

**Parliament's response**  
**to the Government's bill concerning the property**  
**owned by foreigners but left without care and**  
**neglected in Finland**

The Government has submitted to the Diet a Bill concerning foreign property left without care and neglected in Finland, and the Diet, after being given the report nr. 13 by its Law and Economical Affairs Committee, has passed the following Act:

**The Act**  
**concerning foreign property left without care and neglected in Finland**

In accordance with the decision of the Diet the following is enacted:

1 §.

If a foreigner, who owns real property in Finland, has not a domicile in this country and has neglected the care of his property, the state is entitled to take the hold of that sort of an estate as well as the movable property of the estate owner there. A real estate should be considered as neglected also in such a case as its holder does not have an authorization given or renewed by the proprietor every last three years.

If the holder has, before this act came into force, an authorization given by the proprietor, the estate will be considered as neglected, if no new authorization will be given or renewed within three years after the entry of this act into force.

A real estate is not considered neglected, if it is taken care by the spouse of the proprietor or directly by a decending or ascending relative or someone else, who is the real heir of the proprietor.

2 §.

If the present holder of the estate refuses to transfer it to government administration, but without being able to prove of his entitlement to administer the real estate the way described by this act, may the chief executor officer grant assistance to evict him; if the matter is under dispute, it should be left to the court to be decided.

3 §.

After the property defined in article 1 has been taken to the care of the state, a notice should be given to the lower court, with jurisdiction over the property, and the court should immediately put up a notice on the public billboard of the municipality or, in towns, on the billboard of the court and also to make it known to the proprietor by announcing three times in the Official Gazette that he should, in the time frame and way stated here in the article 7, to make himself known at the Governor for the purpose of asserting his right under the risk that otherwise the property will be forfeited to the state.

4 §.

In a lawsuit against a third person, concerning the property taken under the custody of the state, including cases arising from demands for compensations and reimbursement for other costs arising from the maintenance of the property, the state will take the role of the plaintiff and the property owner.

5 §.

If the state, as a landlord, has leased the estate that has taken under its custody, any contract shall become void after a year from the day the property is transferred to its rightful proprietor and the state thus ending any administration there.

6 §.

The state is not obliged to surrender the property taken into its custody to the proprietor before he has compensated all the taxes and other necessary costs emanating from care of the property, if the income from the property is not adequate to cover the accrued expenses.

The proprietor has the right to be compensated by the state, if someone taking full or partial advantage of the property on behalf of the state, has purposefully or due to gross negligence damaged the property.

7 §.

If the proprietor or the person, who in due legal process has acquired possession of the property, has not within five years after the public notice stated above in the article 3 has been made public for the third time in the Official Gazette come forward at the governor of the province of the pertinent property for taking it over, or if the governor within the before mentioned time limits rejects that claim, and the claimant does not initiate a lawsuit against it, the property will be bestowed on the state.

8 §.

Procedural provisions for the enactment for this Act are given by administrative decrees.

In Helsinki, May 2, 1922.

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## **The Preamble:**

Vast areas of so called Karelian Isthmus, especially in summertime, were settled by large numbers of foreigners, mainly Russians but also by citizens of Germany, Austria, and other foreign powers, who had their residences in the cities of St. Petersburg and Viborg, and who had bought there not only small parcels and villas but farms, too. During the war, citizens of countries that were enemies of Russia, were evicted from Finland, and later in the Russian revolution and during the turmoil that followed it many

Russian-born estate owners with their real estates on the Karelian Isthmus have disappeared without any traces.

The result of all this was that in the end of the year 1920 there were in the municipalities of Terijoki, Kivennapa, Uusikirkko, Kuolemajärvi, Muolaa and Heinjoki in total 2,209 derelict villas owned by foreigners, of those 1,025 villas were totally left in a state of dereliction, and 1,328 villas were looked after by caretakers authorized by owners, and furthermore, a similar number were looked after by caretakers without proper authorizations, and 46 villas there local courts have vested their care in custodians.

It is clear that the estates with no caretakers, or in care of dubious self-proclaimed caretakers cannot be sustained in proper conditions but instead are sooner or later heading for a complete dereliction. The longer the current situation will go on, the bigger the damage to buildings and the areas under cultivation will become. And, as a complete uncertainty is now prevalent about the survival of their former owners, or if the vanished owners have any heirs, who are willing to take charge of the derelict estates, it seems to fall on the responsibility of the state to take hold of the situation there without delay.

When launching the legal arrangements to solve this, specific attention is paid on the fact that according to the current law the owner does not forfeit his real property, be it derelict or not, unless it is done through proper sales by actions of authorities. The taxes imposed on the said estates have been taken care by some Russian committee, so that they have escaped any forceful execution based on this. So, if the owners of the real estates will in future assume the ownerships of their possessions, they are completely entitled to do that. In case the owner of the estate is deceased, then a variation of situations to be expected. If he has no offspring, the real estate as well as the private personal property there will be collected by the state in accordance with the Inheritance Code. The same applies, if the deceased property owner has only foreign offspring in a country, where a citizen of Finland lacks right to inherit. In case of the deceased's children or other person in line will not move to live in Finland and give a surety for this in a time period of one year and one day, the same applies. The majority of cases concern citizens of Soviet Russia. Furthermore, it should be noted that according to available present information the inheritance right of private persons is abolished. Therefore, the offspring of citizens of Soviet Russia cannot claim inheritance of property in Finland. Any property from the estate of a Soviet citizen here in Finland will thus be collected by the state.

As the present situation concerning the ownership of the said real estates is so confused, it is no solution leave matters as unresolved indefinitely. Thus the government intervention cannot be avoided. It must be made clear in due time, to whom the derelict real estates now under foreign ownership properly belong to according to the law. To do this, the following procedure is found best to be followed:

As the state temporarily takes hold of the real estates, being also authorized to make agreements about how they are taken care of as well as assuming the right and responsibility in matters concerning them, their owners are obliged in due time claim their ownership to this property under the penalty that its ownership will otherwise go to the state. If the proper owner comes forward in the set time, or is disputed by the state, and he after a court procedure is declared as the rightful owner, it is up to him to compensate all previous taxes and other necessary costs before the real estate is passed to him; the other way around, the owner is entitled to receive compensation from the state for the damage caused by someone who as care-taker or as a person assisting him, has deliberately inflicted damage to the real estate. If no legitimate owner will appear in the determined time, the state will take the possessions of the real estates as the law says.

As there are real estates without any caretaker also in other places than in the Karelian Isthmus, it seems that there is no reason to restrict the bill to cover only the Isthmus. It is quite natural that all private personal property that have belonged to the same owner will be considered as following the ownership of the real estate.

Detailed regulations concerning the possession of property transferred to state ownership by this bill can be decreed following regular administrative procedures. Because the number of the real estates covered

by the bill is rather big, it might be recommendable to set up a special board for their caretaking at the Ministry of Agriculture.

The bill described above, with the expert opinion of the Supreme Court, will be submitted to the approval of the Diet, with the following wording: [the text of the Government proposal of February 4, 1922, is omitted here but it is almost verbatim with the Diet's response above]

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The Diet documents of 1922. Government proposition nr. 72. Translation from Finnish by Pauli Kruhse.