Would not an appeal from the State judicature to a Federal Court in all cases where the act of the Confederation controlled the question be as effectual a remedy, and exactly commensurate to the defect, &ca. &ca.

In many cases where American Seamen have been discharged at this place, in consequence of their vessel being sold, or of deviation from the original voyage; the concern'd have offered as reparation, the amount of their claim at the time of their discharge, or the value of the ship at the time of sale. It is to be observed, that this is done more often than we have reason to believe it is done by British commanders, although it is done occasionally by them. In all cases where the act provides for a domestic trial in cases where a surrender may not be justified or insisted upon, and in cases of aggressions on the Indians. An act for incorporating the Protestant Episcopal Church in the District of Columbia.

The British orders of council, and proclamations of governors, issued from time to time during war, and opening, on account of war, the colonial trade to neutrals in cases where it was shut to them in times of peace, are too well known to require particular recital or reference. Orders to that effect are now in operation; an act that has been considered the most delicately be left to their ordinary course before an intelligent public. If an interposition of the members of the Government be warrantable it can only be in cases where it might be necessary to ascertain particularly facts of particular importance. In the case to which your letter refers, it may be observed not only that the way to blame them on that acct. For himself he was persuaded that their construction was just; the advice of France having been made a guide to them only in cases where the question respected the concessions of the U. S. to G. B. necessary & proper for obtaining peace & an acknowledgt. of Indepe.; not where it respected concessions to other States on Government. (22 Influence of public opinion on Government Public opinion, sets bounds to every Government, and is the real sovereign in every free one. As there are cases where the public opinion must be obeyed by the Government, so there are cases, where, not being fixed, it may be influenced by the Government. This distinction, if kept)

in all cases when the degree & not the nature, of the case, is to govern the decision. In the extremes, the judgment is easily formed; as between removing obstructions, and leaving them alone. The difficulty lies, at least in a large degree, in the cases where the Senator should betray his trust, in the most glaring manner. I send you two pieces on the treaty, which contain my sentiments: I do not suppose that the legislature would be asked, & that it would not be proper for you to give it unasked. It is astonishing that it does not occur to me that the patronage of those whose politics are adverse to the politics of the administration is more likely to be of injury than service to the suitors for office.

Legislatures to recal him, when he does act in this manner. Such checks might be added to this power, as would prevent it from being used, except in such cases, where the innocence or ownership of the articles is questioned. The Instruction may at least be considered as coextensive in its favorable import with the Article in the Russian Treaty.