

Thomas Jefferson to George Hammond, September 5, 1793, with Draft, from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

TO THE BRITISH MINISTER¹ J. MSS. (GEORGE HAMMOND)

1 Sent to the President with the following undated letter:

“Th: Jefferson has the honor to enclose to the President his letter of Aug. 7. to mr. Hammond, which was confined to the special cases of the three vessels therein named. The object of mr. Hammond's letter of Aug. 30. is to obtain from the government a declaration that the principle of those special cases shall be extended to all captures made within our waters or by the proscribed vessels, whether *before* or *after* the 7th of Aug. and to establish, as a general rule, *restitution*, or *compensation*. The forming a general rule requires great caution. Th: J in preparing a draught of an answer to mr. Hammond, has endeavoured to establish what he thinks the true grounds on which a general rule should be formed. But, if the President approves of it, he would wish to send the draught to the Secretaries of the Treasury and war, and Atty Genl. for their consideration and amendments, or to meet the subject, when an answer to the latter part of the letter might also be agreed on.”

Philadelphia, September 5, 1793.

Sir, —I am honored with yours of August 30th. Mine of the 7th of that month assured you that measures were taking for excluding, from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes, the *Lovely Lass*, *Prince William Henry*, and the *Jane* of Dublin, and that should

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the measures for restitution fail in their effect, the President considers it as incumbent on the United States, to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, *by all the means in our power* to protect and defend their vessels and effects in our ports or waters, or in the Seas near our shores, and to recover and restore the same to the right owners, when taken from them. If all the means in our power are used, and fail in their effect, we are not bound, by our treaties with those nations, to make compensation.

Though we have no similar Treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule which, under this article, was to govern us with the other nations; and even to extend it to captures made on *the high Seas* and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use *all the measures in our power* for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June and *before the date of that letter*, yet, where the same forbearance had taken place, it was and is his opinion that compensation would be equally due.

As to prizes made under the same circumstances, and brought in *after the date of that letter*, the President determined that all the means in our power should be used for their restitution. If these fail us, as we

should not be bound by our treaties to make compensation to the other powers, in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

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Instructions are given to the Governors of the different States, to use all the means in their power for restoring prizes of this last description, found within their ports. Though they will, of course take measures to be informed of them, and the General Government has given them the aid of the Custom House officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself or any person under your direction, in order that the governors may use the means in their power, for making restitution. Without knowledge of the capture, they cannot restore it. It will always be best to give the notice to them directly: but any information which you shall be pleased to send to me also, at any time, shall be forwarded to them as quickly as the distance will permit.

Hence you will perceive, Sir, that the President contemplates restitution or *compensation*, in the cases *before* the seventh of august, and, *after* that date, *restitution*, if it can be effected by any means in our power: and that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

With respect to losses by detention, waste, spoliation, sustained by vessels taken as before mentioned between the dates of June 5 and Aug 7, it is proposed, as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of

the vessel and cargo, at the times of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly, to the collectors of the customs where the respective vessels are.

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I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.