

Thomas Jefferson to Edmond Charles Genet, November 8, 1793, with Copy, from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

TO THE FRENCH MINISTER J. MSS. (EDMOND CHARLES GENET)

Germantown, November 8, 1793.

Sir, —I have now to acknowledge and answer your letter of September 13, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United States, observing that Governments and jurisconsults have different views on this subject.

It is certain that, heretofore, they have been much divided in opinion as to the distance from their sea coasts, to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance, to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of twenty 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 favour. The character of our coasts, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us, in reason, to as broad a margin of protected navigation, as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication with the Powers interested in this navigation, to fix on the distance to which we may ultimately insist on the right of protection, the President gives instructions to the officers, acting under this authority, to consider those heretofore given them as restrained for the present to the

Library of Congress

distance of one sea-league, or three geographical miles from the sea-shore. This distance can admit of no opposition as it is recognized 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.

Future occasions will be taken to enter into explanations

with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, 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 before mentioned.¹

¹ In Jefferson's draft of this letter is found at the end a paragraph queried and struck out, as follows:

“With respect to the British ship *William* taken on the 3d of May last, the testimony as to the place of seizure varies from 2 to 5, miles from the sea shore. The information of a certain Peter Dalton stated in the paper inclosed in your letter of Oct. 19. extends the distance from 14. to 16. miles. But his evidence not having been given before a magistrate legally qualified to place him under the solemnity of an oath & bound to cross examine him, I am to desire that his evidence, if it is to be insisted on may be taken in legal form, and forwarded for the consideration of the President.”