

## ABOLITION OF FOREIGN SETTLEMENTS IN KOREA

*Protocol signed at Seoul April 21, 1913*

*Approved on behalf of the United States, with an understanding, by exchange of notes between the American Ambassador at Tokyo and the Japanese Minister for Foreign Affairs dated October 2, 1913, and March 20, 1914<sup>1</sup>*

*Terminated April 1, 1914<sup>2</sup>*

1914 For. Rel. 435

I. The Foreign Settlements in Chosen, namely: Chemulpo, Chinnampo, Kunsan, Mokpo, Masampo, and Songchin shall be incorporated with the respective newly organized Communes of Chosen to which they appropriately belong.

II. When such incorporation takes place the competent local authorities shall assume all the duties and obligations of local administration hitherto performed and incurred by the Municipal Councils of the said Foreign Settlements, including public works, sanitation, etc.

III. The common funds and property, if any, belonging to the Municipal Councils of the said Foreign Settlements shall be transferred to the local authorities concerned.

IV. The holders of leases in perpetuity of land within the circumscriptions of the said Foreign Settlements shall be allowed the option of converting the said leases in perpetuity to actual ownership. Such ownership shall be on the same basis as that of Japanese subjects in Chosen.

V. When such conversions have been made and registered the owners of the said land shall be accorded national and most favoured nation treatment in all that concerns the use and enjoyment of such land and houses thereon, as well as in the matter of imposts, taxes, and rates leviable on such land and houses. The conversions and registrations aforesaid shall be made without any taxes, fees, or charges whatever.

VI. In case such option is not availed of, the rights created by the said leases in perpetuity, not inconsistent with the arrangements agreed to in the present Protocol, shall continue to be duly respected. In the matter of im-

<sup>1</sup> For text, see 1914 For. Rel. 437. The U.S. note contained the understanding that "in the event of subsequent modifications of the terms . . . American citizens shall not be placed in a less favorable position than the nationals of the other powers concerned."

<sup>2</sup> Date on which the Government General of Chosen put into force its ordinance for carrying into effect the abolition of foreign settlements.

posts, taxes, and rates leviable in respect of the leased land and houses thereon under the second clause of the leases in perpetuity the following adjustment shall be made:

(a) A sufficient sum shall be appropriated out of, and not in excess of, the ground rent payable in respect of the leased land in question to cover national land and house taxes leviable on the said leased land and houses thereon were such land held by an actual owner;

(b) In case the remainder, if any, of the said ground rent equals the local and municipal taxes and rates leviable on the said leased land and houses thereon were such land held by an actual owner the said land and houses shall be exempt from all such local and municipal taxes and rates;

(c) In case the remainder of the said ground rent exceeds the local and municipal taxes and rates leviable on the said leased land and houses thereon were such land held by an actual owner the surplus shall be refunded;

(d) In case the local and municipal taxes and rates leviable on the said leased land and houses thereon were such land held by an actual owner exceed the remainder of the said ground rent the said land and houses shall be liable to taxes and rates to an extent sufficient to make the local and municipal taxes and rates on such land and houses equal to the local and municipal taxes and rates leviable on the leased land and houses thereon were such land held by an actual owner.

VII. The holders of leases in perpetuity aforesaid shall be accorded national and most favoured nation treatment in the matter of imposts, taxes, and rates of whatever kind and nature, whether national, local, or municipal, not otherwise provided for in the present Protocol.

VIII. The competent Registry Offices in Chosen shall undertake due registration of the leases in perpetuity aforesaid as well as subsidiary rights relating thereto. Such registration, consistently with the provisions of law, shall be available against third parties. Legalized copies of the existing Consular registrations relating to the said subsidiary rights shall be transferred to the competent Registry Offices. Registrations so transferred shall continue to have the same force and value as they had in the Consular Offices in which such registrations were effected.

With regard to the leases in perpetuity on which mortgages exist in the Consular Registers concerned at the time of the abolition of the system of Foreign Settlements no registration shall be made in respect of the transfer of such leases in perpetuity to a third party or their conversion to actual ownership, or the cancellation of subsidiary rights relating thereto, except upon the written application of the holders of the said leases in perpetuity or their duly authorized agents certified by their Consular Representatives. This arrangement, however, shall not affect cases where leases in perpetuity are disposed of in default of payment of rent, taxes or rates, or by virtue of legal process.

IX. The existing Public Gardens in the Foreign Settlements shall be maintained in good order and condition by the authorities concerned; and their respective areas shall not be diminished except for public purposes.

X. The existing Foreign Cemeteries in the Foreign Settlements shall be maintained by local foreign residents, in conformity with the laws and ordinances governing cemeteries, crematories, burial, cremation, etc., free of all taxes and rates. The sum of Twenty Thousand Yen (Y. 20,000) or so much thereof as may be necessary shall be appropriated for this purpose out of the property belonging to the Municipal Council of the General Foreign Settlement at Chemulpo.

Done at Seoul (Keijo), Chosen, the 21st day of April, 1913.

GEO. H. SCIDMORE, *Consul-General of the United States of America.*

KEUGER, DR., *German Consul-General.*

J. BRIBOSIA, *Consul-General for Belgium.*

J. LUTSCHO, *Consul-General for Russia.*

A. M. CHALMERS, *His Britannic Majesty's Consul-General for Corea.*

R. ANDRÉ, *Acting Consul for France.*

A. M. CHALMERS, *His Britannic Majesty's Consul-General for Corea, In Charge of Italian Interests.*

MIDORI KOMATZU, *Director of the Bureau of Foreign Affairs of the Government General of Chosen.*