

general exemption. For it has been held, both by our common lawyers and civilians¹, that an ambassador is privileged by the law of nature and nations; and yet, if he commits any offence against the law of reason and nature, he shall lose his privilege^m: and that therefore, if an ambassador conspires the death of the king in whose land he is, he may be condemned and executed for treason; but if he commits any other species of treason, it is otherwise, and he must be sent to his own kingdomⁿ. And these positions seem to be built upon good appearance of reason. For since, as we have formerly shewn, all municipal laws act in subordination to the primary law of nature, and, where they annex a punishment to natural crimes, are only declaratory of and auxiliary to that law; therefore to this natural, universal rule of justice ambassadors, as well as other men, are subject in all countries; and of consequence it is reasonable that, wherever they transgress it, there they shall be liable to make atonement^o. But, however these principles might formerly obtain, the general practice of this country, as well as of the rest of Europe, seems now to pursue the sentiments of the learned Grotius, that the security of ambassadors is of more importance than the punishment of a particular crime^p. And therefore few, if any, examples have happened within a century past, where an ambassador has been punished for any offence, however atrocious in its nature.

IN respect to civil suits, all the foreign jurists agree, that neither an ambassador, nor any of his train or *comites*, can be prosecuted for any debt or contract in the courts of that kingdom wherein he is sent to reside. Yet sir Edward Coke maintains, that, if an ambassador make a contract which is good *jure gentium*, he shall answer for it here^q. But the truth is, so few cases (if any) had arisen, wherein the privilege was either claimed or disputed, even with regard to civil suits, that our law-books are

¹ 1 Roll. Rep. 175. 3 Bulstr. 27.

^m 4 Inst. 153.

ⁿ 1 Roll. Rep. 185.

^o Foster's reports. 188.

^p *Securitas legatorum utilitati quae ex poena est praeponderat. de jure b. & p. 18. 4. 4.*

^q 4 Inst. 153.