw up Sea Protests.

§ 319. The Consul may draw up a Sea Protest only upon the direct request of the shipmaster or his deputy, if the local laws enable him to do so and if he is entitled to perform such function within the limits of the powers conferred on him. In accordance with general usage, the Consul may draw up Sea Protests only in the event that no foreign nationals are interested in the average. More detailed stipulations concerning the procedure are contained in commercial, maritime and Consular conventions.

Drawing up of Sea Protest by Consul.

Sea Protests drawn up by an Estonian Consul are deemed by the Estonian courts to be equal to Protests made by notaries, but whether and to what extent such Protests are taken into account by the judicial institutions of foreign countries depends upon the laws of such countries. If it may be foreseen that the Sea Protest will eventually be submitted to a law court in a foreign country, the Consul is recommended to call the attention of the party making the Protest to this fact and to direct him to the local authorities competent to draw up Sea Protests.

When drawing up a Sea Protest all the circumstances shall be recorded in a protocol in the same manner and order as provided for the holding of an investigation (see § 316). If so desired, each interested party shall be entitled to receive a copy of the protocol. The original protocol shall be preserved.

Should the Consul be unable to draw up a Sea Protest, he shall direct the applicant to the competent local authority entitled to perform this function.

In case an accident is involved in respect of which an enquiry is foreseen, the Consul shall institute the enquiry and shall act in conformity with the provisions of these instructions (see §§ 315—316). Should an accident be such as may not require an investigation, the Consul shall confine himself solely to reporting the occurrence to the Department of Waterways through the respective Consulate-General.

§ 320. Should it come to the knowledge of a Consul through any agency, that, in case of an accident, a Sea Protest has been made at a foreign institution, it shall be incumbent on him to assure himself of the correctness of such statement, and, in the affirmative case, to ascertain whether the institution concerned was entitled to draw up

Consul's duties when a Sea Protest is drawn up at a foreign institution.

the Sea Protest. If it appears that the Sea Protest was drawn up by a competent authority and that:

1. the accident was such as to require an investigation (see § 315 section 2), the Consul shall elucidate whether or not the data required for such investigation were recorded in the protocol when the Sea Protest was drawn up. With this purpose in view, the Consul shall interrogate apart from the shipmaster any other persons able to confirm that the occurrence has been cleared up. Upon ascertaining that the relevant data have been recorded in the Sea Protest, the Consul shall procure an official copy of the Protest forthwith and forward it in due course to the Department of Waterways. In the event that the Protest has not been drawn up in the Estonian, Russian, German or English languages, a certified translation in one of the aforesaid languages shall be annexed to the protocol by the Consul. If the case is one of shipwreck or if the ship's log-book or engine-room log-book may be temporarily spared, these books shall also be forwarded to the Department of Waterways. Should this, however, prove to be impossible, the Consul shall forward to the Department of Waterways a certified extract from the respective annexes of the books to the extent necessary for the elucidation of the case;

2. the accident was such as to need no investigation the Department of Waterways shall then be informed that a Sea Protest has been made mentioning the institution where it was drawn up. Relevant extracts from the ship's books certified by the Consul shall be sent together with the report.

In such case no copy of the Sea Protest nor a translation of it shall be forwarded.

In case the Sea Protest has been made at an institution not entitled to perform this function, the Consul shall call the attention of the parties concerned to this fact and indicate to them the authorities competent to draw up the Sea Protest in such case.

§ 321. Losses resulting from a sea accident fall into two categories: 1) general average and 2) particular average.

An extraordinary sacrifice made willingly for good reasons or an extraordinary expense incurred in order to avoid common danger to the property in a joint sea voyage shall be deemed to be an act of general average (§ 1 of the Law Relating to Average and Assessment of Average, State Gazette 21 — 1932).

The losses in general average shall be indemnified on the basis foreseen by the Law Relating to Average and the Assessment of Average.

Extraordinary losses or damage sustained and expenses incurred by a vessel, its appurtenances or its cargo,

Categories of losses resulting from a sea accident.  
a) general average.

b) particular average.

which do not conform to the conditions of general average, shall be deemed to be particular average (§ 34 of the Law Relating to Average and Assessment of Average).

The losses in particular average are borne and indemnified by the owner of the goods that sustained damage or detriment or an account of which expense was incurred.

§ 322. The estimate of the nature of average resulting from a sea accident and the apportioning of the losses (adjustment) shall be made by official institutions or special functionaries (in Estonia — assessors). Consuls are not entitled to perform such functions.

Estimate of losses  
resulting from a  
sea accident.

§ 323. The assessment in general average shall be made at the place where the voyage ends, provided the parties have not agreed otherwise.

Assessment of  
average.

The assessment, in so far as the parties have not agreed otherwise, shall be made in conformity with the local laws.

If no such relevant provisions are contained in the laws, the assessor, when making the assessment, shall follow established shipping usages.

§ 324. In accordance with the laws of Estonia, the right to demand assessment of average shall be void after the elapse of two years from the date of arrival of the goods at the port of destination; in case of non-arrival — from the date upon which the goods should have arrived there.

Order of proceed-  
ings in making the  
assessment.

In case of general average, the owner of the vessel shall take immediate steps for assessment of the general average. Should the owner of the vessel delay in taking the respective steps, any other party concerned may demand the assessment.

Each party concerned shall submit all the documents in his possession pertaining to the general average, such as freight contracts, bills of lading and invoices, and shall generally render to the assessor all the assistance in his power.

The assessment shall be made within two months of the receipt of the required data. The completion of the assessment shall be announced in the State Gazette.

An assessment abroad shall be made in conformity with the local laws and the Consuls shall take particular care to acquaint themselves with such laws to enable them to give the necessary advice to the parties concerned.

§ 325. Upon entering the service a seaman undertakes by virtue of the service agreement to remain in the ship's service for a stipulated period. Should a seaman, breaking his agreement, wilfully desert from the ship in some foreign port, the shipmaster may encounter difficulties in finding a substitute or in proceeding on the voyage at all. In order to surmount such difficulties the Consular Laws and Consular Conventions of all countries provide for the compulsory returning of the deserter to his ship with the

Possibilities of  
obtaining assistance  
from the authori-  
ties at the place  
where the Consul  
resides.

co-operation of the local authorities of the country where the desertion has occurred. Exceptions are made in certain cases. The expenses involved in the returning of a deserter to his ship shall be borne by the owners. The sum required to defray the expenses shall be deposited in advance by the shipmaster.

Cases where the local authorities do not render assistance.

§ 326. In accordance with general practice assistance is not rendered for the returning to the ship of such deserters as are nationals of the country in which the desertion has taken place and in many countries no assistance whatsoever is rendered for the returning of seamen who are not citizens of the country whose flag is flown by the ship from which the desertion has occurred. In certain countries deserters, who are citizens of a third country, are surrendered upon production of evidence to the effect that the Consul of the country concerned agrees to this. Furthermore, certain countries do not co-operate in the returning of seamen who have deserted from warships.

In concrete cases action shall be taken in conformity with the local laws and existing treaties.

Cases where the authorities of the country of the Consul's residence may postpone the returning of a seaman who has deserted.

§ 327. The authorities of the country of the Consul's residence may postpone the surrendering of seamen-deserters, who, during absence from the ship, have committed an offence subject to trial by the law courts of that country, until such time as the decision of the court has been promulgated and the sentence carried out.

The extent to which assistance is rendered.

§ 328. The assistance accorded by the local authorities consists in the search for, detention, confinement in prison and return to the ship of seamen-deserters or in repatriating them by any other means.

Detention in prison is generally allowed for a period only of up to two months. In case the deserter has not been returned to his ship or repatriated during this period, he is set at liberty and may not be imprisoned again for the same offence. The Consul is usually informed beforehand of the intention to set at liberty such seamen.

Application to the local authorities for assistance.

§ 329. Application to the local authorities for assistance shall be made by the Consul of the country to which the vessel, from which the desertion occurred, belongs. If there is no Consul in the locality, the respective application may then be made also by the shipmaster or his deputy. The fact that the deserter belongs to the crew of the vessel shall be proved from the crew-list or authenticated extracts therefrom.

The application shall be made in writing.

Consul's duties in case of the desertion of a seaman.

§ 330. In case of the desertion of a seaman from his ship, the Consul shall, upon receipt of a notification in writing thereof, apply all of the means placed at his disposal by the local authorities to bring about the apprehension and return of the deserter to the vessel. The Consul

shall be entitled to act as aforesaid, provided only that the shipmaster has deposited with him the sums needed to pay the expenses arising therefrom.

If the ship has sailed, the Consul shall take care that the seamen under detention shall be sent home in some other ship or by any other means.

The Consul shall not be permitted to take any steps if no application has been made to him or if the expenses involved in the search for and return of the deserter to his ship have not been guaranteed.

The Consul shall pay due regard to the fact that it is prohibited to render any financial assistance to seamen-deserters, should they apply to him.

§ 331. A shipmaster shall be appointed and discharged from the service by the owner of the vessel who may discharge him at any time (Seamen's Law § 3). The duties of a shipmaster are set forth in detail in the Seamen's Law.

**Appointment and discharge of a shipmaster.**

In case of discharge of a shipmaster, the Consul shall issue a respective certificate to the one appointed in place of him.

§ 332. Should a Consul observe that a shipmaster is incapable to taking charge of a vessel and that his being in charge may endanger the crew, the vessel itself or the cargo, he shall have the right in conformity with the provisions of the law to suspend the shipmaster from his post and to replace him provisionally by the mate or, if the latter is not suitable, by another qualified person. Before taking such decision, the Consul shall go thoroughly into the matter with the help of experts or members of the crew.

**Suspension of shipmaster.**

The Consul shall record his decision as well as a review of the case in a protocol. The Consul shall report the suspension of the shipmaster by telegraph through the Consulate-General to the Department of Waterways and the owners. In addition to the telegram, the protocol shall also be sent to the Department of Waterways. A copy of the protocol shall likewise be given to the owners on payment of a respective fee. A relevant entry regarding the suspension of the shipmaster and the appointment of a new one shall be made upon the crew-list. A respective certificate shall be issued by the Consul to the provisional master of the vessel.

§ 333. The Consul shall in the first place appoint the mate as provisional master of the vessel, if the latter has the necessary qualifications and is otherwise suitable. In general the requirements of the Law on Deck Officers and Crew in respect of shipmasters shall be observed.

**Selection of a provisional master.**

A foreigner may be appointed to replace the shipmaster only in case of emergency.

Cases foreseen in § 43 of the Seamen's Law.

§ 334. § 43 of the Seamen's Law provides for the intervention of the Consul in clearing up disputes arising between the shipmaster and the crew on service matters or upon final settlement of accounts when signing off.

Cases foreseen in § 67 of the Seamen's Law.

§ 335. § 67 of the Seamen's Law prescribes that the Consul shall examine the shipmaster's decision in cases where punishment has been inflicted upon a seaman if the seaman is not satisfied with the decision and appeals to him.

Submission of a case to the Consul for settlement.

§ 336. In the cases foreseen in § 338, the Consul shall accept a matter for investigation only upon the request of a seaman who finds that an injustice has been done to him. A seaman may apply for investigation of a matter only in the event that he has not been signed off and the vessel is due to remain at least 2 days at the port where it is intended to lodge the complaint. If the matter is not settled before the departure of the ship, the proceedings shall be adjourned and the seaman shall have the right to bring up the matter afresh at another port or upon the next arrival at the same port.

Consul's duties upon investigation of disagreements and disputes.

§ 337. Upon investigating a case the Consul shall endeavour in the first place to bring the parties to an understanding. Should such settlement fail to be effected, the Consul shall himself give a decision after hearing the witnesses appointed by the parties and carefully examining all the particulars and documents concerning the matter.

The Consul shall draw up a protocol about the case in which shall be recorded all the depositions of the parties concerned and the decision of the Consul with the reasons stated in brief. A copy of the protocol shall be delivered to both parties, if so desired. When needed, the copies shall be forwarded by mail.

A decision given in the matter of the punishment of a seaman shall be entered into the ship's log-book.

If a disagreement or dispute is settled by agreement, the Consul shall draw up a protocol only upon the express desire of the party or parties.

Should the shipmaster fail to execute the decision of the Consul or delay in carrying it out, he shall be liable to punishment. Steps for inflicting the punishment shall be taken by the Department of Waterways, which Department shall be notified by the Consul in such case.

In the case foreseen in § 43 of the Seamen's Law, an appeal against the decision of the Consul may be brought before the proper Estonian court; in the case foreseen in § 67 of the Seamen's Law — before the Elder of the Seamen's Home (this decision is final) within one year from the date of signing on or discharge.

§ 338. The duration of service and the wages are determined in the first place by the service agreement. In case of disputes the Consul shall, therefore, firstly take into consideration the respective agreement and acquaint himself with its terms. Instructions as to the procedure to be followed in the cases not provided for in the service agreement, or, in the event of the dissolution of the service agreement, before the expiry of its validity, shall be found in the Seamen's Law. Wages are calculated as a general rule from the date upon which the seaman went on board, if not otherwise stipulated in the agreement.

Duration of service  
and wages of  
seamen.

In case a fixed sum has been agreed upon as wages for a voyage and for any reasons the remuneration has to be calculated for a certain period of time, the calculation shall be made in the order prescribed in § 22 of the Seamen's Law. If the duration of service has not been entered into the service agreement or has been extended over an indefinite period, due regard shall be paid to §13 and § 14 of the Seamen's Law.

§ 339. § 37 of the Seamen's Law foresees such possibility and the procedure in detail is stipulated therein.

A seaman leaving his ship on these grounds shall be entitled to receive 1) wages due for the time of service — if a fixed wage for a voyage has been agreed upon, the respective part of the wages, 2) one month's wages as indemnity and 3) free passage and maintenance either to the place at which he was engaged or the place where the service agreement was due to expire.

Seaman's right to  
demand discharge  
from the service.  
1) owing to changes  
in the ship's  
route.

§§ 2 and 15 of the Seamen's Law foresee such possibility.

The wages shall be calculated in accordance with the actual time served on the basis of the service agreements. In such cases no claim can be made for free passage or maintenance.

§ 35 of the Seamen's Law foresees such possibility, and the respective stipulations are provided therein. The seaman leaving the service is entitled to wages only for the actual time of service.

2) after serving for  
a certain period.

§ 36 of the Seamen's Law foresees such possibility in the event of the outbreak of an epidemic at the port of destination or war risk, if this has come to the seaman's knowledge only after entering the service. The order of leaving the service is also stipulated therein. The seaman leaving the vessel is entitled to wages up to the actual end of service only.

3) in case of pro-  
curing a post of  
higher rank in  
another vessel.

4) in case of under-  
taking a danger-  
ous voyage.

§ 38 of the Seamen's Law foresees such possibility and the order of leaving the service is also stipulated therein. If the demand for the survey should prove to be unfounded, the parties demanding such survey shall pay the expenses and the damages arising therefrom.

5) in case the ship  
is not seaworthy  
or refusal to ar-  
range for the  
ship's survey  
when demanded.

The seaman leaving the service is entitled to 1) wages for the actual time of service, 2) indemnity to the extent of at least one month's wages, 3) free passage and maintenance to the place at which, according to the service agreement, his service ends or, if leaving the service abroad to the nearest Estonian port.

6) in case of rude treatment or the withhold of food and wages due to the seaman.

§ 39 of the Seamen's Law foresees such possibility.

The seaman leaving the service is entitled to the same wages as provided for in p. 5.

7) in case of sale of the vessel to foreigners or loss of the right to fly the Estonian flag.

§ 46 of the Seamen's Law foresees such possibility.

The seaman leaving the service is entitled to the same wages as provided for in p. 5.

8) when reporting for military service.

The seaman leaving the service is entitled to wages for the actual time of service only.

Shipmaster's right to discharge a seaman from the service before the date stipulated in the agreement.

§ 340. In accordance with § 33 of the Seamen's Law, the shipmaster is entitled to discharge a seaman in the following cases:

1) if the seaman is unfit for his post or has violated his service obligations.

a) if he is unfit for the employment for which he is engaged,

b) if he fails to present himself on board of his ship at the proper time, if the vessel has sailed or if a substitute has been engaged in his place,

c) in case of repeated acts of disobedience, drunkenness or use of violence against superiors,

d) if he is guilty of misappropriation, theft or other crime, or has brought on board contraband and prohibited articles,

e) if he prefers complaints relating to his service before foreign authorities at a place where an Estonian Consul is residing.

The discharged seaman is entitled to wages up to the actual end of service. If the wages have been fixed for the voyage, the respective part shall be paid on the basis of § 22 of the Seamen's Law.

2) in case a seaman falls ill.

In accordance with § 32 of the Seamen's Law, the shipmaster has the right to discharge a seaman who, owing to some illness or injury, is unable to perform his duties, or if he is suffering from some malady which is dangerous to others on board ship.

The discharged seaman is entitled to wages only up to the actual end of service and, in addition to this, one month's wages, provided the service agreement does not expire earlier. In the latter case — on the basis of the service agreement.

If an injury or illness has been contracted wilfully or is the result of frivolous conduct or gross carelessness, or if the seaman was ill or injured already upon entering the service, he is entitled to wages only up to the actual end of service.

With regard to the treatment and repatriation of such seamen, see §§ 355 — 357.

§ 41 of the Seamen's Law foresees such possibility. The service agreement is terminated automatically, but the seaman is bound to partake in the salvage of the vessel against wages, lodging and maintenance and to remain on the spot until the end of sea-clearance.

A seaman who has become unemployed is entitled to his former wages as an indemnity for unemployment until such time as he finds employment, but no longer than for two months. A seaman is bound to accept the offer of employment on some other ship.

The travelling expenses home with maintenance shall be borne by the State.

§ 341. Should a seaman be discharged for reasons other than foreseen in §§ 32 and 33 of the Seamen's Law, the procedure provided in § 34 of the Seamen's Law shall then be followed.

3) in case of shipwreck or if the vessel has become irreparable.

Discharge on illegal grounds.

§ 342. Wages shall be paid on the basis foreseen in § 18 of the Seamen's Law. In accordance with § 19 of the Seamen's Law, payment of wages may be demanded only during the ship's stay in a port and not oftener than once a week.

Payment of wages and the order of receiving advances.

The wages shall be paid in cash, after deduction of the part which is paid through the owners to a person or to a bank appointed by the seaman in Estonia (Seamen's Law, § 20). Payment may be demanded in the local currency at the rate of exchange allowed by the local banks for the currency in which the wages have been fixed.

In accordance with § 21 of the Seamen's Law, the shipmaster is authorized to retain up to one-third of a seaman's wages payable in cash upon each payment of wages up to the time of the seaman's discharge from the service, but the total amount of the money retained shall not exceed one month's wages.

§ 343. If a sailing lasts longer than foreseen in the agreement, the seaman is entitled to an additional wage in accordance with the prolonged duration of the voyage. Should the wages have been fixed for a certain sailing, the additional wage shall be calculated in proportion (§ 22 of the Seamen's Law).

Additional wages.

If the wages have been fixed for a certain specified term, no rights to additional wages shall result from changes in the voyage, costs of repatriation and maintenance except-

ed, should the signing off take place at a port not foreseen in the agreement.

Special payments.

§ 344. On the basis of § 23 of the Seamen's Law, seamen are entitled to extra pay, if the number of hands on board ship is reduced, within the limits of the wages thus saved and according to the increased work of each seaman.

In addition to this, a seaman is entitled to recompense for overtime (see § 11 of the Seamen's Law). On the basis of §§ 3 and 13 of the Law Relating to the Salvage of and Rendering Assistance to Vessels and to Property Sunk and Washed Ashore, the seaman shall also be entitled to salvage money.

Deceased seaman's wages.

§ 345. In accordance with § 24 of the Seamen's Law, the wages due to a deceased seaman shall be paid up to the day of his death, provided that his right to wages has not expired before his death.

In case a seaman goes down with a ship and the date of the shipwreck has not been ascertained, the wages shall be calculated up to such date as the vessel, under normal conditions, should have arrived at the port of destination.

General duties of seamen.

§ 346. The general duties of seamen have been provided for in §§ 49 and 50 of the Seamen's Law and the Navigation Law Relating to Ship's Deck Officers and Crew and the Navigation Law Relating to Ship's Engine Room Crew.

Just treatment of seamen on board.

§ 347. The shipmaster or any other superior on board is bound to treat his subordinates reasonably, justly and politely (§ 49 of the Seamen's Law).

Work on Sundays.

§ 348. Hours of work in ships shall be regulated by a special law. In ships, which are not subject to such special law, the shipmaster cannot compel the crew to do any work that might be postponed on Sundays and holidays foreseen by the Estonian laws (§ 56 of the Seamen's Law).

Duties which cannot be postponed shall be considered in general to comprise the ordinary ship's routine, such as manoeuvring the ship, the watch, sail draying, stoking and other engine room tasks, boat, galley and safety services.

The shipmaster may, in case of need, order loading and discharging to be carried out during holidays. Recompense for such work shall be paid as provided for in the service agreement.

Crew's quarters.

§ 349. Each seaman is entitled to living quarters according to his rating. The shipmaster shall see to it that such quarters conform to the regulations relating to sanitary conditions and are clean (§ 58 of the Seamen's Law).

If upon the survey of a vessel it should be found that the crew's quarters are not in a sanitary condition and the shipmaster fails to put them in order, a seaman shall be authorized to leave the service of the ship (§ 38 of the Seamen's Law).

If more than one half of the ship's complement demands from the shipmaster a survey of the vessel in order to ascertain whether the living quarters are in a fit state, the shipmaster is bound to arrange for such survey in the order and upon the conditions foreseen in § 59 of the Seamen's Law.

§ 350. A seaman is bound to execute orders accurately and promptly as prescribed in §§ 49 and 50 of the Seamen's Law.

Seaman's duty to be obedient and to observe the rules on board.

Instructions relating to reporting for service and failure to report and the taking on board of effects are to be found in §§ 51—54 of the Seamen's Law.

§ 351. For the maintenance of discipline on board ship, the shipmaster is entitled to use coercive measures on the basis on §§ 60—61 of the Seamen's Law and to impose on seamen disciplinary punishment on the basis of §§ 62—66 of the same law.

Shipmaster's right to use coercive measures and to impose disciplinary punishment.

The extent of the fines imposed shall not exceed the limits fixed in the first section of § 62 of the Seamen's Law.

### XXX. ASSISTANCE AND RELIEF OF SEAMEN AND OTHER ESTONIAN CITIZENS.

(Consular Law §§ 87—92).

§ 352. In accordance with the laws in force the State shall pay: 1) the cost of travelling and maintenance of shipwrecked seamen to the nearest Estonian port; 2) the cost of treatment and repatriation of seamen suffering from venereal diseases and tuberculosis (§ 28 of the Regulation Governing the Repatriation of Seamen Suffering from Venereal Diseases and Tuberculosis, State Gazette 75—1928).

Relief of seamen for the account of the State.

Relief shall be granted to shipwrecked seamen after the fact of the shipwreck has been established. The protocol drawn up upon the investigation of a sea accident is usually taken as base (see §§ 315 and 316). If there is no such protocol and one cannot be drawn up for the reason that all the parties concerned are absent, a special act shall be drawn up on the basis of information supplied by the seaman applying for relief, in which more detailed particulars about the shipwrecked vessel, the crew and the accident itself shall be recorded. The particulars furnished by applicants for relief shall be verified in so far as possible with the help of the local authorities.

a) relief to shipwrecked seamen.

Relief shall be granted to the shipmaster as well as to members of the crew except in the cases when a shipmaster is at the same time the owner or part owner of the ship. The cases foreseen in § 6 of the Seamen's Law

constitute the exceptions where the shipmaster is not entitled to relief, since, in accordance with the interpretation of the law, relief shall be granted only to persons who are in the ship's service.

Maintenance expenses shall be understood to include the cost of providing food and shelter. Such expenses shall be refunded at the rates determined by the law. If there are no such rates, maintenance shall be granted within the limits of extreme necessity under observance of the strictest economy.

Travelling expenses are refunded within the limits prescribed by the law. If no respective rates have been put into force, the travelling expenses for all, the shipmaster included, shall be refunded on the lowest scale (third class ticket by rail, cheapest berth on board ship).

b) relief to seamen suffering from venereal diseases and tuberculosis.

The following particulars shall be procured in respect of each seaman desiring relief on the basis of § 28 of the Seamen's Law: 1) name of the shipowner and name of the ship from which the seaman has been left behind abroad, 2) full name of the seaman who is receiving assistance, by whom, when and where his certificate of identity was issued, 3) his reason for remaining behind (medical certificate to be included), 4) where, when and for how long was the seaman being granted relief engaged for service on board ship, 5) home address of the seaman, 6) whether he was suffering from the same illness when he was engaged in the service of the vessel.

A shipmaster is bound to furnish these data with respect to sufferers from venereal diseases and tuberculosis on the basis of the State Gazette 75 — 1928.

An affirmative decision for the granting of relief shall be given only in the case that the particulars shown in the questionnaire establish the rights of the applicant to receive State relief.

Credits from which expenses borne by the State are refunded.

§ 353. The expenses of maintenance and medical treatment of a seaman on the spot, which are to be borne by the State, shall be refunded for the account of the Ministry of Social Welfare from a respective advanced sum, the cost of travelling home — for the account of the Ministry of Foreign Affairs, in accordance with Chapter II A § 80.

In case no respective advanced sum has been secured from the Ministry of Social Welfare, the costs shall be refunded from the sums of the Ministry of Foreign Affairs for the account of the Ministry of Social Welfare. Where no sums are at the disposal of the Consul, he shall then apply for the necessary advance sums to the Consul-General de carrière of the district in which he is located, or, if he is directly subordinate to the Ministry of Foreign Affairs — to the Ministry, or, otherwise, he settles the expenses out

of his personal funds and has the disbursements refunded to him later in the order mentioned.

§ 354. All the expenses which are to be borne by the State shall be recorded by the Consul immediately on the basis of the accounts (such as hospital and medicine bills, receipt of the person receiving relief in respect of moneys for maintenance or for travelling home, etc.). Documents relating to the expenses incurred for the account of the Ministry of Social Welfare together with the questionnaire containing particulars with respect to the person in receipt of relief (in case of a sick person the medical certificate also) shall be sent in through the respective Consulate-General or Ministry of Foreign Affairs to the Ministry of Social Welfare for the cancellation of the corresponding part of the advanced sum; in case, however, there is no such advanced sum — to the Ministry of Foreign Affairs. Documents pertaining to the expenses incurred for the account of the Ministry of Foreign Affairs shall be presented to the Ministry with the monthly financial report. If the Consul who has made the outlay does not keep accounts with the Ministry, he shall present the respective accounts for reimbursement, in each particular case where an expense is incurred, to the career Consulate-General in whose district he is located, or, if he is directly subordinated to the Ministry of Foreign Affairs, to the latter.

The career Consulate-General, or the Ministry of Foreign Affairs, shall in such case refund the outlays of the Consul immediately and shall account for the expense in their report in the order indicated above.

§ 355. On the basis of §§ 27, 28 and 33 of the Seamen's Law, the cost of medical treatment of a seaman shall devolve upon the shipowner, except the medical treatment of a seaman suffering from a contagious form of tuberculosis or venereal disease and seamen left behind abroad in the following cases: 1) where a seaman falls ill or is injured while in the service, 2) where a seaman, who has become unemployed upon the termination of the agreement or prior to it, falls ill or is injured (seamen, who have been discharged in the cases foreseen in § 33 of the Seamen's Law, are not so entitled).

In the cases mentioned in p. 2 the expenses are refunded for six weeks, if the seaman left the service in Estonia, and for twelve weeks, if he left the service abroad and he is an Estonian citizen, or, if the seaman was not signed off, from the date of the ship's departure.

Medical treatment includes maintenance, doctors and medicines. If the seaman has evidently contracted the illness or injury wilfully or as the result of frivolous conduct or gross carelessness or if he has not disclosed the illness or injury when entering the service, the shipowner shall

Order of accounting for expenses to be borne by the State.

Refunding of the cost of medical treatment and maintenance of a seaman for the account of the shipowner.

not be liable for the cost of medical treatment and the expenses shall be borne by the seaman himself.

The shipowner, furthermore, is not liable for the cost of medical treatment of seamen who have left the ship's service after discharge in accordance with § 33 of the Seamen's Law owing to: 1) unfitness for the employment for which they were engaged, 2) failure to report on board ship at the proper time, as a result of which the ship has sailed without the seaman or another seaman has been engaged in his place, 3) repeated acts of disobedience, use of violence against superiors or others of the ship's company, or repeatedly reporting for duty in a state of drunkenness, 4) misappropriation, theft or other criminal offences or bringing on board contraband or concealing contraband, 5) or preferring complaints relating to the service before foreign authorities at a place where an Estonian Consul is residing.

On the basis of § 7 of the Seamen's Law, the above stipulations shall also be applied with respect to the shipmaster.

Seamen's travelling expenses to be borne by the shipowner.

§ 356. The shipowner is bound to refund the travelling expenses of a seaman in the following cases: 1) where a shipmaster is displaced before the termination of the service agreement — free passage with maintenance to the port at which his service would have terminated in accordance with the agreement or if this would have taken place at a foreign port — to the nearest Estonian port (§ 3 of the Seamen's Law); if a seaman is discharged before the expiry of his period of service (except in the cases foreseen in §§ 32 and 33 of the Seamen's Law) — free passage with maintenance to the place where his service was due to terminate by agreement (§ 34 of the Seamen's Law); 3) if a seaman, who is an Estonian citizen, has been signed on at an Estonian port for an indefinite period, or has been signed off at a foreign port — free passage with maintenance to the nearest Estonian port (§ 13 and the last section of § 34 of the Seamen's Law); 4) if a sick seaman, whose expenses for medical treatment have to be borne by the shipowner, has been left behind his ship at a foreign port without being signed off — free passage with maintenance to his home (§ 28 of the Seamen's Law); 5) if a seaman leaves the service owing to changes in the ship's route a) before the ship sails — free passage and maintenance to the place of engagement, b) if he leaves at some other time — free passage and maintenance to the place where the service agreement is due to terminate (§ 38 of the Seamen's Law); 6) if a seaman leaves the service for the reason that during the survey of the vessel defects have been discovered which may endanger the life of those on board during the ship's voyage or if the crew's quarters are evi-

dently insanitary and the shipmaster fails to take the necessary measures to remedy such defects — free passage and maintenance to the place where service was due to terminate by agreement (§§ 34 and 38 of the Seamen's Law); 7) if a seaman leaves the service for the reason that the shipmaster does not comply with the demand for a survey of the vessel foreseen in § 59 of the Seamen's Law — free passage and maintenance to the place where service was due to terminate by agreement (last section of § 38 of the Seamen's Law); 8) if a seaman leaves the service for the reason that he is treated rudely by the shipmaster or the latter fails to give him the requisite protection on request against rude treatment by other seamen or withholds the wages or food due to the seaman — free passage with the maintenance to the place where service was due to terminate by agreement (§ 39 of the Seamen's Law); 9) if the vessel is sold to a foreigner or otherwise loses the right to fly the Estonian flag and the seaman wishes to leave the service — free passage with maintenance to the place where service was due to terminate (§ 40 of the Seamen's Law).

§ 357. In the aforesaid cases a Consul may advance money to seamen for the account of the shipowner, if it has been established by the Consul: 1) that the seaman in need of relief is actually entitled to receive from the shipowner the cost of medical treatment, maintenance or repatriation — for this purpose a questionnaire similar to that foreseen in p. b. § 352 shall be completed, 2) that the applicant for relief has not received the money from the shipowner.

Granting of advances by Consul for account of the shipowner.

An advance shall be granted to meet the most urgent needs only, under observation of the strictest economy. The granting or not of an advance shall be dependent upon the Consul.

Upon granting an advance, the Consul shall require from the seaman receiving relief a receipt for the sum granted and shall annex to the receipt the questionnaire completed concerning the seaman, which has been endorsed by the Consul to the effect that the particulars shown therein have been verified. The Consul shall thereupon either debit the account of the Ministry of Foreign Affairs with this sum or submit the receipt for reimbursement of the sum to the career Consulate-General or the Ministry of Foreign Affairs, this being dependent on whether or not the Consul has State funds at his disposal.

If the granting of an advance is unavoidable and no sums are at the disposal of the Consul, the latter shall apply to the career Consulate-General or to the Ministry of Foreign Affairs to whom he is directly subordinated for permission to grant the advance.

On the basis of the documents relating to the expense, the Ministry of Foreign Affairs shall claim from the shipowner the refunding of the money advanced with the legitimate interest thereon.

The necessity to grant relief to seamen in cases where the granting of relief for the account of the State or the shipowner has not been foreseen.

§ 358. The necessity to grant such relief may arise in the following cases:

1. where a seaman in search of employment abroad falls destitute;
2. where a seaman, who is signed off from an Estonian vessel abroad, is not entitled to assistance from the State or the shipowner (see Instructions §§ 352—365);
3. where a seaman deserts from his ship abroad;
4. where a seaman is signed off from a foreign vessel abroad.

Applications for relief and the basis for granting relief.

§ 359. In case a seaman in need of assistance applies to the Consul, the Consul shall ascertain in the first place whether the seaman is entitled to relief from the State, an Estonian shipowner, a foreign institution (relief institution) or a foreign subject (for instance, from a foreign shipowner).

In the two first cases the Consul shall act in conformity with the provisions of § 87 and § 88 of the Consular Law; in the latter cases he shall ascertain whether or not it is possible for the applicant for relief to receive help from some institution or persons. As a general rule the local relief institutions and organisations are obliged to grant relief to all in need of help and in distress irrespective of nationality. Individual countries also conclude special treaties in this respect, which the Consul shall bear in mind.

If a foreign shipowner is under the obligation to render assistance, the Consul shall get into touch with respective official institutions (if a national of the country in which the Consul resides is concerned) or with the relevant foreign Consul in order to settle the question with their co-operation.

Relief shall be granted at the discretion of the Consul and shall be confined to the most urgent needs. Assistance shall be rendered only in deserving cases. Under no condition shall relief be granted to evaders of military service, deserters from Estonian ships, adventurers, vagrants, beggars or to persons who have fallen destitute through their own fault.

Assistance shall be rendered at the Consul's discretion either in the form of a small single payment only out of State funds or a non-interest bearing loan to overcome a temporary difficulty, to procure urgently needed medical assistance or repatriation.

In case of persistent distress where no improvement can be anticipated, the question of repatriation shall always be taken into consideration. Repatriation shall be arranged when possible in a vessel bound for Estonia. An applicant

for relief cannot refuse repatriation. When arranging for a passage on board ships the Consul shall use his endeavours to come to an understanding with the shipmasters.

§ 360. A loan shall be granted against a debit note. The debit note shall be drawn up in one copy only and shall contain the following data: 1) surname, and name of recipient of loan and name of father, 2) origin (place where registered), 3) date and place of birth, 4) profession and occupation, 5) exact address in Estonia, 6) when, how and for what purpose the recipient of loan went abroad, 7) place and date of issue and numbers of documents in proof of identity, 8) on what grounds the loan is required, 9) amount of the sum loaned (the currency in which the money has been loaned).

Order of granting loans.

It shall be stated in the debit note for what purpose the loan was granted (temporary relief, repatriation, etc.) and by what date the loan shall be repaid, either direct or through the Consul who has issued the loan, to the Ministry of Foreign Affairs (cost of repatriation) or to the Ministry of Social Welfare (cost of maintenance, temporary relief on the spot). The date of repayment shall be determined in accordance with the circumstances, but the period allowed shall under no condition exceed six months. Loans for repatriation are repayable upon the date of the return of the recipient to Estonia. Loans shall be refunded in the order of indisputable State claims.

Loans for maintenance on the spot or medical treatment shall be granted for the account of the Ministry of Social Welfare, loans for repatriation — from the credits of the Ministry of Foreign Affairs, Chapter II A § 86. Loans shall be accounted for in the same order as provided for in § 354 with the difference only that such debit notes shall be sent to the Ministry of Foreign Affairs immediately after the loan has been issued, while a copy of the debit note, certified by the representation concerned, shall be annexed to the monthly financial report and shall be furnished by the Ministry with additional control-marks for the State Control. Consuls, who have no State funds at their disposal, shall forward the debit note to the competent institution for refund of the outlay and the latter shall account for the sum in the usual way. Should an advance from the Ministry of Social Welfare be at the disposal of the Consul, the sum shall be accounted for exactly in the order foreseen in § 354.

b) order of accounting.

The Consul issuing a loan shall make a respective notation about the loan granted, marking the exact sum in the passport of the recipient or in the document replacing it (ordinary certificate of identity, travel card).

c) marking a loan in the passport or document replacing it.

§ 361. The obligation to make arrangements for the burial of a seaman devolves in the first place upon the shipmaster (§ 29 of the Seamen's Law). If a seaman has died ashore the local authorities or the relatives within reach

Obligation of burial.

shall take charge of his burial. Should there be nobody available to make arrangements for the burial this duty shall devolve upon the Consul.

Burial of a seaman at the cost of the shipowner.

§ 362. The burial expenses of a seaman shall be borne by the shipowner, if the death has taken place during the course of the seaman's service or while he was undergoing medical treatment at the expense of the shipowner (§ 30 of the Seamen's Law).

Burial of a seaman at the cost of the State.

§ 363. The State shall refund the burial expenses of a seaman in case no person was available to make arrangements for the burial and such arrangements were made by the Consul. If a seaman, whose burial expenses were not payable by the shipowner is buried by the shipmaster and the latter was unable to secure the assistance of an Estonian Consul, the expenses involved shall be refunded by the State (§ 31 of the Seamen's Law).

The burial expenses covered by the State shall be refunded from the estate. If the seaman has left no estate, the expenses shall be for the account of the Ministry of Social Welfare.

Persons serving on board who are not considered as forming part of the complement of a ship.

§ 364. The ship's command (shipmaster excepted) deck and engine-room staff, galley and cabin personnel shall be considered as constituting the ship's complement. Ship's doctors, wireless operators, refreshment room staff, waiters, musicians, etc., though employed on board, shall not be considered as forming part of the actual complement of a ship.

§ 91 of the Consular Law prescribes that the instructions governing the granting of relief to the complement of a vessel shall be applicable also to the latter and to the shipmaster.

Consuls entitled to grant relief.

§ 365. As a general rule relief is granted by Consuls de carrière or by the respective officers of Legations. Honorary Consuls shall grant relief only as an exception and if they are so authorized by the Ministry of Foreign Affairs or the Legation. Exception shall be made in the first place in the case of such Honorary Consuls as are located in a country at a distance from a Legation or career Consulate or otherwise are situated at junctions or ports through which repatriated citizens are transported. For the granting of more substantial or repeated relief on the spot, i. e. relief for the account of the Ministry of Social Welfare, the sanction of the Ministry of Social Welfare shall be secured beforehand through the Ministry of Foreign Affairs.

Recipients of relief other than seamen.

§ 366. In conformity with the provisions of § 92 of the Consular Law and § 5 of the Relief Law (State Gazette 120/121 — 1925), such Estonian citizens, other than seamen, as are in need of relief and destitute and are not able to secure assistance from the local foreign relief institutions

and organisations and who have no relatives or next-of-kin within reach, who would be legally bound to support them, may also be granted relief in really deserving cases.

Under no condition shall relief be granted to persons evading military service, adventurers, vagrants, beggars and persons who find themselves in destitution through their own fault.

The title to Estonian citizenship shall be proved either by a valid passport, a valid inland identity certificate or documents replacing a passport or inland identity certificate showing particulars with regard to citizenship. In the case of emigrants, special care shall be taken to verify whether they have not acquired the status of citizen of some other country without obtaining permission to be released from Estonian citizenship.

§ 367. Such citizens as cannot provide for themselves and their families the most essential means of subsistence owing to a temporary or continued inability to work or for some other serious reason (illness, distress, accident, etc.) shall be considered as indigent and destitute.

Interpretation of  
"indigent" and  
"destitute".

§ 368. A person applying to a Consul for assistance shall be referred by the Consul in the first place to the local relief institutions and organisations, which, pursuant to general usages, grant relief to all indigent and destitute persons irrespective of nationality. The procedure in individual cases is also laid down by international treaties.

Duties of Consul  
upon receiving an  
application for  
temporary relief.

Should it be found impossible to secure relief from the local relief institutions or organisations, the Consul shall ascertain whether the applicant concerned has any relatives or persons within reach, who would be legally bound to support him, and if such is the case, refer the applicant to them.

If it is impossible to secure relief in the aforesaid manner, the Consul may grant relief to such persons as correspond to the requirements set forth above, either in the form of a temporary subsidy for the account of the State or a loan. Upon issuing loans to persons who have lost 60 per cent or more of their ability to work, this condition shall be marked in the debit note, so that the Ministry of Social Welfare may decide whether such loan could be made for the account of the State.

§ 369. Where an applicant for relief, to whom it has been decided to render assistance, is ill, the Consul shall see to it that such applicant shall be placed in a hospital (if possible, where the treatment is free of charge) or, if more appropriate, that steps be taken to secure the necessary care and treatment of the sick person at home.

Duties of Consul  
on granting relief.

If the applicant for relief is not ill and is in need of support, the Consul shall grant him monetary aid to help

him over the temporary distress. Such relief shall not exceed the minimum for subsistence under local conditions.

Should it appear likely that the need of the applicant for relief will be of long duration (over 6 months), he shall be repatriated at the first available opportunity. If the applicant is unwilling to proceed home, no further relief shall be granted to him.

If a sick Estonian citizen has been placed in a hospital abroad without the intervention of the Consulate or Legation, the Consulate or Legation may, upon the request of the relevant authorities, act as intermediary for obtaining settlement of the expenses of treatment from the private resources of the patient under treatment or from the relatives of the sick person, who are legally bound to support him, but such expenses cannot be defrayed by the Consul out of State funds before first securing permission to do so from the Ministry of Foreign Affairs or the Ministry of Social Welfare.

Consuls, likewise, shall not be authorized to cover the expenses of medical treatment and burial of a destitute Estonian without the sanction of the Ministry of Foreign Affairs or the Ministry of Social Welfare, or if the estate taken charge of by the Consul does not include the requisite sum (see also § 155 p. d.). In accordance with international usage, the expenses of treatment and burial of a destitute foreign national are borne, in the absence of a respective treaty, by the local authorities.

Assistance for travelling home.

§ 370. With regard to Estonian citizens travelling home with the assistance of the Consul, distinction shall be made between the following cases:

1. expulsion of a citizen;
2. repatriation of persons destitute and in need; and
3. travelling home voluntarily with the aid of the Consulate or Legation.

Interpretation of expulsion.

§ 371. Expulsion implies the deportation of a foreign national from the country where he or she has been residing under an order made by the competent administrative authorities, who consider such person to be undesirable or dangerous to the public safety. The reasons for such expulsion are usually communicated to the Consulate or Legation of the country concerned. Steps may be taken on behalf of a national under an expulsion order only in case there are no grounds for such expulsion, or if it is in contravention of existing treaties or is taking place in a particularly offensive manner.

Intervention may take place through the diplomatic channels only. In the case of expulsion orders, Consuls shall be entitled only to direct the attention of the appropriate authorities to errors found in the decision (a

certain person being expelled in mistake for another, the person under expulsion not being a national of the country to which he is being deported etc.).

International treaties usually define the powers of expulsion (for instance, such measures shall be justified only for very grave reasons, when suspicion exists that serious crimes are planned, etc., and after the Consulate or Legation of the country involved has already acquainted itself with the matters bearing on the expulsion). As a general rule, the person under expulsion is given the opportunity to submit evidence in his defence. If the expulsion orders are upheld, the person liable to expulsion is granted a certain period of time for putting his affairs in order.

In concrete cases the Consul shall act in conformity with the procedure recognised internationally as also on the basis of special treaties, provided such have been concluded between Estonia and the country where the Consul resides.

§ 372. Pursuant to international usages, the country issuing the expulsion order shall make arrangements for the transportation of the person under expulsion as far as the frontier of the country of which he is a national and shall bear all the expenses of travelling and subsistence connected therewith.

Order of expulsion and expenses connected therewith.

The duty of the Consul in case of an expulsion shall be confined solely to issuing to the person under expulsion a document for entering Estonia and granting the permit of entry, provided he has been requested to do so. If the Consul is in doubt as to whether the person being deported has the right to enter Estonia, he is bound to communicate with the Department of Police of the Ministry of the Interior before issuing the respective documents.

Proposals for the deportation of expelled persons at the expense of Estonia — if such are put forward — shall be refused by the Consul by virtue of international usages.

§ 373. Repatriation implies the sending back to the home country of citizens who, within the meaning of these Instructions, are destitute or in receipt of public relief.

Interpretation of repatriation.

§ 374. Of the citizens who are destitute and in need of relief, other than the seamen mentioned in § 87, only citizens supported by the relief institutions of the country of the Consul's residence, whose repatriation has been applied for through the diplomatic channels and whose repatriation has been sanctioned by the Estonian authorities (Ministry of Social Welfare) through the Ministry of Foreign Affairs, shall be subject to repatriation to Estonia.

Citizens liable to repatriation.

Apportioning of the cost of repatriation.

a) repatriation at the cost of the country of residence.

b) repatriation at the cost of the country of origin.

Procedure of repatriation at the cost of the State and accounting for the cost.

Returning home voluntarily with the assistance of a Consulate or Legation.

§ 375. If no special agreement exists with regard to the cost of transportation of a person about to be repatriated, the expenses as far as the Estonian frontiers are, as a general rule, payable by the country from which the person is being repatriated. The agreement pertaining to the apportioning of the expenses shall be either general or ad hoc.

As an exception to the general rule, a Consulate or Legation may upon its own initiative repatriate at the expense of the State destitute and needy citizens, who are not under the care of the relief institutions of the country of residence and for whom relief and repatriation have been foreseen by the Relief Law, provided that it would be more expedient to repatriate them. Persons of this category, whose need of relief is likely to be of long duration (up to 6 months and longer) shall be repatriated under any circumstances.

§ 376. Citizens mentioned in § 375 shall be repatriated in the most inexpensive way (lowest class passage in ships or by rail). Exception may be made only in the case of persons whose state of health requires special care. Direct permission shall be obtained for making such exception.

The cost of repatriation (travelling expenses and sums for maintenance on the way) shall be covered from the State funds at the disposal of the Consulate or Legation concerned and shall be accounted as expenditure under Chapter II A § 86. Receipts signed by repatriated persons in respect of relief granted to them or, if it is impossible to secure such receipts, the respective vouchers, shall serve as basis for the accounting.

Passports of repatriated citizens shall be endorsed to the effect that the holders are being repatriated for the account of the State and the sum granted in the form of relief shall also be marked in the passport.

Should it be possible to arrange repatriation by stages (from one Consulate or Legation on the way to another), the monetary aid granted in the form of relief shall be limited to a sum enabling the repatriated citizen to proceed to the next Consulate or Legation abroad. A letter to such institution shall be handed to the repatriated citizen stating that the bearer is being repatriated for the account of the State.

§ 377. Apart from granting relief to citizens to be repatriated, Consuls who are authorized to grant relief may in individual cases, where necessary and appropriate, assist also such citizens as are abroad temporarily, who do not come under the category of persons destitute and in need, but are without the means to proceed home. Such assistance may be rendered only in the case that no restrictive instructions in this respect have been issued

by the Ministry of Foreign Affairs, dependent on budgetary considerations. Relief may be granted for repatriation from countries outside Europe only with the special sanction of the Ministry of Foreign Affairs.

The State is under no obligation to grant relief in accordance with the present paragraph and shall do so only to satisfy the needs of such citizens as have no other means of procuring monetary aid and who are deserving of such facility. The Consulates or Legations shall thoroughly investigate in each particular case whether the data submitted by an applicant for a loan are borne out by the facts. The extent of a loan shall not exceed a sum absolutely essential for travelling home by the cheapest way.

§ 378. Sums required for temporary relief on the spot and the cost of repatriation shall be granted in the form of non-interest bearing loans against a debit note.

Accounting for  
loans.

The debit note shall contain the same data as the debit note foreseen in § 360-a. The accounting likewise shall take place in the order stipulated in § 354.

§ 379. Loans shall be collectable in Estonia in the order of indisputable State claims. Loans granted from credits of the Ministry of Social Welfare or for the account of the Ministry shall be collectable by the Ministry of Social Welfare. Other loans shall be collectable by the Accountancy and Economic Bureau of the Ministry of Foreign Affairs. Loans to recipients who have remained abroad shall be collectable by the Consuls and the latter shall avail themselves of the special opportunities which occur upon the renewal or prolongation of passports of recipients of loans.

Refunding of loans.

The loans collectable by the Consuls shall be accounted for as follows: 1) loans from the credit Chapter II A § 86 shall be placed to the credit of the Ministry of Foreign Affairs, whereby, in addition to the data about the person concerned, the year of issue of the loan (budgetary year shall be marked; 2) loans granted from the funds of the Ministry of Social Welfare shall likewise be placed to the account of the Ministry of Foreign Affairs, with a notation to the effect that such are loans from the credits of the Ministry of Social Welfare; the place of issue and the year the sum was loaned shall also be mentioned (budgetary year).

§ 380. A loan may be cancelled only by such institutions as have granted the credits from which the loan was issued (Ministry of Foreign Affairs, Ministry of Social Welfare), provided a legal basis for this exists.

Cancellation of  
loans.

## ALPHABETICAL INDEX.

### Acts:

- Book of acts, CL § 48, CI § 104.
- Categories of acts, CL § 62.
- Extracts from the Book of acts, CL § 62.
- Identity of parties executing an act, CL § 62.
- Right and capability of a party executing an act, CL § 62.
- Accounting, Method of (books), CI § 119.
- Accountancy, Reports on, CL § 44, CI §§ 81—83.
- Advance payments for account of ship-owner, CL § 88, CI § 357.
- Adjustment of average, CL § 80, CI §§ 322—324.
- Age Limit, Discharge from service owing to, CI § 53.
- Allowances to Honorary Consuls, CL § 23, CI § 40.

### Application forms:

- for Diplomatic and Service Passports, CL § 60.
- for granting relief to sick seamen, CL §§ 87—88, CI §§ 352b, 357.
- for Passports, CL § 61, CI §§ 182—183.
- for Visa, CL § 61, CI § 205.

### Appointment:

- of Consuls de carrière, CL §§ 12, 13, CI §§ 21, 22.
- of Employees of Consulates de carrière, CL § 14, CI § 24.
- of Honorary Consuls, CL §§ 12, 15, CI § 23.

### Archives (CL § 52, CI §§ 135—140):

- Arrangement of, CL § 52, CI §§ 135—140.
- Destruction of, CL § 52, CI § 139.
- Division of, CL § 52, CI § 136.
- Handing over of, CL § 52, CI § 139.

### Assistance:

- Accident at sea, In case of, CL § 79, CI §§ 309—324.

Average, Repatriation in case of, CL § 87, CI §§ 340 p. 3, 352.  
for Burial, CI §§ 155 p. d, 361—363, 369.

upon Expulsion, CL § 92, CI §§ 371—372.

Loans, In the form of, CL § 89, CI §§ 358—360, 377—380.

for Medical treatment and burial, CL § 92, CI §§ 155 p. d, 369.

Military service, To evaders of, CI § 366.

Military service, To persons subject to, CL § 65.

to Persons in need and destitute, CL § 92, CI §§ 366—380.

for Proceeding home voluntarily, CL § 92, CI §§ 360, 377—378.

for Proceeding home, CL § 92, CI §§ 360, 370—378.

Relief, Consuls authorized to grant, CI § 365.

Relief, medical treatment and burial, Defraying the cost of, CL § 92, CI §§ 155 p. d, 369.

Repatriation, In the case of, CL § 92, CI §§ 373—376.

to Seamen, CL §§ 87—91, CI §§ 352—365.

to Seamen, in the form of loans, CL § 89, CI §§ 358—360.

to Seamen suffering from venereal diseases and tuberculosis, CL § 87.

CI §§ 352 b — 354.

State, For account of the, CL § 87.

CI §§ 352—354, 363, 375—376.

Attestations (see also Notarial acts), CL § 62.

Attestation of genuineness of signatures, CL § 62.

Attestation of documents, CL § 62.

Attestation of date of production of (documents), CL § 68.

Auxiliaries at Consulates, CL §§ 11, 22, CI §§ 8, 19, 20, 37, 38, 64.

**Average:**

Adjustment, CL § 80, CI §§ 322—324.  
 Assistance in case of average, CL § 79, CI §§ 309—324.  
 Categories of average, CL § 80, CI § 321.  
 Discharge from the service in case of average, CI § 340 p. 3.  
 Investigation, CL § 80, CI §§ 315—316.  
 Repatriation, CI §§ 340 p. 3, 352.  
 Salvage, CL § 79, CI §§ 310—311.  
 Sea Protest, CL § 60, CI §§ 317—320.

Basis for official activity of Consulates.  
 CL § 3, CI §§ 2—6.

Bills of Exchange, Protests of,

**Births** (see also Family status):

Register of, CL § 48, CI § 98.  
 Registration of, CL § 59.

**Books:**

Account, Keeping of, CI § 119.  
 Consular books, CL §§ 48, 49, CI §§ 93—117.  
 at Consulates in charge of career officers, CL §§ 48, 49, CI § 94.  
 at Honorary Consulates, CL §§ 48, 49, CI § 95.  
 Notarial acts, Books of, CL § 62.

Book of protocols for registering changes in family status, CL § 48, CI § 115.

Burial, CL § 90, CI §§ 155 d, 361—363, 369.

Cash book, CL § 48, CI § 109.

Capacity to act, Legal, (party to drawing up of an act), CL § 62.

Certificates of origin, Legalisation of, CL § 64, CI § 239.

Coat-of-arms (State), CL § 47, CI § 90.

Coat-of-arms-shield (at Consulate, CL § 47, CI § 91.

**Commerce:**

Duties in field of economic matters, CL § 67—70, CI §§ 283—287.  
 Information as to, CL § 68, CI §§ 284, 286—287.  
 Reports as to, CL § 68, CI § 284.

Commission, Dates of appearance before, CL § 65.

**Consuls-General** (see also Consuls and Consuls de carrière):

Consul-General de carrière, Appointment of, CL § 6, CI § 21.  
 Consul-General, Duties of, CL § 6, CI §§ 11, 62, 66.  
 Consul-General-Minister, CL § 6, CI § 11.  
 Officers of Legation performing duties of Consul-General, CL § 6, CI § 12.

Patent of Consul-General, CL § 6, CI § 25.

Titular-Consul-General, CL § 6, CI §§ 9, 12.

Consulate-General (see Consulates and Consulates in charge of career Officers).

**Consuls** (see also Honorary Consuls, Consuls de carrière and Consuls-General):

Appointment of, CL §§ 12—13, CI §§ 21—23.

Authority to legalise, CL § 64, CI § 238.

Authority in the branch of passports, CL § 60.

Authority to visa passports, CL § 61, CI § 197.

Authority to register changes in family status, CL § 69.

Authority to make translations, CL § 63, CI § 233.

Consuls without district of activity, CL § 11, CI §§ 8, 22, 64.

Consul representing several countries, CL § 21, CI §§ 35—36.

Discharge of Consular duties by Consul of another country, CL § 34, CI §§ 60—61.

Leave, CL §§ 25—27, CI §§ 43—44.

Notarial rights, CL § 62.

Patent, CL § 16, CI § 25.

Substitute during leave of Consul de carrière, CL § 26, CI § 43.

Substitute during leave of Honorary Consul, CL § 27, CI § 44.

Titular Consuls, CL § 4, CI § 9.

Consuls-General de carrière, Appointment of, CL § 13, CI § 21.

**Consuls de carrière** (CL § 10, CI § 18 a, see also Consulates):

Appointment of, CL §§ 12—13, CI §§ 21—22.

Career Vice-Consul at Honorary Consulate, CL § 11, CI §§ 8, 22, 64.

Discharge of, CL §§ 13, 29—33, CI §§ 46—58.

Leave of, CL §§ 25—26, CI § 43.

Oath of Office, CL § 18, CI § 30.

Consul de carrière at Honorary Consulate, CL § 11, CI §§ 8, 22, 64.

Consulate-General de carrière at Legation, CL § 6, CI §§ 10, 11, 12.

**Consulates de carrière** (see also Consulates):

Appointment of employees at, CL § 14, CI § 24.

Books at, CL §§ 48, 49, CI § 94.

Discharge of employees at, CL § 14, CI § 59.

- Establishment of, CL § 7, CI § 13.  
 Legation, Consulate-General de carrière at, CL § 6, CI §§ 10, 11, 12.  
 Liquidation of, CI § 15.
- Consulates** (see also Honorary Consulates, Consulates de carrière and Consulates-General):  
 Activity of, and basis for activity, CL § 3, CI §§ 2—6.  
 Administration of, CL §§ 4, 35—39, CI §§ 7, 8, 62, 63.  
 Auxiliaries at Consulates, CL §§ 11, 22, CI §§ 8, 19, 20, 37, 38, 64.  
 Classification of, CL § 4, CI § 7.  
 Coat-of-arms-shield, CL § 47, CI § 91.  
 Consular district, CL § 9, CI §§ 7, 10, 17.  
 District under jurisdiction of, CL § 9, CI §§ 7, 10, 17.  
 Duties of, CL § 1, CI § 1.  
 Establishment of, CL § 7, CI §§ 13, 14.  
 Handing over of, CL § 33, CI § 58.  
 Inspection of, CL §§ 38—39, CI §§ 66—68.  
 Legation as Consulate-General, CL § 6, CI §§ 11—12.  
 Liquidation of, CL § 7, CI §§ 15, 16, 57.  
 Office requisites of, CL § 47, CI §§ 88—92.  
 Seals of, CL § 47, CI § 91.  
 Subordination of, CL § 36, CI §§ 62, 63.
- Consular activity:**  
 Assumption of, CL § 17, CI §§ 26—31.  
 General survey of, CL § 44, CI § 79.  
 Report upon, CL § 44, CI § 78.  
 Supervision of, CL §§ 35, 39, CI §§ 62—63.  
 War, In case of, CL § 45, CI §§ 84—85.
- Consular books, Verification of, CL § 49, CI §§ 116, 117.  
 Consular books, CL §§ 48, 49, CI 93—117.  
 Consular district, CL § 9, CI §§ 7, 10, 17.
- Consular fees** (CL § 53, CI §§ 141—144, see also Fees):  
 Book of Consular fees, CL § 48, CI § 108.  
 Consular stamps, CI § 144.  
 Honorary Consuls, Fees assigned to, CL § 23, CI § 39.  
 Marking of fees, CI § 143.  
 Consular register, CL § 48, CI §§ 103, 221.  
 Consular reports, CL § 44, CI §§ 77—83.
- Consular revenue:**  
 Accounting for, CL § 53, CI § 142.  
 Assigned to Honorary Consuls, CL § 23, CI § 39.
- Consular Secretaries** (CL §§ 11, 22, CI §§ 19—20, 37—38):  
 Discharge of, CI § 59.  
 Employment of, CL § 22, CI §§ 19, 37—38.  
 Leave of, CI § 45.  
 Relation with Consul, CI § 20.  
 Salary, CL § 22, CI §§ 37—38.  
 Consular stamps, CI § 144.
- Conscripts** (see also Military Service):  
 Assembly, Place of, CL § 65.  
 Assistance to, CL § 65, CI § 264.  
 Dates of appearance before Commission, CL § 65.  
 Extension of time for appearance, CL § 65.  
 Non-appearance before Commission, CL § 65.  
 Punishment of, CL § 65.  
 Prolongation of passports of, CL § 65.  
 Registration of, CL § 65.  
 Statements (Forms to be completed), CL § 65.  
 Control book in respect of estates and property accepted for safekeeping, CL § 48, CI § 114.  
 Control mark, CL § 51, CI § 134.  
 Copies, Certification of authenticity of, CL § 62.
- Correspondence** (CL § 51, CI §§ 124—128, see also Letters and Post):  
 Classification of, CL § 51, CI §§ 124—128.  
 Correspondence with Estonian official institutions, CL § 51, CI § 121.  
 Correspondence with foreign official institutions, CL § 51, CI § 122.  
 Correspondence with private persons and institutions, CL § 51, CI § 123.  
 Language of, CL § 51, CI § 120.
- Courier mail, List of, CL § 51, CI § 134.  
 Court, Consuls sentenced by, CL § 30, CI § 51.  
 Credits, Book of, CL § 48, CI § 110.  
 Criminal charges against Consul, CL § 30, CI § 55.  
 Crew, Living quarters of on board ship, CI § 349.  
 Dates for appearance before Military Commission, CL § 65.
- Deaths, Cases of** (see also Family Status and Estates):  
 Register of deaths, CL § 48, CI § 99.  
 Registration of deaths, CL § 59.

reports upon cases of death, CL § 57, CI § 152.  
Seamen, Death of, CL §§ 57, 81, 90, CI §§ 156, 345, 361—363.

#### Debts:

Debit note upon granting a loan, CL § 89, CI §§ 360, 378.  
Deferred passport fees, CL § 60.  
Fees not collected when performing Consular functions, CL § 53, CI § 142 c.  
Ship's debts, CL § 78, CI § 308.  
Debit notes, Attestation of.

#### Declaration forms:

Conscripts, In respect of, CL § 65.  
Report of shipmaster, CL § 72, CI § 293.  
Declaration (of Honorary Consuls), CL § 18, CI § 31.  
Deficiencies on board ship, CL § 72, CI § 298.  
Deposits, Book of, CL § 48, CI § 107.  
Deserters from ships, CL § 82, CI § 325—330.  
Desertion from ship, CL § 82, CI §§ 325—330.  
Despatch (of letters), CL § 51, CI § 134.  
Diplomatic passport, CL § 60.  
Diplomatic visas, CL § 61, CI §§ 98, 206, 207, 208.

#### Discharge:

Age limit, Owing to, CI § 53.  
of Consuls de carrière, CL §§ 13, 29—33, CI §§ 46—58.  
of Employees of Consulates de carrière, CL § 14, CI § 59.  
of Honorary Consuls, CL §§ 15, 29—33, CI §§ 46—48, 51—52, 54—55, 57—58.  
of Seamen, CI §§ 339—341.  
of Secretary of Honorary Consulate, CI § 59.  
on Retirement on pension, CI § 53.  
Discharge of duties of Consul for several countries, CL § 21, CI §§ 35, 36.  
Disciplinary punishment on board ship, CI § 351.  
Disputes between shipmaster and crew, CL § 85, CI §§ 334—337.  
District of activity (of Consulates), CL § 9, CI §§ 7, 10, 17.  
Documents, Attestation of date when produced, CL § 62.  
Duration of service of seamen, CI § 338.  
Duties, Entering upon discharge of, CL § 17, CI §§ 26—31.

#### Economic:

Duties in the economic field, CL §§ 67—70, CI §§ 283—287.

Information, CL § 68, CI §§ 284, 286—287.

Surveys, CL § 68, CI § 284.

#### Employees and Servants at Consulates, CL §§ 11, 14, CI §§ 19, 20, 24:

Employees of Consulates in charge of career Officers, Appointment of, CL § 14, CI § 24.  
Employees of Consulates in charge of career Officers, Appointment of, § 14, CI § 59.  
Employees of Honorary Consulates, Appointment of, CL § 11, CI §§ 19, 37, 38.  
Employees of Honorary Consulates, Discharge of, CI § 59.

#### Estates (CL § 57, CI §§ 152—158):

Claims against estate, CL § 57, CI § 155 d.  
Estate, Transmission to heirs of, CL § 57, CI § 155 c.  
Estate, Taking charge of, CL § 57, CI §§ 153—155.  
Estates, Control book of, CL § 48, CI § 114.  
Estate, Liquidation of, CL § 57, CI § 155 c.  
Estate, Bulk of, CL § 57, CI § 155.  
Heirs, Tracing of, CL § 57, CI §§ 152, 157, 158.  
Inventory, Making of, CL § 57, CI § 155.  
Notification regarding a case of death, CL § 57, CI § 152.  
Sealing of, CL § 57, CI § 57, CI § 155 b.  
Seaman's estate, CL § 57, CI § 156.  
Estonian citizens, Protection of rights of, CL §§ 54—56, 58, CI §§ 145—151.  
Estonian citizens, Infringement of rights of, CL § 54, CI §§ 148, 149.  
Estonian flag, Right to fly on ships, CL § 77, CI §§ 303—307.

#### Estonia, Transfer to:

Average, In case of, CL § 87, CI § 340 p. 3, 352.  
Conscripts, CL § 65.  
Expulsion, In case of, CI §§ 370—372.  
For account of the State, CL § 87, CI §§ 340 p. 3, 352, 375—376.  
For account of shipowner, CL § 88, CI § 356.  
Proceeding home voluntarily, CL § 92, CI §§ 360, 377—379.  
Repatriation, CL § 92, CI §§ 373—376.  
Seamen, At their own expense, CL § 92, CI §§ 358—360.

Exequatur, CL § 16, CI § 26.

Existence, Certificate in proof of, CI § 62.

Expenditure, Report upon, CI § 82 c.

Expenditure for account of the estate, CL § 57, CI § 155 p. d.  
Expenses of medical treatment and burial, Settlement of, CL § 92, CI § 155 p. d., 369.  
Expulsion, CL § 92, CI §§ 371—372.  
Expulsion (compulsory), CL § 92, CI §§ 371—372.  
Extracts from Book of Acts, CL § 62.  
**Family status** (CL § 59):  
Acts, Forwarding on of, CL § 59.  
Births, Registration of, CL § 59, CI § 98.  
Book of protocols for recording of registrations, CL § 48, CI § 115.  
Certificate enabling to marry, CL § 59.  
Consuls, Authority and duties of, CL § 59.  
Deaths, Registration of, CL § 59, CI § 99.  
Marriages, Registration of, CL § 59, CI § 100.  
Registration fees, CL § 59.  
Report regarding changes in, CL § 44, CI § 78.  
**Fees** (see also Consular fees):  
for certificate, Temporary, CL § 60, CI § 191.  
for passports, Granting and proion-gation of, CL § 60.  
for passport visa, CL § 61, CI §§ 209—210.  
for passports granted and prolonged, Deferred payments on, CL § 60.  
for property accepted for safekeep-ing, CL § 66, CI § 274.  
for legalisation, CL § 64, CI § 241.  
for registering changes in family status, CL § 59.  
for translations, CL § 63, CI § 234.  
Financial monthly reports, CL § 44, CI §§ 82, 83.  
Flag (State), CL § 47, CI §§ 88, 89.  
Flag certificate (Certificate of ship's registration), CL § 78, CI §§ 305—307.  
Flag, Right to fly on vessels, CL § 77, CI §§ 303—307.  
**Foreigners:**  
Permits to work, CI § 211.  
Sojourn of in Estonia, CI § 211.  
Foreign Consul discharging duties of Estonian Consul, CL § 34, CI §§ 60, 61.  
**Forms:**  
Conscripts, Forms to be completed by, CL § 65.  
Passport books, CL § 60.  
General service instructions for State employees and Consuls de carrière, CL § 19, CI §§ 32—34.  
Handbooks, CL § 50, CI § 118.

Handing over (of Consulate), CL § 33, CI § 58.  
**Honorary Consuls** (CL § 10, CI § 18b, see also Consuls):  
Allowances to Honorary Consuls, Granting of, CL § 23, CI § 40.  
Appointment to post of, CL §§ 11, 15, CI § 23.  
Declaration of, CL § 18, CI § 31.  
Discharge from post of, CL §§ 15, 29—33, CI §§ 46—48, 51—52, 54—55, 57—58.  
Leave of, CL § 27, CI § 44.  
Rights and duties of, CL § 8, CI §§ 14, 233, 238, 318, 365.  
Titular Consuls, CL § 4, CI § 9.  
Uniform of, CL § 24, CI §§ 41, 42.  
**Honorary Consulates** (see also Consulates):  
Books at, CL §§ 48, 49, CI § 95.  
Closing of, CL § 7, CI § 16.  
Career Consul at Honorary Consu-lates, CL § 11, CI §§ 8, 22, 63.  
Establishment of, CL § 7, CI § 14.  
Leave of absence of employees at, CL § 28, CI § 45.  
Imparting of information to commercial undertakings, CL § 68, CI § 287.  
Indictment and taking into custody (Estonian citizens), CL § 56, CI §§ 150, 151.  
**Information:**  
Average. Information as to, CL § 80, CI § 313.  
Debts on ships, Information as to, CL § 77, CI § 308.  
Economic situation. Information as to, CL § 68, CI §§ 284, 286—287.  
Firms, Information to, CL § 68, CI § 287.  
Information, Forwarding of, CL §§ 42, 67, 68, CI §§ 72—76.  
Legislation. Information as to, CL § 68, CI § 285.  
Political situation, Information as to, CL § 68, CI § 285.  
Private individuals, Information given to, CL § 68, CI § 287.  
Social conditions, Information as to, CL § 68, CI § 285.  
Inspection of Consulates, CL §§ 38, 39, CI §§ 66, 67, 68.  
Intercourse with official institutions, CL §§ 40, 41, CI §§ 29, 69, 70, 71.  
**Inventory:**  
Consulates, Inventory of, CL § 48, CI § 113.  
Estates, Inventory of, CL § 57, CI § 155 a.  
Inventory, Book of, CL § 48, CI § 113.  
Investigation in case of an average, CI § 80, CI §§ 315, 316.

Laws, Knowledge of, CI §§ 3, 5, 118, 145, 147.

**Leave:**

Consuls de carrière and State employees, Leave of, CL §§ 25, 26, CI § 43.

Employees of Honorary Consulate, Leave of, CL § 28, CI § 45.

Honorary Consuls, Leave of, CL § 27, CI § 44.

**Legalisation** (CL § 64, CI §§ 236—240):

Authority to legalise, CL § 64, CI § 238.

Endorsement, CL § 64, CI § 239.

Fees, CL § 64, CI § 240.

Legalisations, Categories of, CL § 64, CI § 239.

Origin, Certificates of, CL § 64, CI § 239.

**Legation as Consulate General de**

**carrière**, CL § 6, CI §§ 10, 11, 12.

Legal capacity to act (party to drawing up of an act) CL § 62.

**Letters** (see also **Post**):

Contents, CL § 51, CI § 129.

Despatch of, CL § 51, CI § 134.

Envelopes, CL § 51, CI § 133.

Letter delivery book, CL § 51, CI § 134.

Paper, CL § 51, CI § 132.

Registers, CL § 48, CI §§ 96—97.

Signing of, CL § 51, CI § 130.

Tone and style of, CL § 51, CI § 131.

Letter delivery book, CL § 51, CI § 134.

List of persons without legal capacity to act, CL § 62.

**Loans:**

Cancellation of, CI § 380.

Collection of, CL § 93, CI § 379.

Granting of, CL §§ 89, 92, CI §§ 358—360, 377—380.

to Seamen, CL § 89, CI §§ 358—360.

for Travelling home, CL § 92, CI §§ 377—380.

Local official institutions, Intercourse with, CL §§ 40—41, CI §§ 26, 69, 70, 71.

**Marriage:**

Licence to marry, CL § 59.

Register of marriages, CL § 48, CI § 100.

Registration of marriages, CL § 59.

Medical and burial expenses, CL § 92, CI §§ 155 p. d., 369.

**Military service** (CL § 65):

Certificate, Granting of temporary, CL § 60.

Consuls' duties, CL § 65.

Dates of appearance before Commission, CL § 65.

Monetary assistance, CL § 65, CI § 366.

Non-appearance before Commission, CL § 65.

Passports, Prolongation of, CL § 65.

Place of assembly, CL § 65.

Punishment, CL § 65.

Registration, CL § 65.

Reservists, Registration of, CL § 65.

Statements, CL § 65.

Volunteers, CL § 65.

Military service, Granting of extension for reporting for, CL § 65.

Ministerial passport (see **Service Passport**).

Minister as Consul-General, CL § 6, CI § 11.

Monetary assistance to conscripts, CL § 65.

Mutiny on board ship, CL § 83.

**Notarial functions**, (CL § 62):

Act, Drawing up of, CL § 62.

Attestation of the time of production of documents, CL § 62.

Attestation that a person is alive, CL § 62.

Attestations, CL § 62.

Books, CL § 62.

Bills of exchange, Attestation of, CL § 62.

Copies, Attestation of, CL § 62.

Declarations, Attestation of, CL § 62.

Debit notes, Attestation of, CL § 62.

Documents, Preservation of, CL § 62.

Extracts from acts, CL § 62.

Notifications from one party to another, CL § 62.

Powers of attorney, Drawing up of, CL § 62.

Powers of attorney, Attestation of, CL § 62.

Signatures, Attestation of, CL § 62.

Witnesses on drawing up of acts, CL § 62.

Witnesses on making a will, CL § 62.

Notarial acts, Books of, CL § 62.

**Notices:**

Deaths, Reports upon cases of, CL § 57, CI § 152.

Notarial notices, CL § 62.

Shipmaster's report, CL § 72, CI § 293.

Oath of office (Consuls de carrière), CL § 18, CI § 30.

Official requisites at Consulates, CL § 47, CI §§ 88—92.

Officers of Legation performing the duties of Consul-General, CL § 6, CI § 12.

**Office hours:**

On board ship, CI § 348.  
of Consulate, CL § 46, CI §§ 86—97.

Passport, Service, CL § 60.

**Passports (CL § 60):**

Application form for, CL § 60.  
Conscripts, Passports of, CL § 65.  
Dates, CL § 60.

Deferred fees, CL § 60.

Diplomatic passport, CL § 60.

Fees, CL § 60.

Ministerial passport (See Service passport).

Loss of passport, CL § 60.

Obstacles to the issue or prolongation of passports, CL § 60.

Passport book, CL § 48, CI § 105.

Passport booklets, CL § 60.

Passport for travelling abroad, CL § 60.

Report, CL § 60.

Service passports, CL § 60.

Temporary certificate, CL § 60.

Passports for travelling abroad, CL § 60.

Patent (Consul's), CL § 16, CI § 25.

Pension, Retirement on, CI § 53.

Persons, Certificate in proof of existence, CL § 62.

Persons in need of relief, CL § 92.  
CI §§ 366—380.

Permission to work (foreigners), CI § 211.

Political information, CL § 68, CI § 285.

**Post:**

Control mark, CL § 51, CI § 134.

Courier list, CL § 51, CI § 134.

Despatch, CL § 51, CI § 134.

Letter despatch book, CL § 51, CI § 134.

Mailing list, CL § 51, CI § 134.

Mail despatch list, CL § 51, CI § 134.

**Powers of Attorney:**

Powers of Attorney, Attestation of, CI § 230.

Property, Safekeeping of, CL § 66.

Provisional flag certificate (ship's registration certificate), CL § 78, CI § 306.

Private individuals, Giving information to, CL § 68, CI § 287.

**Punishment:**

Discharge of Consul as a result of prosecution by court, CL § 30, CI §§ 51, 55.

Persons subject to military service, Punishment of, CL § 65.

Shipmaster, Penalties imposed upon, CL § 75, CI §§ 288, 293, 332, 337.

Seamen, Punishment of, CL § 85, CI §§ 335, 337, 351.

Prohibition of career Consuls and employees of Consulates in charge of career Officers to be engaged in commercial undertakings, CL § 20, CI §§ 33, 34.

Register of expenditure, CI § 82.

**Registers:**

Births, Register of, CL § 48, CI § 98.  
Crew List, Sub-register of changes in, CL § 48, CI § 102.

Consular register, CL § 48, CI § 103.

Deaths, Register of, CL § 48, CI § 99.

Expenditure, Register of, CI § 82.

Letters, Register of, CL § 48, CI 96, 97.

Marriages, Register of, CL § 48, CI § 100.

Revenue, Register of, CL § 82.

Vessels, Register of, CL § 48, CI § 101.

Relief to persons in distress, CL § 92, CI §§ 366—380.

Relief, Granting of for account of the State, CL § 87, CI §§ 352, 353, 354, 363, 375, 376.

**Remuneration:**

Salary of Secretary of Honorary Consulate, CL § 22, CI §§ 37—38.

Wages of seamen, CI §§ 338, 342—344.

Wages of deceased seamen, CI § 345.

Repatriation, CL § 92, CI §§ 373—378.

Reports on activity, CL § 44, CI §§ 78, 79.

Reservists, Registration of, CL § 65.

Restrictions upon granting of visas, CL § 61, CI §§ 200, 201.

**Revenue:**

State revenue, Reports as to, CI §§ 82 b, 142 b.

Transference of State revenue, Reports as to, CI § 82 b.

Income, Register in respect of, CI § 82.

**Reports:**

Accountancy, CL § 44, CI §§ 81—83.

Activity, Report on, CL § 44, CI §§ 78, 79.

Consular Reports, CL § 44, CI §§ 77—83.

Consular activity, Report on, CL § 44, CI § 78.

Consular activity General survey of, CL § 44, CI § 79.

Deficiencies on board ship, Report on, CL § 72, CI § 298.

Expenditure, Report on, CI § 82 c.

Family status, Report on changes of, CL § 44, CI § 78.

Financial Reports, CL § 44, CI §§ 82—83.

Information, CL §§ 42, 67—68, CI §§ 72—76.  
Movement of ships, Report on, CL § 44, CI § 78.  
Passports, Report on, CL § 60.  
Property, safekeeping of, CL § 66.  
Revenue, Reports on, CI §§ 82 b, 142 d.  
State income transferred, Report on, CI §§ 82 b, 142 d.  
Transferable sums, Report on, CI § 82 d.  
Report upon economic situation, CL § 68, CI § 284.

**Rights of Consuls** (see also Consuls):  
to draw up Sea Protests, CL § 80, CI § 318.  
to grant and extend passports, CL § 60.  
to grant relief, CL §§ 87—92, CI § 365.  
to make translations, CL § 63, CI § 233.  
to perform legalisations, CL § 64, CI § 238.  
to perform notarial functions, CL § 62, CI §§ 212—215.  
to register changes in family status, CL § 59.  
to transfer money, CL § 66.  
to visa passports, CL § 61, CI § 197.  
**Rights, Protection of (Estonian citizens)**  
CL §§ 54—56, CI §§ 145—151.

#### **Safekeeping of property:**

Control book, CL § 48, CI § 114.  
Fees, CL § 66.  
Safekeeping, CL § 66.  
Wills, CL § 66.  
Salvage work in case of an average, CL § 79, CI §§ 310, 311.

#### **Seamen:**

Assistance in case of average, CL §§ 87—88, CI §§ 340, 352.  
Assistance in case of illness, CL §§ 87—88, CI §§ 340 p. 2, 352—357.  
Burial of, CL § 90, CI §§ 361—363.  
Desertion, CL § 82, CI §§ 325—330.  
Discharge from service, CI § 339.  
Discharge from service in case of average, CI § 340 p. 3.  
Estates of, CL § 57, CI § 156.  
Granting of loans to, CL § 89, CI §§ 358—360.  
Military service, reporting for, CI 339 p. 8.  
Monies, transfer of, CL § 66.  
Punishments, CI §§ 335, 351.  
Repatriation of, CI §§ 340 p. 3, 352.  
Signing on and discharge of, CL § 76, CI §§ 299—301.  
Temporary certificate, granting of, CL § 60.

Time of service, CI § 338.  
Wages, CI §§ 338, 342—345.  
Wages of deceased seamen, CI § 345.  
Seamen suffering from venereal diseases and tuberculosis, CL § 87, CI § 352 b.  
Sea accident (see also Average), CL §§ 79—81, CI §§ 309—324.  
Sea accident, Assistance in case of (see also Assistance), CL § 79, CI §§ 309—324.  
Sea Protest, CL § 80, CI §§ 317—320.

#### **Secretaries:**

Discharge of Secretaries at Honorary Consulates, CI § 59.  
Employment of Secretaries at Honorary Consulates, CL § 22, CI §§ 19, 37—38.  
at Honorary Consulates, CL §§ 11, 22, CI §§ 19—20, 37—38.  
Leave of, CL § 45.  
Relations with Consul, CI § 20.  
Salary of, CL § 22, CI §§ 37—38.  
Seals, CL § 47, CI § 91.

#### **Sealing:**

Estates, Sealing of, CL § 57, CI § 155 b.  
Letters, Sealing of, CL § 51, CI § 134.

#### **Service, Discharge from** (see Discharge from Service):

Service instructions to Consuls de carrière and State Employees, CL § 19, CI §§ 32—34.

#### **Service remuneration:**

Deceased seamen, Wages of, CI § 345.  
Salary of Secretary of Honorary Consulate, CL § 22, CI §§ 37—38.  
Seamen, Wages of, CI §§ 338, 342—344.  
Servants and employees at Consulates, CL §§ 11, 14, CI §§ 19, 20, 24.

#### **Shipping:**

Application form for registration, CL § 72, CI § 293.  
Average, Ship's, CL §§ 79—81, CI §§ 309—324 (see also Average).  
Debts on ships, CL § 78, CI § 308.  
Deficiencies on board, CL § 72, CI § 298.  
Flag certificate, CL § 78, CI §§ 305—307.  
Flag, Right to fly, CL § 77, CI §§ 303—307.  
Registration, CL § 72, CI §§ 290—298.  
Report upon movement of ships, CL § 44, CI § 78.  
Report upon deficiencies on board ship, CL § 72, CI § 298.  
Seaworthiness of vessel, CL § 76, CI § 302.  
Shipmaster, CL § 84, CI §§ 331—333.  
Ships' register, CL §§ 48, 72, CI § 101.

## Shipmaster:

- Appointment and discharge of, CL § 84, CI § 331.
- Authority to inflict punishment, CL § 85, CI § 351.
- Obligation to appear in person before Consul, CL § 73, CI § 297.
- Punishment of shipmaster, CL § 75, CI §§ 288, 293, 332, 337.
- Suspension of shipmaster, CL § 84, CI § 332.
- Temporary shipmaster, CL § 84, CI § 333.
- Signing (of letters), CL § 51, CI § 130.
- Signing on and discharge** (CL § 76, CI §§ 299—301):
  - Crew List, CL § 76, CI § 300.
  - Register (Sub), CL § 48, CI § 102.
- Social conditions, Information upon, CL § 68, CI § 285.
- Sojourn in Estonia (of foreigners).
- Stamps** (see also seals):
  - Visa stamps, CL § 61, CI § 206.
  - State coat-of-arms, CL § 47, CI § 96.
  - State flag, CL § 47, CI §§ 88, 89.
  - State revenue, Book of, CL § 48, CI § 111.
  - State revenue, Report in respect of, CI § 82 b, 142 d.
  - Strike on board ship, CL § 83.
  - Style (of letters), CL § 51, CI § 131.
  - Subordination (of Consulates) CL § 36, CI § 63.
  - Sub-Register, CL § 48, CI § 102.

## Substitutes:

- During leave and absence of Honorary Consul, CL § 27, CI § 44.
- During leave and absence of Consul de carrière, CL § 26, CI § 43.
- On discharge of Consul from his post.
- Summer holidays, Visas for, CL § 61, CI § 202.
- Temporary shipmaster, CL § 84, CI § 333.
- Temporary certificate, CL § 60.
- Titular Consuls, CL §§ 4, 6, CI §§ 9, 12.
- Tone (of letter), CL § 51, CI § 131.

## Translations (CL § 63, CI §§ 232—235):

- Authority to make translations, CL § 63, CI §§ 232—233. Certification of, CL § 63, CI § 235.
- Fees, CL § 63, CI § 234.

## Transferable sums:

- Cash book of, CL § 48, CI § 112.
- Report, CI § 82 d.

## Transfer of money (seamen), CL § 66:

- Application,
- Transmission,

- Consulates, Authority to transfer money,
- Value in Estonian currency,
- Expenses,
- Receipts.

Travelling home (see Estonia, Transfer to).

Travelling home (see repatriation).

Treaties, knowledge of, CI §§ 4, 118, 145, 146.

Trouble on board ship, CL § 83.

Tuberculosis and venereal diseases, Seamen suffering from, CL § 87, CI § 352 b.

Uniform (of Honorary Consul), CL § 24, §§ 41, 42.

Verification (of Consular books), CL § 49, CI §§ 116, 117.

Vice-Consuls without Consular districts of their own, CL § 11, CI §§ 8, 22, 64.

Visaing of documents (see also Notarial Acts), CL § 62.

Visa, Service, CL § 61, CI §§ 198, 206, 207, 209.

## Visas (CL § 61, CI §§ 195—211):

- Application form for, CL § 61, CI § 205.
- Authority to grant visa, CL § 61, CI § 197.
- Book of visas, CL § 48, CI § 106.
- Categories of visas, CL § 61, CI § 198.
- Diplomatic visas, CL § 61, CI §§ 198, 199, 207, 209.
- Fees, CL § 61, CI §§ 209—210.
- Granting, Procedure of, CL § 61, CI § 199.
- Restrictions upon granting visas, CL § 61, CI §§ 200—201.
- Reports, Rendering of, CL § 61, CI § 208.
- Service visas, CL § 61, CI §§ 198, 199, 207, 209.
- Service, Permit to take up foreigners) CL § 61, CI § 211.
- Stamps, CL § 61, CI § 206.
- Summer tourists, Visas for, CL § 61, CI § 202.
- Terms, CL § 61, CI § 207.

Volunteers in the Military Service, CL § 65.

War time, Consular activity during, CL § 45, CI §§ 84, 85.

## Wills:

- Drawing up of, CL § 62.
- Safekeeping of, CL § 66.

## Witnesses:

- upon drawing up notarial acts, CL § 62.
- upon making a Will, CL § 62.



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