

Concerning Allegiance due to the King.

Allegiance due to the King is of two kinds 1. / original virtual and Implod. 2. /
 Express, and declared by oaths and promises. The virtual and Implod Allegiance is that, which
 subjects owe to his Sovereign antecedently to any express promise, oath, or Engagement, And from
 the breach of this original Allegiance arises the crime of Treason, tho' the person committing it
 never promised or swore faith or allegiance to his prince. The King by the descent of the crown
 being before his coronation, fully invested with the Right of Sovereignty; and the subject bound to
 his King by an intrinsic allegiance before the Supplication of these express Bonds of
 oath, Homage and Fealty, which were instituted for the better securing thereof. And this
 allegiance is either from all that are Subjects ~~born~~ born within the Kings Allegiance, or local
 which obligeth all that are resident within the Kings Dominions and parts of the Benefit of
 his protection, altho' Strangers born. The Express and explicit consists in certain promises
 oaths and professions attending and witnessing that allegiance, and instituted for the farther
 security thereof; and they are of two kinds; first those which were anciently by the common Law
 namely the oath of fealty and Allegiance, and the profession of Lige Homage; and such as are
 instituted by act of parliament, namely the oath of Supremacy 1 Eliz. cap. 1. and the oath of
 obedience, 3 Jacobi cap. 4. But these oaths are abrogated ~~and are now~~ null, 10 Jac. cap. 1.
 88, and now ones appointed in their Room. Hals Historie placitum coronæ, vol. 1. pag. 61.
 62. The natural born subject of one prince cannot by swearing Allegiance to another prince
 put off or discharge him from that natural Allegiance which was intrinsic and primitive and
 antecedent to the other; and cannot be dissolved without the concurrent act of that prince to
 whom it was first due, Hals Ibid. pag. 68. But the case here put of a private Subjects
 swearing allegiance to a foreign prince, has no Relation to a natural withdrawing Alle-
 giance from a prince who has abdicated the Throne.

Formerly called Ligeance from the Latin alligatio est Ligeas, quasi Ligeantur fidei

Concerning Embassadors.

But the Truth is, visiting Treasons by Embassadors of foreign princes sometimes Reasons
 of state and the common Interest of princes do de facto govern in these cases. The Business of
 Embassadors is rather managed according to the Rules of prudence, mutual concerns, and tempo-
 raments among princes, where possibly a severe construction of an Embassadors Actions and
 proceedings of them by one prince may at another time returne to the like disadvantage
 of his own Agents and Embassadors, yet Surely conspiracies of this kind by Embassadors
 are contrary to the trust of their Employment, and may be destructive to the State, wherein
 they are sent, and according to true measures of Justice deserve to be punished as acts of
 Enmity, Treachery and Treason by private persons, of which miscarriage of such foreign
 Embassadors the prince to whom they are sent is the Judge without any application to the
 master from whom he is sent, and without any actual Judgment or giving him up to the
 Judgment of the Law. Hals Hist. placit. Cor. vol. 1. pag. 98.
 But there is no way lawful for a prince to seize the writings of an Embassador under the protection of a safe
 usually Intercourse and correspondence, unless they be at the same time seal'd up by with the Embassadors
 seal as well as his own, and kept under strong guard till notice is given to the Embassadors master, that
 he may send over, if he please, persons to be present at the examination of such writings: For under
 a pretence or colour of that nature, a prince may pry into the Secret Transactions of all courts and
 nations, and so become injurious to the prince with whom he seems to cultivate friendship which is
 contrary to the Laws of Humanity, Joha. Ayliffe. Nov. pandect. off. the Roman civil Law vol. 1. Book 2.
 Tit. 42. pag. 263.
 The privileges given by the Law of nations to Embassadors do not oblige those princes thro' whose Lands
 or Territories they pass without obeying to the Enemy of such princes or making any hostile attempt
 in their Lands: For such Embassadors may be intercepted and put to death, Ayliffe. Ibid. pag. 259, 260.