

Copied into
Correspondence Book
No. 6
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Copy United States Consulate
Amoy Sept. 21st 1874.

Go Shiki Esq.
Acting Japanese Consul Amoy.
Sir,

Referring to your dispatch
of August 11th on subject of the
arrest of C. W. Le Gendre Esq.
and my reply to same, I have
now the honor to send you copy
of a letter I have received from
the United States Legation at
Peking on the same subject.

I am, Sir,

Your obedient servant

(Sign) J. J. Henderson,

M. A. Consul

Copy United States Legation

Peking August 31st /74.

J. J. Henderson Esq^r

U.S. Consul Amoy.

Sir:

I have received your two dispatches of the 10th and 13th inst. (No. 10 and 11) both relating to the arrest of General Legendre, and enclosing copy of a protest from Go Sheki acting Japanese Consul at Amoy, against this arrest and your reply to him.

You have, in your answer to Mr Go Sheki, clearly stated the grounds of your action; & the reference he makes in his protest to the engagement of Gen. Legendre in Japan in
Dec^r

Dec^r 1872. and his subsequent appointment as Special Commissioner to China, has no strength or validity in neutralizing your jurisdiction over him. Gen. Legendre is still an American Citizen, and if you have reason to believe that he is violating the laws of the United States, or the treaty with China, while within your jurisdiction, you have no need of reference to any Japanese Authority in taking all proper measures to restrain him.

The tenth article of the Treaty between Japan and the U.S. relates particularly to the engagements of American Citizens in a Naval or Military Capacity,
and

and does not speak of diplomatic service, as you observe in your answer; but neither in one or other of these capacities can any American citizen in China be allowed to aid or abet a hostile expedition against his Government, as long as the United States is at peace with it. Still there is an apparent difference in the nature and object of the two callings, and more caution and evidence are perhaps required before proceeding against one in an ostensibly peaceful employment, than one whose profession is warlike, and his surroundings more or less hostile. If it was found, after arrest, that no

No proof of violating treaty obligations was produced, or not enough to detain the prisoner, he should be discharged; but it was not competent for the Japanese Consul to demand the charges, as Gen. Le Gendre was not under his jurisdiction, and Japanese law could not interfere.

I conclude, that there was no infraction of the rights of nations in your acts, or anything in them "contrary to the privileges and immunities which public Commissioners enjoy in civilized countries" as Mr. Go Shiki express it. The case is, no doubt, a singular one, but the Japanese Government will clearly understand that their

this employment of American Citizens does not remove such Citizens from the paramount claim of their own national laws, whenever those laws reach.

Neither does an engagement in either of the above mentioned Callings by the Japanese Government, when there was no hostile expedition started against the China, authorize American Citizens to engage further in Active hostilities under the Japanese flag, and screen themselves by their previous obligations to serve their employers, as releasing them from their duty to keep the peace with China while within
her

her limits.

I am, Sir,

Your obedient Servant
(Sign) Yued D. Wells Williams.

U. S. Consulate

Amoy 22nd Sept. 1874.

J. J. Henderson Esq

U. S. Consul Amoy.

Sir,

I have the honour to acknowledge the receipt of your despatch bearing the date of the 21st inst. enclosing copy of a letter addressed to you by the United States Legation in Peking, in relative to my protest entered to you on the 11th August upon the subject of the detention of Hon. C. W. Legendre
a

李仙得補遺二件 呈 吳公

十九

a citizen of the United States, now
U. S. of his Special Commissioner
to China.

I am to be, Sir,

Your obedient Servant.

(Sign) G. Shiki

U. S. of his Acting Consul.

Amoy.

J. J. Henderson
Amoy

21st Sept^r 1874.

Enclosure: copy of letter
upon Mr. Henderson's receipt
from Mr. Comstock. Beijing