

during his stay leave his ^{country} ~~country~~ was translated from the King of Britain to the sovereignty of the province of Holland. Which Determinator was not taken off his hand, to fit the present 29 Ship 1687 Doctor Gilbert Burnet. But alien who in a hostile manner invaded the Kingdom, whether their King were at war or peace with ours, and whether they come by themselves or in Company with British Traders, cannot be punished ^{as a private person} but they shall be dealt with by Martial Law as Enemies of the Kingdom. Sect. 6 Pullon lib. 2. d. 3. p. 216.

The persons of Embassadors, are held to be sacred and inviolable even among Enemies; all the on the ordinary course of business, and of treaties, they possess their Masters from to all other Persons or Powers, and they are exempted from the Jurisdiction of the Sovereign to whom they are sent, in all Matters relating to their office, since otherwise they could not have full power and liberty to promote their Masters Interest with due application and Vigor, were they obliged to Account for their Management to any other Authority. Nor are they to be tried for Treason or any other Crime or Municipal Law of the place where they reside, or any other Law which is lawful since Continuum Code 4 Inst. 153. l. 1. by de Jura Juril. Cap. 10 n. 5. d. 6. 1 Roll Rep. 175. they being considered as living in their own Country, and as the persons of those who send them, quorum sacra sunt, as the Officers of the State. The Benefit that accrues to the Commonwealth by securing the persons of Embassadors, is more by far proportionate, that which might be hoped from their Enrichments besides, that Justice against an offending Embassador may be required against the Person who is so punished, may be demanded against the Person who is so punished, and the Authority to the Prince by his Approving the State, the Embassadors found guilty against the Character of the King, to have honours far protected by their Kingdom, and to be commanded to Depart the Kingdom. This was done to the Spaniards the Spanish Embassador at the Court of England Anno 1584. Again the English Embassadors Sir Nicolas Throgmorton in France, and Master mad Aund off Lord Maffox Comworth in Scotland were for Raiking and Promoting Rebellions Commanded on to Depart the Land in a limited time, without any other punishment. Hugo Grotius de Jure B. & P. lib. 2. Cap. 19. insinuates, that such Embassadors are to be held

Gently treated, when their offence may be safely forgotten and Commended at: but that for preventing some imminent Danger to the Common Wealth, an Embassador may be both apprehended and Examined. Thus John Leslie Bishop of Ross Embassador in England from Mary Queen of Holland, was by Encouraging to stir up a Rebellion against Queen Elizabeth of England, and to procure a foreign Invasion of her Kingdom, found in the opinion of the Most learned Civilians of that Age, as viz. David Lewis, Valentine Dale, William Drury, William theobald, and Henry Fortescue to have lost his privilege of Embassador, and to be liable to punishment. Camden Eliz. 154. Int. Mattheo de Jure lib. 48. Tit. 2. Cap. 1 n. 9. Code 4 Inst. 152. Embassadors may be punished as private persons for treason Felony, Murder, or any other Crime against the Law of Nations, and is not to be sent home or Remanded to his Country, but of Knowledge Books 4 Inst. 153. Molloy de Jure Marit. lib. 1. Cap. 10. § 9. 1 Roll Rep. 185. Bullstrode 3 Rep. 282. If an Embassador shall attempt to assault his Host Nation by force of Arms, he may be killed as Grotius (ibid.) says, not by way of punishment, but by way of Natural Defense. However it is now the most received opinion, that an Embassador guilty of high Treason against the Kings Life, may be Committed and Executed; but for other Treasons or Crimes against the Law of Nations that may work safely to the Common Wealth, he may be sent home with a Demand to punish him, or to send him back to be punished. Howkins 4 Inst. 153. Bullstrode 3 Rep. 282. If the Embassador do not the time as provided as himself if he pleads. Wherefore in the case of any heinous Crime Committed by him, he may be required to Deliver them up to be punished; but cannot be forced to do it, nor can they be taken from him by violence. If the Embassador shall refuse to surrender the Criminal, he can only be proceeded against as the Embassador himself might have been sent the allowing Jurisdiction to an Embassador over his own family, or his house to be a Sanctuary to all such as flee to it for the story, is arbitrary to the Prince to whom he was sent, and no part of the Law of Nations. Grot. lib. 2. d. 6. 1. The guilt of Offending against any Law is chiefly and necessarily supposed a will full disobedience can words fully be imputed to those who are either

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