

An Ambassador ought to carry along with him from the prince or state that sends him, both letters credentialed to him credit or support his pretensions, and instructions how to behave in his negotiation with the prince or state he is sent to, from whom he should have a pass-port that he may travel with safety.

When he comes to the place where the court he is sent to resides, he in a convenient time notifies his arrival to it in proper form, and delivers his prince's letters or the letters of his principals, commonly called his letters of credence or his credentialed, and prays an audience or to be heard as soon as possible. But it does not consist with the dignity of the court to admit him to an audience immediately upon his arrival; besides that one comes from a distance should be indulged somewhat to compose him self, and as it were to wipe off the dust from his feet. Ambassadors sent by one sovereign power to another, whether friend or enemy, regularly ought to be admitted to audience; and if they deliver no other message than what they reported from their master, the state to whom they are sent, they are not to be quarrelled, but the prince or state that sent them, however this is not to be understood so largely, as if none should be denied admittance. For there may be just cause for a prince to refuse an Ambassador after exhibiting his credentials, either in consideration of his master, if an avowed enemy; or upon his own account, if his character in the world by such as a prince or state cannot in honour treat with him; or by reason of the matter of the Embassy, as if he come a spy to embroil the state, and debauch the subjects from their allegiance, which was Rabelais's errand to Jerusalem 2 Kings 18. 17. But if an Ambassador comes in a decent manner, and is sent for just and reasonable reasons of state he will be admitted to audience. Good and just conduct at the audience of an Ambassador is a very difficult thing. For upon one hand an Ambassador ought to be bold and resolute, speaking freely of his master's pretensions, asserting and maintaining them, and is highly culpable if he behaves with more submission to the prince or state he is sent to, than his own prince or state would do. So on the other hand the prince who gives audience should answer with moderation and constancy, remembering as well what he is himself as what the prince or state is that treats with him; and ought to manage the Ambassador so well with respect and attention, as of a publick witness and a spy (which most Ambassadors are) to make him a friend and a true mediator between the two courts.

Ambassadors do sustain an honourable and authoritative office, representing the majesty of their prince or principals, and if they rightly perform the duty enjoyned them enjoy valuable privileges, in which the prince or state to whom they are sent is bound to favour them after their admittance and reception; whereby there passes a tacit or silent contract between them and the prince or state at whose court they reside, that the former shall act becomingly in their station, and the latter shall hinder any indignity to be offered to their character. Hugo Grot. de Jure Belli & pacis lib. 2. cap. 18. 55. Ambassadors being necessary instruments for procuring preserving and maintaining peace and a profitable correspondence or commerce between different nations great privileges are indulged to them.

An Ambassadors person is accounted sacred and not to be violated by any affront or injury upon among Enemies l. 17 ff de Legationibus, l. 8 ff de Her. d. lib. 1. and if a Banished man be sent an Ambassador to the place from whence he is banished, he may not be detained or molested there. Coko 4 Inst. 153. Nay, the person of an Ambassador in a foreign country is more inviolable than that of the prince who sends him, who is in the place where his Ambassador represents him. For if a prince in another's dominions is seized only by the common rules of civility and Hospitality; whereas his Ambassador, when received by another prince is under the special protection of the publick faith engaged to him by the Law of nations. 2. If an Ambassador when sent back to his prince may be either punished by him or delivered up. But when a prince returns to his subjects, no Body can punish or deliver him up. By the Law of nations Ambassadors are secure in the country of an Enemy, not so much on their account or their masters, as because without them Hostilities would often have no End, John Ayliffe Ibid. pag. 257.

All writs or process sued forth or prosecuted whereby the person of any Ambassador or publick minister of any foreign prince or state and likewise as such by our King or their domestick servants may be arrested or imprisoned or his or their goods or chattels may be distrained seized or attached are null to all intents and purposes; and the writs for the prosecution and execution of such writs or process, or for the seizure or attachment of the Law of nations and disturbers of the publick peace, and punished as the Lord Chancellor or Keeper of the Great Seal of Great Britain, the Chief Justice of the Kings Bench or of the Court of Common Pleas for the time being, or any two of them shall think fit, upon the offenders conviction by his confession or oath of one or more credible witnesses: But no merchant or trader within the description of the Statute against Bankrupts with any benefit or privilege by putting himself into the service of any Ambassador or publick minister, nor is any other servant of theirs privileged from arrest in manner aforesaid till his name be registered in the office of one of the principal Sheriffs of London and Middlesex, 7 Anne cap. 12. There is no cause to fear that persons will not trust or contract with Ambassadors, this privilege: Seeing the King himself is exempted from the Execution of Lawfull writs. Some Ambassadors are allowed by concession of the prince or state with whom they have to do, a Jurisdiction over their own families; and their dwelling houses permitted to be sanctuaries for petty criminals. But such an Ambassadors house affords no protection to Ruffians disturbers of the publick peace or other vicious offenders who flying thither may, after a demand and refusal to deliver them up, be taken from thence, John Ayliffe Ibid. pag. 262.

A prince may not retaliate wrongs done to his own Ambassador, upon the Ambassador of him who did the wrong: Seeing the Law of nations both prohibits for security of the person sent Ambassador, as well as for the honour of the sender. And the same Retaliation were no justice done to the latter, yet it is a violation of the tacit contract between the Ambassador and the prince he is sent to, if he does so. Hugo Grot. de Jure Belli & pacis lib. 2. cap. 57. What ever damage an Ambassador suffers in his Embassy, the prince or state who sends is obliged to make good to him; provided he does not carry such effects along with him as are not necessary to his Embassy, and takes the common Road, without diverting to dangerous roads, Ayliffe Ibid. pag. 260. The killing of an Ambassador hath been adjudged High Treason, Coko 3 Inst. 2. and to treat an Ambassador with violence is a just cause of war: Because he represents the prince to whom sent him, and any contempt offered to him is an affront to the prince himself, Ayliffe Ibid. pag. 264.

If an Ambassador can be guilty of crimes or how he is punishable when guilty is explained vol. 2. pag. 22, 23. There is no essential difference between ordinary and extraordinary Ambassadors, their errand is all, and they equally enjoy all the privileges and prerogatives accorded to Ambassadors by the Law of nations; tho' the Institution and use of extraordinary Ambassadors is of a much older date than that of ordinary Ambassadors. Because Ambassadors represent the monarchs from whom they derive their commissions; some learned Lawyers do contend, that they ought to have the same precedence that is due to their masters, and so to be preferred to all Kings and princes present to whom their commissions would have been preferred, paginal de Legat. cap. 38. But by the custom of nations inferior Kings and princes are preferred to the Ambassadors of greater ones. Because this and original majesty resides in a prince who is present; and an Ambassador is dignified only with a representation of honour or shines with borrowed rays, all changes of precedence, Chap. 9. Quest. 36.