

Valin, in b. 5, tit. 1, p. 685, of his commentary on the marine ordonnance of France, virtually acknowledges, that *particular* seas may be appropriated. After reviewing the contest between Grotius and Selden, he says, "S'il (Selden) s'en fût donc tenu là, ou plutôt, s'il eût distingué l'océan des mers particuliers, et même dans l'océan, l'étendue de mer, qui doit être censée appartenir aux souverains des côtes, qui en sont baignées, la victoire eût été complète."

These remarks may be enforced by asking, what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion; no foreign nation has, ever before, exacted a community of right in it, as if it were a main sea: Under the former and present governments, the exclusive jurisdiction has been asserted; by the very first collection law of the United States, passed in 1789, the county of Cape May, which includes Cape May itself, and all the waters thereof, theretofore within the jurisdiction of the state of New-Jersey, are comprehended in the district of Bridgetown; the whole of the state of Delaware, reaching to Cape Henlopen, is made one district; nay, unless these positions can be maintained, the bay of Chesapeake, which, in the same law, is so fully assumed to be within the United States, and which, for the length of the Virginia territory, is subject to the process of several counties to any extent, will become a rendezvous to all the world, without any possible control from the United States. Nor will the evil stop here. It will require but another short link in the process of reasoning, to disappropriate the mouths of some of our most important rivers. If, as Vattel inclines to think in the 294th section of his first book, the Romans were free to appropriate the Mediterranean, merely because they secured, by one single stroke, the immense range of their coast; how much stronger must the vindication of the United States be, should they adopt maxims for prohibiting foreigners from gaining, without permission, access into the heart of their country.

This inquiry might be enlarged by a minute discussion of the practice of foreign nations in such circumstances. But I pass it by; because the United States, in the commencement of their career, ought not to be precipitate in declaring their approbation of any usages, (the precise facts concerning which we may not thoroughly understand) until those usages shall have grown into principles, and are incorporated into the law of nations; and because no usage has ever been accepted, which shakes the foregoing principles.

The conclusion then is, that the Grange has been seized on neutral ground. If this be admitted, the duty arising from the illegal act, is restitution.

EDM: RANDOLPH.

MAY 14, 1793.

TRANSLATION.

PHILADELPHIA, May 27th, 1793.

The 2d year of the Republic of France.

Citizen Genet Minister Plenipotentiary of the Republic of France, to Mr. Jefferson, Secretary of State of the United States.

SIR,

MY predecessor has delivered to me the letter which you wrote to him the 15th of this month, communicating to him sundry memorials of the British minister, and the decisions which the American government has taken on the complaints of this minister.

The first of these complaints which you report in your letter, Sir, is not founded in fact; I have no knowledge of the purchase of the arms in question, and at all events the reply you have made to Mr. Hammond would convince him of the nullity of his observations, if they had been dictated by good faith; but it is probable that this step has no other object but to prepare, diplomatically, pretexts to the English ships of war to subject American vessels even

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