

To Certain Foreign Ministers in the United States

SIR

Germantown Nov. 8. 1793.

The President of the United States thinking that¹ before it shall be finally decided to what distance from our sea shores the territorial protection of the United States shall be exercised, it will be proper to enter into friendly conferences and explanations with the powers chiefly interested in the navigation of the seas on² our coasts, and relying that convenient occasions may be taken for these hereafter, finds it necessary in the mean time,³ to fix provisionally on some distance for the present government of these questions. You are sensible that very different opinions and claims have been heretofore advanced on this subject. The greatest distance to which⁴ any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of 20. miles, and the smallest distance I believe, claimed by any nation whatever is the utmost range of a cannon ball, usually stated at one sea league. Some intermediate distances have also been insisted on, and that of three sea-leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would intitle us in reason to as broad a margin of protected navigation as any nation whatever. Reserving however the ultimate extent of this for future deliberation the President gives instructions⁵ to the officers acting under his authority to consider those heretofore given them as restrained for the present to the distance of one sea-league or three geographical miles from the sea shores. This distance can admit of no opposition as it is recognised by treaties between some of the Powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts. For the jurisdiction of the rivers and bays of the United States⁶ the laws of the several states are understood to have made provision, and they are moreover as being landlocked, within the body of the United States.

Examining by this rule the case of the British brig Fanny, taken on the 8th: of May last, it appears from the evidence that the capture was made four or five miles from the land, and consequently without the line provisionally adopted by the President as beforementioned.⁷ I have the honor to be with sentiments of respect and esteem, Sir your most obedient and most humble servant

PrC (DLC)

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-to-last sentence. PrC (DLC)

-to-last sentence. Dft (TJ Papers, 94: 16140); entirely in

[TJ to Edmond Charles Genet, 8 Nov. 1793](#) (see notes 4 6

[TJ to Edmond](#)

[Charles Genet, 8 Nov. 1793:](#)

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DNA: RG 59, MD

Minister pleni. of ☞ A copy of the above (omitting the last paragraph) was addressed to Mr. Van Berckel, Resident from the United Netherlands PRO: FO
116/3). Tr (AHN: Papeles de Estado, legajo 3895 bis); in Spanish; attested by Jaudenes and Viar; lacks next-to-last sentence.
Recorded in SJPL. Enclosed in [TJ to George Washington, \[16 Nov. 1793\]](#).

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proclaim the three-mile limit for its maritime jurisdiction. For the antecedents of this historic proclamation, see [George Hammond to TJ, 5 June 1793](#), and note. The process by which this provisional definition of the three-mile limit became a fixed part of American policy by the mid-nineteenth century is described in Philip C. Jessup, *The Law of Territorial Waters and Maritime Jurisdiction* (New York, 1927), 3 7, 49 54.

After obtaining Cabinet and presidential approval of the draft of this letter, TJ submitted three copies of the final version to the President on 16 Nov. 1793, and Washington returned them the same day (Cabinet Opinions on Various Letters, [23 Nov. 1793]; Washington, *Journal*, 248, 251, 252).

[1](#)

[2](#) Preceding three words interlined in Dft.

[3](#) Preceding four words interlined in Dft.

[4](#)

[5](#)

[6](#)

stated in a paper inclosed to me by the representative of France extends the distance from 14. to 16. miles. But this witness not having been examined in the forms required by the law I have
he margin. See also [Genet to TJ, 19 Oct. 1793](#).

[7](#) Preceding sentence omitted in texts sent to Van Berckel and Viar and Jaudenes.

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