

# To Certain Foreign Ministers in the United States

SIR

Germantown Nov. 8. 1793.

The President of the United States thinking that<sup>1</sup> 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 on<sup>2</sup> our coasts, and relying that convenient occasions may be taken for these hereafter, finds it necessary in the mean time,<sup>3</sup> 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 which<sup>4</sup> 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 instructions<sup>5</sup> 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 States<sup>6</sup> 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.<sup>7</sup> I have the honor to be with sentiments of respect and esteem, Sir your most obedient and most humble servant

PrC (DLC); in a clerk's hand, unsigned; with dateline and "Mr. Hammond" at foot of first page inserted in ink by TJ. PrC (DLC); in a clerk's hand, unsigned; at foot of first page: "Mr. Van Berckell"; lacks next-to-last sentence. PrC (DLC); in a clerk's hand, unsigned; at foot of first page in ink by TJ: "Viar & Jaudenes"; lacks next-to-last sentence. Dft (TJ Papers, 94: 16140); entirely in TJ's hand, unsigned and undated; abbreviated text based on Dft of [TJ to Edmond Charles Genet, 8 Nov. 1793](#) (see notes 4–6 below), only the most significant emendations being recorded below; at head of text: "Mr. Hammond Van Berckel Viar & Jaudenes"; at foot of text: "the Min Pleny. of France"; with note at foot of text referring to this Dft and the Dft of [TJ to Edmond Charles Genet, 8 Nov. 1793](#): "these two draughts were shewn to the Atty Genl. & approved with one alteration. The fair copies were shewn to Colo. Hamilton & Genl. Knox before dinner at Bockeus's inn Germantown & approved"; on verso: "to be copied & press copied and returned by the rider this afternoon." PrC of Tr (DNA: RG 59, MD); in a clerk's hand; at foot of first page:

“Mr. Genet, Mr. Hammond, Mr. Van Berckel & Messrs. Viar & Jaudenes.” FC (Lb in DNA: RG 59, DL); at head of text: “The Minister pleni. of Great Britain”; at foot of text: “☞ A copy of the above (omitting the last paragraph) was addressed to Mr. Van Berckel, Resident from the United Netherlands—and Messrs. Viar & Jaudenes, Commissioners from Spain.” Tr (Lb in 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, \[16 Nov. 1793\]](#).

With this letter and TJ’s letter of the same date to Edmond Charles Genet, the United States became the first country officially to 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).

<sup>1</sup> In Dft TJ here canceled “the line of territorial protection.”

<sup>2</sup> Preceding three words interlined in Dft.

<sup>3</sup> Preceding four words interlined in Dft.

<sup>4</sup> Remainder of this sentence and the next two sentences through “navigation” represented in Dft by “&c—.”

<sup>5</sup> Remainder of this sentence and the next sentence through “claimed” represented in Dft by “&c—.”

<sup>6</sup> At this point in Dft TJ wrote “&c—” and canceled “—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 desired,” at which point the Dft ends. Next to this canceled passage he wrote “qu.” in the margin. See also [Genet to TJ, 19 Oct. 1793](#).

<sup>7</sup> Preceding sentence omitted in texts sent to Van Berckel and Viar and Jaudenes.

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