

Dec. 5, 1792

(73)

Neither of the two cases is cognizable in the U. S. criminals
ter; because they arose within the local jurisdiction of Florida
 and St. Domingo.

Generally speaking; Incendiaris, poisoners, and other very high
 offenders may be demanded by the sovereign, from whose
 territory they fled; and ought to be delivered up; according
 to the law of nations. But no power exists in the U. S.; by
 which such a surrender can be made.

Civilitur, however, damages may be reco-
 mended in the courts of the U. S., under the jurisdiction esta-
 blished by the judicial law; if an alien be a party; and in the state
 courts, if both ~~part~~ and deft. be citizens.

These ^{federal judges} courts, ~~had~~ also cognizance of
 offences against the law of nations; because that law
 is attached to the U. S. from the nature of the subject, with-
 out an express adoption of it; and because offences, cog-
 nizable under the ~~the~~ authority of the U. S. are, ^{clearly} ~~subjec~~
 ted by the judicial law to the ^{circuit court} ~~federal tribunals~~. This
 Mr. J. seems to doubt, and is therefore referred to the
 11th section.

It is presumed, that congress ought not, ^{specifically} to provide,
 (considering the circumstances of our country,) for the surrender of
 malefactors, ~~whom~~ sheltered in the U. S. Nor can their ~~posi~~
 tion be necessary; unless it be, to define explicitly
 those acts, which perhaps may not be ^{absolutely} ~~apparently~~ offences against
 the law of nations; and yet are injurious to our harmony
 with foreign nations; if any such there be.