

## (26) PROVISIONAL CONVENTION

BETWEEN PORTUGAL AND THE HAWAIIAN ISLANDS.

His Majesty the King of the Hawaiian Islands and His Majesty the King of Portugal and of Algarves, equally desirous of binding and strengthening the relations of friendship and commerce which happily exist between their respective States, have resolved to conclude a Convention to regulate temporarily these relations, until a definite treaty can be made, and for this purpose have appointed their Plenipotentiaries, namely:

His Majesty the King of the Hawaiian Islands, Mr. Henry A. P. Carter, member of His Privy Council of State, Grand Officer of the Royal Order of Kalakaua, His Envoy Extraordinary and Minister Plenipotentiary at this Court; and His Majesty the King of Portugal and the Algarves, Mr. Antonio de Serpã Pimental, Counselor of State, Peer of the Realm, Minister and Secretary of State of Foreign Affairs; who, after communicating each to the other their full powers, which they found in good and due form, agreed to the following:

ARTICLE I. The Consular Agents, the subjects, the ships and products of the soil, or of the industry of one of the two countries, will enjoy on the territory of the other the same exemptions, privileges, and immunities which other Consular Agents, subjects, ships and products of the soil, or of the industry of the most favored nation, enjoy.

ARTICLE II. It is, therefore, understood that the special advantages which Portugal may judge convenient to grant to Brazil cannot be claimed by the Hawaiian Islands, in virtue of their right of a most favored nation, and that in the same way, the advantages which these Islands grant to the United States cannot be claimed by Portugal.

ARTICLE III. The High Contracting Parties equally desirous of conciliating individual liberty with regard to the contract for service with the regulations necessary to be adopted to regulate conveniently the emigration, agree that until a definite convention is made for this purpose, the following conditions be observed:

1. That the two Governments will render mutual help to oblige the captains of vessels which transport emigrants from one country to the other to observe the regulations in force in the country where the emigrants embark, with regard to the space which every one ought to occupy, the

quantity and quality of food, medicine, and all sanitary and hygienic conditions.

2. That in view of this, the Diplomatic or Consular Agents of each of the two countries will be given all the facilities to inspect the vessels that arrive with emigrants to the ports of the other country, and see if the respective captains have complied with the regulations to which the preceding clause refers.

3. That to the same Diplomatic or Consular Agents shall be equally given all the facilities that they may satisfy themselves whether the contracts for service for their countrymen have been fulfilled, and to secure for them, in case of violation, all the protection of the laws and of the local authorities.

ARTICLE IV. The present Convention shall be ratified and the ratifications shall be exchanged in Honolulu or in Lisbon, as soon as possible.

ARTICLE V. The present Convention shall take effect sixty days after the ratifications are exchanged, and will remain in force until one of the High Contracting Parties shall notify the other of its intention to abrogate the Treaty remaining in force (after) one year after this notice, counting from the date of the notification.

It is understood that in all respects when not depending on Legislative authority, the present Convention shall come into effect in the Hawaiian Kingdom as soon as approved by the Hawaiian Government, and in Portugal as soon as such approval shall be notified to the Portuguese Government.

In testimony of which, the respective Plenipotentiaries hereby sign and place their respective seals.

Made in Lisbon, in duplicate, on the fifth day of May, in the year of Our Lord eighteen hundred and eighty-two.

[L. s.]	ANTONIO DE SERPA PIMENTAL,
[L. s.]	HENRY A. P. CARTER.

AND WHEREAS, We, Kalakaua, have fully examined all the points and articles thereof, by and with the advice of Our Cabinet Council, We have confirmed and ratified the foregoing Provisional Convention, and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fulfill and observe it faithfully and scrupulously in all its clauses.

In faith of which, We have signed this ratification with Our hand, and have affixed thereto the great Seal of Our Kingdom.

Done at Our Palace of Iolani, in the City of Honolulu, this twenty-sixth day of August, in the year of Our Lord  
 [L. s.] one thousand eight hundred and eighty-two, and the eighth of Our Reign.

KALAKAUA REX.

By the King:

WALTER MURRAY GIBSON,  
 Minister of Foreign Affairs.

All persons are hereby notified that the above Convention is to be regarded, in all its provisions, as part of the laws of this Kingdom, and respected accordingly.

[L. s.] WALTER MURRAY GIBSON,  
 Minister of Foreign Affairs,

Department of Foreign Affairs, Honolulu, August 26th,  
 1882.