

(27)

CONVENTION

BETWEEN THE EMPIRE OF JAPAN AND THE KINGDOM OF THE HAWAIIAN ISLANDS.

WHEREAS, a large number of the subjects of His Majesty the Emperor of Japan have emigrated to the Hawaiian Islands; and, whereas, it is not unlikely that others of His Imperial Majesty's subjects may desire to take advantage of the system of free and voluntary emigration, which has been established, and which it is intended by this Convention to confirm; and, whereas, it is equally the desire of His Majesty the King of the Hawaiian Islands, and His Majesty the Emperor of Japan to afford the emigrants the most ample and effectual protection compatible with the Constitution and Laws of Hawaii, His Majesty the King of the Hawaiian Islands and His Majesty the Emperor of Japan, being resolved to treat upon these important subjects, have, for that purpose, appointed their respective Plenipotentiaries to negotiate and conclude an Emigration Convention, that is to say:

His Majesty the King of the Hawaiian Islands, Robert Walker Irwin, Knight Commander of the Royal Order of Kalakaua, His Majesty's Charge d'Affaires and Consul General at Tokio, and His Majesty the Emperor of Japan, Count Inouye Kaoru, Jusammi, His Imperial Majesty's Minister of State for Foreign Affairs, First Class of the Order of the Rising Sun, etc., who, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

ARTICLE I. It is mutually agreed between the Contracting Parties, that the several stipulations contained in this Convention shall, so far as the same are applicable, embrace as well the subjects of His Majesty the Emperor of Japan, who have already emigrated to the Hawaiian Islands, as those who may hereafter emigrate thither.

ARTICLE II. The Government of His Majesty the Emperor of Japan agree that in pursuance of the provisions of this Convention, and so long as the same shall remain in force, Japanese subjects may freely emigrate to the Hawaiian Islands. But nothing herein contained shall be held to deprive His Imperial Majesty's Government of the right, in individual cases, to prohibit such emigration, or at their pleasure generally to limit, suspend, or prohibit such emigration, if in their judgement the exigencies of the State,

or the welfare of the Japanese subjects, justifies such action. It is, however, understood that this right shall not be arbitrarily exercised, neither shall it be enforced against intending emigrants, in respect of whom the Japanese Government shall have given the permission provided for in Article III hereof.

ARTICLE III. All emigration under this Convention shall be carried on between the Ports of Yokohama and Honolulu. The Kenrei of Kanagawa shall, in all matters connected therewith, represent and act on behalf of the Japanese Government. His Hawaiian Majesty's Government engage to appoint a Special Agent of the Hawaiian Board of Immigration to reside at Yokohama. The appointment of such agent shall be subject to the approval of the Japanese Government.

It shall be the duty of the said Agent to correspond and consult with the said Kenrei upon all matters connected with the subject of Japanese emigration to Hawaii, and he shall moreover be charged with the duty of making all necessary arrangements with reference to the embarkation and transportation of intending emigrants. Whenever emigrants are desired, the said Agent shall give the said Kenrei at least one month's previous notice, setting forth the number and class of persons desired, to which notice the said Kenrei shall, without unnecessary delay, reply, giving the determination of His Imperial Majesty's Government in that behalf. In default of such notice, or in default of a favorable reply thereto from the said Kenrei, the concluding paragraph of the last preceding Article hereof shall not apply.

ARTICLE IV. All emigration under this Convention shall be by contract. The contracts shall be for periods not exceeding three years, and shall be in accordance with a form to be approved by both Governments. The contracts shall be concluded at Yokohama, by and between the Special Agent of the Hawaiian Board of Immigration, in the name and on behalf of the Hawaiian Government and the intending emigrants, and shall be approved by the Kenrei of Kanagawa. During the continuance of any such contracts, the Hawaiian Government shall assume all the responsibilities of employer towards the emigrants, and shall consequently be responsible for the due and faithful performance of all the conditions of such contracts. And, at the same time, the said Government of Hawaii guarantees to each and every Japanese emigrant the full and perfect protection of the laws

of the Kingdom, and will endeavor at all times and under all circumstances to promote the welfare and comfort of such emigrants.

ARTICLE V. His Hawaiian Majesty's Government agrees, moreover, to furnish all emigrants, under this Convention, free steerage passage, including proper food, from Yokohama to Honolulu, in first class passenger steamers. The steamers selected for the purpose of transporting such emigrants shall be approved by the Kenrei of Kanagawa.

ARTICLE VI. In order to ensure the proper fulfillment of the terms of the Contracts entered into between the Board of Immigration of the Hawaiian Kingdom and any Japanese emigrants, and to afford full protection to such emigrants in the enjoyment of their rights under the Laws of the Hawaiian Kingdom, His Hawaiian Majesty's Government will provide and employ, during the continuance of any of the contracts aforesaid, a sufficient number of Inspectors and Interpreters who shall be able to speak and interpret the Japanese and English languages, and the services of such Interpreters shall at all times be rendered without charge to such emigrants, in the Courts of the Hawaiian Kingdom, in any suits arising out of or concerning any such Contracts, in which such emigrants may be plaintiffs, defendants, complainants or accused.

ARTICLE VII. The Government of His Hawaiian Majesty will, during the continuance of any of the Contracts provided for by this Convention, employ a sufficient number of Japanese physicians to attend the emigrants, and will give to the said physicians the status of Government physicians, and will station them in such localities as may from time to time appear to be desirable in order to afford the emigrants all necessary medical aid.

ARTICLE VIII. His Hawaiian Majesty's Government further agree that the Diplomatic and Consular Agents of Japan in Hawaii shall at all times have free and unrestricted access to all Japanese emigrants; they shall be afforded every facility to satisfy themselves that the Contracts are being fulfilled in good faith; and they shall also have the right, in case of violation thereof; to ask and obtain the protection of the laws and the local authorities of Hawaii.

ARTICLE IX. The well-being, happiness and prosperity of Japanese subjects emigrating to Hawaii, being equally objects of solicitude to both the Contracting Parties, His Imperial Japanese Majesty's Government consent that His

Hawaiian Majesty's Government shall have the right to send back to Japan all evil-disposed, vicious or vagrant Japanese subjects in Hawaii, who may create trouble or disturbance, or encourage dissipation of any kind among the emigrants, or who may become a charge upon the State.

ARTICLE X. The present Convention shall be ratified, and the ratifications shall be exchanged at Honolulu as soon as possible.

ARTICLE XI. The present Convention shall take effect immediately upon the exchange of the ratifications thereof, and shall remain in force for the period of five years; and thereafter until six months previous notice shall have been given by one of the Contracting Parties to the other of its intention to abrogate it.

In testimony whereof, the respective Plenipotentiaries have signed the Present Convention in the English language, and have hereunto affixed their seals.

Done at the City of Tokio this twenty-eighth day of the first month of the nineteenth year of Meiji, corresponding to the twenty-eighth day of January, in the eighteen hundred and eighty-sixth year of the Christian Era.

(Signed)	R. W. IRWIN,	[L. s.]
(Signed)	INOUE KAORU.	[L. s.]

Now be it known that the above Convention has been duly ratified by His Majesty the King and His Imperial Majesty the Emperor of Japan, and the said ratifications have been duly exchanged.

Therefore, the said Convention has become a part of the law of this Kingdom, and all the provisions thereof are to be observed accordingly.

[L. s.]	WALTER M. GIBSON, Minister of Foreign Affairs.
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Foreign Office, Honolulu, March 8, 1886.