

up to an high mountaine, and was transfigured before them. Which *James* could not possibly bee the penner of this Epistle, for hee was slaine by king *Herod* long before the destruction of *Ierusalem*, and the dispersion of the 12. Tribes, *Act. 12. v. 2.* About that time *Herod the King* stretched forth his hand to vex certaine of the Church: and hee slaine *James the brother of John with the sword*. Therefore *James* the author of this Epistle, was *James* the sonne of

Alphaeus. For to saie another *James* the brother of our Lord, as some have done, is childish, seeing it is plaine by sundry places of the new Testament, that there were but two of that name mentioned in Scripture, *James* the sonne of *Zebedee*, called *James* the greater; and *James* the sonne of *Alphaeus*, brother to *Jude*, called the lesser, and brother of our Lord.

Gratias tibi Domine Iesu.

VONOPREIHAHT OT
DAR
A TREATISE OF
CHRISTIAN EQUITY
AND MODERATION.

Delivered publicly in Discourses by M. W. Perkins,
and now published by the consent of his Assignes
Cambridge, by a Preacher of the Word.

Ephes. 4. verſe 31
Forgive one another, as God for Chriſts ſake hath forgiven you.



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Let your equities be knowne to all men.
THE Apostle in this passage, teacheth many exhortations to many Christian duties. In the first verse, to perseverance in faith and reformation; in the second and third verses, to mutual concord; in the fourth verse, to a spiritual joy in the Lord.

In this fifth verse, he exhorts to the true of Equity, or moderation of mind. Our English translations commonly read it thus: *Let your patient minds be knowne to all men;* which though it be truly and well said, yet the words translated have a larger and fuller signification. I therefore according to the nature and force of the words, I rather chuse to read it thus: *Let your equity or moderation of mind be knowne to all men.*

The words containe two parts.
 1. An exhortation, *Let your equity be knowne to all men.* 2. An excellent reason, *to enioyne it: the Lords will be done.*

The disk and caps of the exhortation is to persuade the Philippians, and in them the whole Church, to the practice of Equity.

Now this Equity, whereunto the holy Apostle so earnestly exhorteth, is a worthy Christian vertue, so excellent, as the careful practice thereof, is the marrow and strength of a common-wealth, and where it is there cannot be but peace and concordment in all estates, and so necessary, as without the practice of it, no house, family, society, City, common-wealth, kingdom, or Church can stand or continue. Indeed a kingdom may be obtained by force and armes, by violence and cruelty: but it cannot stand or continue without this equity, and Christian Moderation betwixt man and man. Nay, civill society, and common dealing betwixt man and man, cannot continue, unless one man yield to another. In a word, there can be no peace in families, no found or lasting love betwixt man and wife, nor any conformable quietness, where one doth not yield to the other, and one beare with another in many things. And if it be so in marriage, which is the nearest conjunction, and the most excellent and perfect society, which is in this world, then is it much more true, in all other societies of men, that there can be no peace, no Christian neighbourhood, no true friendship, unless one beare with another, and one towards another doe carry himselfe in an even and moderate course.

Seeing therefore this is so necessary and excellent a vertue, I have purposed to speake of it at large. Let us then examine these two points: 1. The nature of it. 2. The kinds of it.

For the first: *Christian equity is a rare and excellent vertue, whereby men use a true means,*

to maintaine justice, and to preserve peace: which two are the very life and strength of a Christian kingdom: for where we doe not to other men, as we would, others should do to us, there is no justice. And where we will not passe by small faults, and forbear infirmities, there can be no peace: such is the excellency of this vertue, as it serves to maintaine two other such great and principall vertues, as are even the heart and the braine of the common-wealth, namely, Justice and Peace.
 But for the more exact & particular knowledge of the nature of this necessary vertue: let us descend to the particular branches and kinds of it.

Christian Equity therefore, is either publique or private.

Publicke

Publicke Equity is that, which is practised in publique meetings and assemblies of men, as in Courts of justice, Assises, Sessions, Councils, Parliaments, and such like.

The matter whereabout this publique Equity is conversant, is the right and convenient, and the moderate and discrete execution of the lawes of men.

Lawes of men, made by lawfull authority according to Gods Law, and for the common good, are, and are to be esteemed, bones and sinewes to hold together, props, and pillars, to uphold the common wealth, and all societies. God therefore hath given to Kings, and to their lawfull deputies, power and authority, not only to command & execute his owne lawes, commanded in his Word: but also to ordaine and enact other good and profitable lawes of their owne, for the more particular government of their people, and to bee helps for the better executing of Gods lawes. And also to annex a punishment and penalty to the said lawes: which penalty is to be according to the quality of the fault, greater or lesse: in so much that they may in many cases (if the common good so require) inflict even death it selfe. And further, God hath given these gods upon earth, a power, as to make these lawes, and annex these punishments: (also upon mens defaults and breaches, hath he given them authority to execute the law so made, and to inflict upon the offender the punishment annexed.

Now because this point is of great moment in a common-wealth, & the true knowledge and due practice thereof, is the glory and beauty of a kingdom: therefore for the better direction herein, both of Prince and people, Magistrate and people governed; let us enter further into the consideration thereof.

In the lawes of Common wealths, two things are to be considered, the first whereof will give great light, to know more perfectly why this publique equity is.

These are 1. the extremity of the law: 2. the mitigation of the law.

Both these are put into the hand of the Magistrate by God himselfe, to bee ordered according to his discretion, and as the circumstance requireth: and of them in order.

The extremity of the law, is, when any law of man, is urged and executed straightly & precisely, according to the littell sense, & strict forme of the words, and the exactest meaning that can be made out of the words, without any manner of relaxation, at that time, when there is good and convenient cause of mitigation, in regard of the person offending.

The point cannot well be expressed in few words.

The principall and most material cause in this description of extremity, is in these words: *At that time, when there is just cause of mitigation, in regard of the person offending.* For

if there be no good cause of mitigation, then it is not called extremity, but justice of the law: but when there is good cause, why in a Christian consideration of some circumstances, this justice should be mitigated, and yet is not; but contrarywise is extremely urged, and pressed to the furtherest, then it is extremity: Now this extremity of the law, is in this case so farre from justice, as indeed it is flat injustice. And herein is the proverb true; *summum ius, summa injuria*: that is, the extremity of the law, is extreme injury. And of this doth the holy Ghost meane, *Eccles. 7. 7. Bee not ever just*, that is, presse not justice too far, nor urge it too extremely in all cases, lest sometimes you make the name of justice, a cover for cruelty.

Now besides this, there is a second thing in the hand of the Magistrate; namely, the moderation, relaxation, or mitigation of this extremity: and that is, when the proper forme of the words, and the strictest meaning of the law is not urged, and the punishment prescribed in the law, is moderated, or lessened, or deferred, or (it may be) remitted, upon good and sufficient reason; and in such cases as whereof the law speaks not directly, nor the law-maker did purposely aime at, because no law makers being men, can foresee, or set downe all cases that may fall out. Therefore when the case altereth, then must the discretion of the law-maker shew it selfe, & doe that which the law cannot doe.

This mitigation is in the hand of the Magistrate, as well as the extremity: nay, it is a part of his duty as well as the former; and he offends as well, that neglects to mitigate the extremity, when just occasion is, as hee that neglects to execute the extremity, when there is need. As therefore, hee is no way fit to bee a Judge, who hath no knowledge or care to execute the law: so he is but halfe a Judge, who can doe nothing but urge the law, & the plain words of the law, and is not able also to mitigate the rigour of the law, when need so requireth. Therefore every Magistrate is to practise this with the other, and not to separate those things which God hath joyned.

But now left this moderation, and mitigation of mans lawes, (which is the practice of publique equity) should turne to the maintenance of malecontents, the abolishing of lawes, the despising or weakening of authority, (which in these daies little needs) wee must therefore now remember this caution, *That there must be no mitigation, but honest, profitable, and convenient, if any man aske, when it is so? I answer in three cases.*

First, when the mitigation stands with the law of nature.

Secondly, when it agreeth with the morall law, or any part of the written word.

Thirdly, when an inferiour law is overruled, or countermanded by a higher law.

In these three cases, the moderation of mens lawes, and the mitigation of the punishment due, by the extremity of these lawes, is honest and good, and may, and ought to be practised.

But if it be contrary, and not warranted by some of these: then that mitigation is flat injustice, and a manifest wrong unto the law.

That the difference of these two, the *extremity*, and *mitigation*, may better be discerned, let us consider it in some examples.

It is the law of England, and many other countries, that the thief shall die.

Now though the word of God hath not the same punishment in plaine termes: yet is the law good and warrantable, as shall appear in the sequell, and I thinke is doubted of by none.

The drift of this law is, to repress that common and generall sinne of thevery, a prevailing sinne, as any other, and so far prevailing, as the rigour of good lawes is necessarily required, for the repressing of it: so that this law was made, for the cutting off of such rotten members as doe but corrupt others, and of whose amendment there is no hope.

Now, suppose a young boy pinched with hunger, cold, and poverty, steals meate, apparel, and other things for reliefe, being pressed to it by want, and not having knowledge, or grace to use better means: to put this person to death for the fact, is the *extremity of the law*, in respect of the circumstances of the person, who did it, being a child: and of the end for which he did it, to relieve his wants.

Now the moderation in this case is, when upon these considerations, that first, he is not an olde, nor a practised thief, but young and corrigible, one that being reformed, may live long, and prove a good member in the common-wealth: and secondly, that his theft was not hainous, but the things he stole were of small value: and thirdly, that he did it not upon a malicious, cruel, and injurious intent, but to relieve his hunger and want, *The equity or moderatio*, I say in this case, is not to inflict death, (for that were *extremity*.) but to determine a punishment, lesse than death: yet such a one as shall be sufficient to reforme the party from this sinne, to punish the fault, to terrifie others, and to satisfie the law.

Thus in this example it appears manifestly what this moderation is, and what is *extremity*, which is contrary to it: and the same might we see in many more.

Now having thus considered these two together, herupon we may see what this publike equity is, namely nothing else, but a moderation and mitigation of the extremity of a law, upon honest and convenient reasons, and in such cases, as were not directly intended in the law. The observation and due practice of this equity, is the glory, credit, and honor of all publike assemblies, as assises, sessi-

ons, and all courts of justice; and without the observation of this, when neede is, all that they doe is flat injustice in that case. For they lame and maim the law, they fulfill but the one part of the law: for in every law there are these two things: the *extremity in plaine termes*, and the *mitigation implied*, and these two together make the law perfect: and the glory of the law stands as well in practising of the mitigation, as in the execution of *extremity*; nay, sometime it stands in the mitigation, and not in the extremity, in so much as the moderation is then the equity of the law, and the extremity is mere injustice. And as this is the glory of the law, so is it the glory of Judges and Magistrates, thus to execute the Lawes, and to temper them with such discretion, as neither too much mitigation, doe abolish the law, nor too much extremity leave no place for mitigation. Therefore (to make an end of this point) two sorts of men are here reproveable. First, such men (as by a certaine foolish kinde of pity, are so carried away,) that would have nothing but mercy, mercy, and would have all punishments, forfeitures, penalties, either quite taken away, & remitted, or at least lessened, and moderated, they would also have the extremity of the law executed on no man. This is the highway to abolish lawes, and consequently to pull downe authority, and so in the end to open a doore to all confusion, disorder, and to all licentiousness of life. But I need not to say much herein, for there are but few that offend in this kinde, mans nature being generally inclined rather to cruelty than to mercy. This fault proceeds, either from a weakness of wit, and an effeminatenesse of minde; and then a man is unfit to be a Judge: or else from vaine glory, and a base and affected popularity, and such a man is unworthy to be a Judge.

But in the second place, this doctrine and the very scope of this text, condemnes another sort of men, which are more coberfome, that is to say, some men have nothing in their mouths but the *law, the law, and justice, justice* in the meane time forgetting, that justice alwayes shakes hands with her sister mercy, and that all lawes allow a mitigation. The causes of this evil are two.

1. The generall corruption of mans nature, which is alwayes ready to deale too hardly with other men: as also too mildly with themselves, and partially in their owne causes.

2. And secondly, for the most part, such men doe gaine more by law, than by equity, more by extremity, than by mitigation: as the souldier lives better by warre, than by peace; and as the flesh feedes on the wound, that cannot feede on the sound flesh: so these men gaine by law, that which they can never get by equity: for equity and moderation breed unity, and if all men were at unity, what should become of them? but

extremity

extremity breeds variance (for in reason) one extremity drawes on an other, & so in mens variances, they are set on worke and the more the better for them. These men therefore, stick to precisely on their points, and on the very ticks and trifles of the law, as (so the law be kept, and that in the very extremity of it,) they care not though equitie were troden under foote: and that law may reigne upon the earth, & they by it they care not, though mercie take her to her wings, and flie to heaven. These men (for all their goodly shewes) are the decayers of our estate, and enemies to all good government. For though they have nothing in their mouths, but *Justice, Justice*, and have banished mercy, yet let them know, that Justice will not stay where mercy is not. They are sisters, & goe alwayes hand in hand: they are the two pillars, that uphold the throne of the Prince: as you cannot hold mercy, where justice is banished, so cannot you keepe justice where mercy is excluded: as mercy without justice, is foolish pittie, so justice without mercy, is crueltie. So that as these men have banished mercy, so within a short time, they will send justice after her, and crueltie and oppression will come in their rooms, which are the very overthrow of all estates.

These men, when they are made practisers of the law, Judges, or Magistrates, are to learne this lesson, which the holy Ghost here teacheth, *Let your equitie be knowne to all men*: and let all Magistrates thinke it their honour, to be counted *mercifull Judges*: let them rejoyce, as well to shew mercy when there is cause, as to execute extremity when there is desert: and let them labour for that Christian wisdom and discretion, whereby they may be able to discern, when *mercy and mitigation* should take place, and when *extremity* should be executed. If inferiour Judges or Magistrates be negligent herein, then must we have recourse to the Prince, the highest Judge on earth, and under God the first fountaine of Justice and mercy: whose care must bee, that as justice and mercy (not one of them, but both together) doe uphold his throne, & sitten the Crowne upon his head: so he likewise see them both maintained, and take order, that in the execution of his owne lawes, there bee alwayes a room as well for mercy and mitigation, as for justice and extremity. This must he doe, because his lawes cannot be as Gods lawes are, Gods lawes are *perfect and absolute*, and of such an universall righteousness, as that at all times, and in all places, they are of equal strength, and of the same equitie in all cases: and therefore are to be executed without dispensation, relaxation, or any mitigation, which cannot be offered unto them, but with injurie and violation. But mens lawes, coming from their owne wits, are *imperfect*, and so in all cases, they doe not hold the same equitie, and ther-

fore must needs be executed with a discret and wise moderation. This moderation is publike equity, and this publike equity, is the scope of this text, and the due practice of it in the execution of mens lawes, is the glory of all Christian Common-wealths.

Hitherto of the first and principall branch of Publike Equity.

To proceede further. As this publike Equity principally stands in the moderation of the lawes of men; so it descends more specially even to all the publike actions of a mans life: so that by the rule and direction of this Equity, thus described, men may know how to guide themselves, in *swearing bonds, and taking forfeitures*: and how men may with good conscience, carie themselves in *jury-shops*, in *saking of fines*, in *letting of leases*, and in all manner of mutual bargaines, betwixt man and man. By vertue of this, a man may see how to frame all these and such like actions, in such sort, as himselfe shall reape credit, and gaine enough, and his neighbour helpe and succour by him.

For in forfeitures of bonds, forfeitures of lands, or leases, in *jury-shops*, in *rents*, in *fines*, and all other dealings of men together, there are these two things.

First, the *extremity*, that is, that which the law will afford a man in that case: and there is secondly, the *moderation* of the extremity, upon good and convenient reasons: let us consider of them in some few examples.

A man is bound to another, in an hundred pound, to pay fifty at a day. The same man, nor by negligence, but by some necessity, breake his day, and afterwards brings the principall debt: now to take the *forfeiture*, is in this case, *extremity*: though the law doth yield it. And if a man stand upon this extremity, hee deales not *honestly and equally*, but *hardly and extremely* with his neighbour: and the law cannot free him in this case, from manifest injustice.

What is then the *moderation* in this case? Even this, to take thine owne, and remit the forfeiture: the reason is, because the cause and ground of appointing a forfeiture, was not for advantage, but only for the better security of the principall: which seeing thou hast, thou hast that the law did intend thee.

Again, his breach was not willfull, or with purpose to hurt thee, but against his will. If therefore thou beest directly dammed by his missing thy day, (without all equivocation) then take thy reasonable damages out of his forfeiture, if not, then remit the whole forfeiture; and this moderation is *publike equity*. And without this, there can be no buying nor selling, borrowing nor lending, betwixt man and man. See another example. One takes a lease of thee, for yeares, to pay thee such a rent; and for not payment of that rent, his lease to be void. The poore man miseth his rent day: now what faith the law this lease

is forfeited: but to take this advantage, is the *extremity* of the law: the moderation is, to remit the same forfeiture, in part, or in whole, as thou shalt see the reason in equity and conscience: *This moderation is in this case, Publick equitie*, and without this, there can be no letting of lands, betwixt man and man.

So for fines and rents, the law saith, *Thou maiest make the most of thine owne*: If thou stretch this law as farre as the very words will beare, then maiest thou make such fines and rents, as may grinde the faces of the poore, so as no man shall live under thee: but thus to doe, is *Extremity*, and beyond the purpose of the law.

The moderation in this case is, not to take all thou maiest get, but so to fine and rent thy lands, as he that takes them, may live of them: The reason of this *Mitigation* is, because envie and hatred; may often make many men offer more for a farme, then it is worth, to crosse and hurt their neighbour, or to get all into their owne hand. Here therefore, though the law doth yeeld thee all that, which a man doth willingly offer, yet must thine owne conscience be a law unto thee, to make thee a moderator of that extremity.

Let these three examples serve for many. Now in these and all other publick dealings betwixt men in the world; a man observes *Publick equitie* when hee dealeth not with his neighbour, according to that which *extremity*, which the strictest words of the law will beare; but according to that *Moderation*, which good conscience requireth; and which the law it selfe in some cases doth admit. By the knowledge of these two, a man that hath any conscience, may see how to carie himselfe, in all these civill affaires, in an even, upright, and equall course, and warrantable not onely by the law of the land, but even by the law and word of God.

And I make this distinction of the law of the land, and the word of God, because wee are to know this for a rule: *That every extremity, which a law in the strictest acceptation doth afford, is not warrantable to be urged by the word of God; and yet notwithstanding it is good, convenient, and requisite, that the extremities be warranted by the law, because in some cases, it must needs be executed.* The lawes of men, may ordaine and appoint extremities: but the law of God must tell us, when to urge them, and when to moderate them: So then when a man takes the extremity, bee doth that, that is alwaies warrantable by the law, but in some cases not warrantable by Gods word, which commandeth a *Mitigation*, when there is good reason for it. But he that taketh the *extremity*, when there is no just cause of mitigating it, and againe doth mitigate it, when there is cause, his course is not onely warrantable by the lawes of men, but even by the lawes of God alse. For it is the duty of every Christian man, to remember in all his bar-

gaines & dealings, that his manner of dealing must not onely be warranted by the lawes of the land, but even by Gods word also: & this is to be knowne and taken for a generall rule in all this treatise. And he that will duly consider the true difference of *extremity* and *moderation*, as they are here described, may see how to carie himselfe in all his dealings, so as they may bee warrantable: both by our owne lawes, and by the word of God.

To returne then to the matter, and to end this point of publick equitie: If any man shall object, that this *moderation* is a wrong to the law: I answer, it is not: for it is neither against the law, nor altogether besides the law, but onely beyond the strictest meaning of the law. Nay it is included in the law, as well as the extremity is, though not in the same manner: for the *extremity* is warranted by the law, *mitigation* is but tolerated: the law alloweth *extremity*, but it onely admitteth a *mitigation*. So then, both *extremity* and *mitigation*, are within the law, but it is in the hand principally of the Magistrate, and in some cases of other men also, to discern the severall circumstances, when the one is to be executed, and when the other: for sometime one is the justice of the law, and sometime the other; and according as these two are justly and wisely executed or neglected, so is the justice of the law executed or neglected.

The want of this equitie in mens publick actions, is the cause of much cruelty, oppression, and inequality in dealings betwixt man and man: because *extremity* is for the most part onely regarded, and *mitigation* is banished out of all bargaines. And it is impossible, to keepe good conscience in forfeitures of bonds, and in forfeiture of lands, surety ships, fines, rents, and such kinde of actions, unless there be due regard had to the practice of this publick equitie. Men therefore must consider that they are Christians, and live in a Christian Commonwealthe. And they must not stand onely upon the law, and the advantage that the law gives. As they are men, they have a law of the country, which may allow extremities: but as they are Christians, they live under a law of God, the eternal law which must judge them at the last day; the righteous law, which no creature shall ever be able to blame of injustice, or of extremity; and men must know, that God himselfe commands this equitie of one man to another.

But if men, for the feare of God, will not deale equally and moderately, with them that are in their power; but stand strictly upon forfeitures and other extremities; then must the godly Magistrate exercise his power, and by the force of his authoritie, cause them to mitigate their extremity, and to put in practice that equitie which becometh Christians. And let every Judge and Magistrate know, that by the law of the everlasting God, hee not onely may, but is bound thus to doe to them

them who will wronge it of themselves. It may be therefore good advise, to put in order to practice this Christian Equitie of themselves, that they be compelled to it by authority for every vertue and good work, as they free and voluntary it is, the more acceptable it is to God, and more commendable to his service, and let all men remember, that whereas the strict words of this law, seeme to give them leave to urge the *extremity*, yett the same strict words, doe not free them from the danger of Gods law, which commandeth them to practice Christian equitie in all their actions.

Now before we make an end of this Publick equitie, one point is necessary to be handled. In a few words I must here object, if moderation be intended, and included in our law, as well, as *extremity*, why then is *extremity* onely mentioned in the law, and not this *mitigation*, which they doe so much urge vntous? The answer is ready. The law expresseth and urgeth the *extremity*, to fray men thereby, from continuing within the danger of the *extremity*, and concealing the *mitigation*, lest it should be an encouragement to offend: yett intending it as well as the *extremity*; and leaving it in the hands of the Magistrate, to put in practice when just occasion is offered, as well as the *extremity*. Herein appeareth the great wisdom of the law-makers; our ancient forefathers, who well and wisely foresaw, that though *mitigation* be as necessarie as *extremity*, and oftentimes more, yett because of the ill consciences of the most men, and the readiness of all men to offend, thought it fitter to expresse the *extremity* in plaine termes, thereby to keepe all men within the compass of obedience; and closely to leave the *mitigation* to the discretion of the Magistrate. So then our law-givers concealed the *mitigation*, and expressed it not in their laws, in good policie, and to good purpose. If we therefore doe onely take the *extremity*, wee take onely the part of their ittness, and shew our selves unwise and shallow witted, who cannot see the wisdom, which they closely concealed, in wise and Christian policie.

It is not worthy the name of a lawyer, at least of a Christian lawyer, much lesse worthy the place and seate of a Judge, who knoweth not this. For if the law contained not both these, it were unrighteous, and to the law. For *mitigation* is for the good man, who is extremity for the evill, the careless and unconscionable man: if there were no *extremity*, how could the evill man be kept within compass? and how should the poore honest man live, if there were no *mitigation*? So then, it is warrantable by the word of God, and good conscience, that the *mitigation* should be in force, and should be by the law, but so as it should be admittable by the Magistrate, when it shall be needfull.

Therefore our conclusion is, to exhort every man, into whose hands is put the exe-

cution of the law, to shew himselfe as wise, in executing them; as were our forefathers in the making of them, that is, as well to regard the *mitigation* as the *extremity*, as the *extremity* which is expressed in the law, makers will instruct and persuade, to practise equitie preferred, and much injustice, and bad dealing reserved.

Now in regard of this, that hath been delivered touching publick Equitie, lawyers must not thinke, that I have gone beyond the compass of my calling, and encroached upon their title. For they are to know, that the lawes of this, are policie, but Equitie is Christianitie. Now Christianitie was, before there were any lawes of men: therefore they must be ordered according to the rules of Christianitie. Righte, Divines must take lawyers advice, concerning *Extremity* and the letter of the law: good reason then that lawyers take the Divines advice, touching Equitie which is the intent of the law. Moreover, their law is but the ministry of Equitie; but our law the word of God is the fountaine of Equitie: therefore the principall rules of Equitie, must they fetch from our law: considering that law without equitie, is plaine tyrannie. Lastly, in the first Christian Commonwealthe that ever was, namely, the Jewes, the Divines, that is, the Priests of those dayes, were the only lawyers: for their positive lawes were the iudicial lawes, given by God himselfe, whose interpreters were the Priests and Levites. If therefore, once the Divines had so much to doe with positive lawes, it may not now be thought amiss, if they give advice out of the word of God, touching the equall execution of the lawes of men.

And so much touching the doctrine of publick Equitie, grounded upon the word of God.

Now followeth the second kinde of Equitie, called *private*, namely, that which is to be exercised betwixt man and man, in their private actions.

But wee goe further, some may demand the difference betwixt publick and private actions. Private actions of men are such, as are practised amongst men, without any help of the law: as contrariwise, publick actions are such, as cannot be performed but by the helpe of the law, and the hand of the Magistrate. Whereupon it followeth, that publick actions may bee betwixt private men, and private actions betwixt publick persons: there is publickness and a privateness (as I may terme it) both of men and actions. A man is *private*, until hee bee exalted unto some authority, in Church or Commonwealth: he is a publick person. An action is *private* so long as it is begun and handled betwixt two men, and neither nor the publick voice, nor censore of the law to determine it, and then it is publick. For example, a Magistrate may have dealing with an other man,

and intelligencers, to finde out the weaknesse of the land. It cannot be spoken, what broyles, huriburles, and confusions in Kingdomes, what contentions in Common-wealths, what factions and divisions in colleges and societies, what diffidences in families, what unkindnes and falling out among old friends, and what separation even among them that should bee needfull, are daily in the world, by reason of this sinister interpretation of mean words and deeds. We therefore thus doe professe our selves the children of peace, much learns to make conscience of this, that we practice wherof, is the conservation of peace.

And further in this duty, one thing more is to bee remembered, namely, that we must not give too sharpe a colour, even of this open and manifest evil things, or doings of our brother: we must not judge them to have done evilly, when it may bee they are done innocently: nor deliberately, when it may bee they are done rashly: nor presumptuously, when it may bee they are done upon infirmities: nor to be done upon hatred or malice to us, when it may bee they are done for another cause: nor may we judge an evil thing, to be done for want of conscience, when it may bee, it is done for want of heedfulness but always we must remember, to make the best use we can, even of another mans infirmities. And as, if our brother doe well, we are to acknowledge it, and commend him for it: So if he doe amill, we must not make it worse then it is.

But the world is farre too blame hereint for they can extoll their owne well doings, and twentie waies excuse their evil doings: but as for other men, they can disbase their well doing, and advance their evil doings, nay it is a common thing, to make a badde man worse then hee is, and to speake of an evil action, and of mens faults worse then they are, yea to speake worse, even of ill men then they deserve. But it is far Injustice, not only to speake evil of that that is good, but even to make an evil thing worse then it is. Many cases there are, wherein a man is bound, to make the best hee can, of a bad action: but to make it worse then it is, there is no case, wherein a man may do it, without plaine injurie to his brother. If any man reply, and say, I am not to spare my selfe, nor excuse my owne faults, but to judge as hardly of my owne sayings and doings, as they deserve, why then should I not also doe so to another? The answer is ready: Because a man knoweth not another man, so well as himselfe. Words and deedes are knowne to other men, but a mans heart is knowne to himselfe alone: therefore for thy owne sayings and doings, thou art also to judge of thine owne heart, and of thy purpose and intent in so speaking and doing: but of another man, thou canst say hee speake or did thus or thus: but his heart, his purpose, and intent in so doing, thou canst not judge: and therefore thou maist not judge so sharply of

another mans sayings and doings, as of thine owne. To make an end of this point: I bid thee performe this duty, with two cautiones must be remembered: first, that we speake not of continued civill, in doing or speaking evilly: but of particular speeches and actions: so that we speake not of the whole of his, but of some particular speeches or actions: hee may be excused, but a continual course of evil things, did speaking evilly, may bee by no means excusable: secondly, we speake not in private and publicke enormities, and seditions against the Prince or State: but in such things as be dangerous to the Prince and State: and that shall we be carefull, to have things colour'd, darkned, or extenu'd: In such case we must fly aside our duty to our brother, and remember our duty to the State: and while bodies: and better it is, that one member be cut off, then that the whole bodie perish: but we speake of private evilly words or deeds: which we shall have wisdom of reason, and to private men: in them we speake more of manifest, grosse, and palpable crimes, wherein none can be in doubt, plainly evilly: but in their intent allow for some excuse or consideration: extreme such, is to compare ones selves to the evil of others: But we speake of doubtful words, or doings, wherein either the question it selfe, or the doubt, the intent of it, may give us a like ly excuse: And a probable interpretation of good.

And thus these two cautiones, added thus much further, that the practice of this duty, is the most pure estate, when the Minister is to worke upon the conscience of an impudent or a presumptuous sinner: for then hee is not to moderate or mitigate, to colour, or excuse, to lessen or extenuate his sinnes, but to speake of sinnes as it deserves, and to lay out his sinnes in their owne colour: so that hee may humble him, and cast him downe.

But out of these three cases, this duty lyeth upon all men, at all times to interpret every thing in the better part. So then the conclusion of this second duty is this: Actions apparently good, are to be commended, doubtful, are to be construed in the best sense, apparently evil, are to be made no worse then they are, but rather to be excused, and let a man alwaies rather speake too well, then too evil of another man: and rather speake better, then worse then hee deserves: and rather judge too mildly and mercifully, then too sharply: for if a man be deceived either way, that is the latter way wherein to be deceived: Thus to doe is to performe that Christian equity which is here commanded, and to maintaine peace which is the comfort of a Christian life. And thus much of the second duty.

The third duty and degree of Private Equity is, In sundry cases to depart from a strict rule of right, to yeeld oftentimes in such things, where by law he might stand, and oftentimes to forgoe such things, which by law

law he might require. Without this Equity, Justice and peace, cannot stand. Christ our Saviour gave a notable example hercof in paying tolle. *Mat. 17. 27.* Christ needed not to have done it, nor could any law have compelled him to it, yet because hee would not trouble the publike peace, nor give them occasion of contention, he yeelds from his right, and paises them colleag Christian men must learne by his example, not to stand alwayes upon their right, if they wil continue peace in Gods Church. It is not sufficient Christianity, say it is a very wicked speech, which wee often heare men speake, *It is my right, and therefore I will not lose it:* so might Christ have said, and if you looke the place, you shall finde, that he first of all argueth the case, and concludes that hee is free, and not bound to pay; and yet saith Christ, *Rather then I will offend them, or give them cause to thinke worse of me, or my doctrine, I will pay it.* Even to mult a Christian man in many cases goe from his right, and that for the maintenance of publike peace in the common wealth, and of private peace one man with another.

For the maintenance of publike peace, thus must men doe in Publike Conferences, as in Parliaments and Councils, and such like generall assemblies, wherein the severall opinions of men are to bee delivered; and thus must men doe in bonds, forfeitures, borrowing, lending, losing, finding, buying, selling, in leases, fines, rents, & all manner of bargains.

And for the maintenance of private peace, men must in their most private actions, one yeeld to another, in such things, wherein they might stand, and oftentimes be contented to lose that that is their owne, and in conferences mult a man oftentimes suffer himselfe to be crossed and overthwered in that, of which hee is most certaine, and to grant that to be, which is not, and that not to bee, which hee knows to bee, if the matter be of small moment, and concerne not religion, nor the state: many such things must a Christian man put up daily at the hands of his brother for the maintenance of peace and love amongst them. This is a doctrine little knowne, and lesse regarded in the world; for it is a generall opinion, that a man may take his owne, and may lawfully stand upon his owne right, (which if it be meant generally in all cases, is most false) nay, this is a common speech of all men, *I demand but my right, I will not lose my right:* and hee is esteemed a good man, who taketh no more than his right: for oftentimes men stand so strictly upon their right, that they goe further than their right reacheth. But this is a very carnall practice, and controlled by the Scripture, and by the example of Christ, as we have heard before. But if any man object, that the example of Christ is not to be followed, because hee is the Mediator, and therefore was to performe extraordinary obedience, to

A then answer, that not onely Christ, but other holy men have practised this duty, for he paid tolle not onely for himselfe, but for Peter also. And there is a notable example of this duty in Abraham, who when his brother Lot and his shepherds could not agree, was content to depart from his right: for whereas hee being the elder might have chosen first, hee notwithstanding stands not upon that, but bids his brother Lot chioice whether hee will, and hee will take what hee serveth, A most equall, Christian, brotherly part of that holy Abraham, whose faith is so much commended in the Scriptures. If we therefore will be called the children of Abraham, then must we be followers of him in his works; and namely in this, we must oftentimes depart from our owne right.

In the practice of this duty, one caution onely must be remembered, namely, that we must distinguish of anothers right and our owne. *In thy owne right thou maist yeeld, but when thou art to deale for another man, thou must not yeeld too much, nor bee too lawfull of another mans right:* but this caution holdeth, especially when the cause is not ours, but Gods, or his Churches; for when it is such a truth, which directly concerneth the honour of God, or the good of his Church, then must a man take heed hee yeeld not, without warrant from Gods word. For as it is Equity often to yeeld thy right, so to yeeld in Gods causes is to betray the truth. If therefore thou maist not give anothers mans right from him, without his consent; much lesse mayest thou without warrant from God, yeeld any thing at all of his right from him. This duty therefore is to be performed in actions that concerne our selves, and wherein the losse is not Gods, or his Churches, but our owne. But it is lamentable to see many men, how lawfully they are in giving from God, and care not how much they lose of his glory: but stand most strictly upon their owne points, and will not yeeld one inch, nor lose one foote of their owne right, and from hence comes to many suites in law, and other brabbling contentions in the world; all which, or many of them might be stayed, if men had but conscience to practice this Christian Equity, to yeeld one to another in matters of their owne, and of small moment: and it is certaine, that if men in the world were not perswaded, to loose by religion and conscience, some by natural reason and policie, to practise this duty, it were not possible for the posteritie of men long to continue upon the earth, so much for the third degree.

The fourth and last degree of Private Equity, is to forgoe and forgive wrongs which have beene done in word and deed. The Scripture is plaine for this, and is in that place, which reacheth that every one that heareth the name of a man, should forgive another, because hee being a man, may deserve

and stand in need of the same himselfe, and therefore is to doe as he would be done unto: But especially a Christian man, who looks for forgiveness at Gods hand for his own finnes, must needs forgive his brother. So that to a Christian man, there is a double bond or reason, to tie him to this duty. One is as he is a man, therefore must hee forgive him that offends him, that so another man may also forgive him when he offendeth. For there is none, but being a man, and living amongst men, he must needs offend. Another more forcible reason is, as he is a Christian, therefore must he forgive, because else, how can he in reason demand or pray for forgiveness at Gods hand for many thousand offences of his owne, and those exceeding great, when another man cannot obtain forgiveness at his hands for a few small offences? This duty is of greater necessity than all the former: for upon practice of this, depends the preservation of peace: but where this is not practised, there is no religion, nor conscience, nor salvation: for where there is no forgiving of another man, that man is not forgiven at Gods hands. And hee whose finnes are not in Christ forgiven, and taken away, that man is in the state of damnation, and till he be forgiven, he can never be saved: but he can never be forgiven, till he forgive his brother: and so it is plain, that even salvation is itselfe, in some sort, depends upon the practice of this duty, yet not as a cause, but as a signe, or an effect of salvation. For this is not true, that every one who forgives, is forgiven of God, but this is true, that whosoever is forgiven of God, will forgive his brother. So then, neither in reason, nor in religion, can a man Locke for forgiveness himselfe, unless he make conscience to forgive another. Yea, God hath made every man a Judge of this case, to condemne himselfe, if he doe it not when he prays every day, that God would forgive him even so, as he doth forgive others.

Yet in this duty of forgiving outward injuries, two cautions are to be remembered. 1. That there is a time when a man is not to forbear, & suffer, but may stand upon his guard, and defend himselfe from the injury: and that is, when his life is endangered, as when a man is assaulted by a thief, or by his deadly enemy, who seeks his life, and can have no helpe, he is in that case to helpe himselfe, when hee must either kill or be killed, then reason and religion bids him defend himselfe: and being in that case, that a man cannot have the Magistrates helpe, that beares the sword for his defence, God puts for that time, the sword into a mans own hand, and makes him a Magistrate for the time, and occasion. For in cases of such extremity, God allows every man to be a Magistrate, not onely to defend himselfe, but even to kill his enemy, if it bee impossible any way else to save his owne life, and this defence of a mans selfe, binders not

A the duty of forgiving; for so farre must a man forbear and forgive, that he be sure to defend his owne life.

In the second place, though a man forgive the injury and wrong done unto him, yet may he safely in some cases goe to law for recompence of that wrong. It is a devilish opinion in the world, that a man cannot go to law, & be in charity: we must know, that a man may go to law, and yet be in charity: for to forgive the malice, and to sue for recompence, are things indifferent: It is not so much charity to forbear the recompence, as it is to forgive the malice. If therefore a man forgive not the malice, he is out of charity, but hee may sue for satisfaction, and bee in charity. The Scripture forbiddeth not mens going to law, but tels them how they should doe in law is not evil, though contentious men, and unconscionable lawyers, have vilely abused it: but is Gods ordinance, and may lawfully be used, so it be on this manner:

First, it must not bee for every trifles, every trespass, every ill word; but in these cases a man is both to forgive the malice, and to receive the recompence, because he is little or nothing at all hurt by it. For example, A poore man steals a little meat from thee in his hunger, let the law take hold of him, but pursue thou him no more for it, than by the law thou needs must. Again, thy neighbours cattell doth trespass thee, thou must not goe to law for it, the malice bee it more or lesse, thou must forgive in Christianity, & for conscience sake, and hee damages so small, as that therefore thou must not goe to law for it. For the law is abused in being executed upon trifles, and those lawyers shame themselves, and dishonour their profession, who are willing that every trespass of sixpence damages, bee an action in the law: this is one of the causes of the base and vile names that are given to the law, and lawyers now a dayes, because the law is employed upon such trifles. And it is to be wished, that the supreme Magistrate would take order to restrain this generall evil, that contentious men, and unconscionable lawyers might not conspire together, to pester the law with these trifles; and though men be so unconscionable, as to runne to the law for every trespass, yet should lawyers be so conscionable, and so wise, as they should drive them from the law againe. Thirdly, thy neighbour gives thee ill words, raileth or carrieth evil tales of thee: *Equities*, not is to goe to law for every evil word, but to consider, that for the malice thou art to forgive it, and for the damage cannot bee great, because many mens tongues are no slander, neither are thou any thing worse for it, especially when hee doe not stand to thee hee hath said, as for the most part they doe not.

The second caution in going to law, is, that it must not bee the first, but the last means of peace. Law is a kinde of warfare therefore

waite

war is to bee the last means of publike peace; so should the law be the last means to bee used, for the attaining of private peace. All means must be tried ere thou goe to law, and if none will serve, then is the law ordained for thee, whereby to recover thy right, and to maintaine Equities; for as to goe to law for a trifles, or at the first, is extreme, and so injury; so to goe to the law for a cause sufficient, and after other means used in vaine, is Iustice and Equity, and not extreme.

Here therefore let all Christians learne how to goe to law, and therather I doe urge this point, because the law is notoriously abused, and it is almost incredible what infinite summes and masses of money, are daily spent in it most unnecessarily, inasmuch as the lawyers doe exceed in wealth, any other sort or calling of men in this whole Realme.

For reformation whereof, let men but learne and practise the two former rules: 1. Law is not ordained to be a ludge of every trifles: It is a shame to our law, that men be suffered in the commonwealth to arrest each other for debts of small value, so as ten times, & otherwhiles twenty times as much is spent for the recovery of them, as the principall is. Are not wee a Christian commonwealth? why then have we not the wisdome to appointe another, an easier and a directer way for the recovery of such debts? and if there be no other way, why doth not a Christian man stay for it, or lose it, rather than goe to law for it? It is a shame for our nation, that there should be at one Assises over England, so many hundred actions of trespasses, wherein the damage is little or nothing. To reforme these, is a worke worthy of a Prince, and every man should put his helping hand to it.

Secondly, let law be thy last remedy. This rule controls another foule disorder in our land. Men are sued when they would gladly compound; when they would willingly satisfie by private order, they are compelled to answer by law. And there is a worse thing than this: the law which should be the last, not onely made the first means, but whereas it should be open and publike, it is used as a close and secret means; it steales upon men (as the phrase is.) For men are sued afore they know, and great charges come upon them, ere they are told of it by them that sue them. This Equity? yea, is it not rather extremity? and yet (alas) how common is it in most places. Let therefore every Christian man, remember his lesson here taught by the Apostle, *Let your Equity be knowne to all men.* But it seemes then, will some say, that men may not goe to law. I answer, thou maist goe to law, though not for trifles, yet for things of weight, as for the pursuit of a notorious thief, to his due and iust trial; for the title of thy lands; for the recovery of thy iust and due debts of value: and of thy childs portion; for the making straight of great accounts: for

A the trial of thy good name, when thou art so slandered, and by such, as that thy credit is publicly indangered: for these, & such like causes thou mayest goe to law, when by other more easie means, thou canst not procure a reasonable satisfaction. For then it is unlawful to sue for the greatest cause in the world.

The truth of all this doctrine doth Paul teach the Corinthians, whom hee reproverth of three faults. 1. that they went to law before heathen judges. 2. for every cause. 3. they used no private means of satisfaction, but ran to the law at the first.

The first of these cannot be our sinne, for we have no heathen judges, in as much as our state and government by the merite of God is not heathenish, but we have a Christian commonwealth, but the other two are the generall lores of this Land; let us therefore labour to heale them, and to cover our shame: let us remember, that not *extremities*, but *Equities* becomes a Christian; and let every man take heed of this, as he would be knowne to be a Christian: for the knowne badge of Christianity, is mercifulnesse: the more mercifull, the better Christian. For he hath talked deeper of Gods mercies to himselfe, & therefore he is mercifull to his brother, and the worse Christian, the lesse mercifull, for he never felt Gods mercies to himselfe, therefore he cannot be mercifull to his brother. Now to goe to law for every trifles, or to sue the law upon thy brother, or to sue him before thou offer him peace, it argues a hard heart, and unmercifull, and far from this duty of forgiving; but to be loath to goe to law, and to put it off as long as may be, and first to give warning, and to offer peace, and not to doe it, but in matters of weight, it argueth a mercifull heart, and such a one as is ready to forgive, and such a one in whom the Spirit of GOD doth dwell.

And thus I hope I have opened this duty of forgiving, and forbearing in such sort as a Christian may see how to practise it, with effort to his conscience, and also without any great losse in this world, or hurt to his estate.

And thus much for the four severall duties and degrees of private Equity.

Now having opened the nature and kindes of Christian Equity, let us proceede further in the text. *Let your Equity* (saith the Apostle) *be knowne to all men.* The words import, that it is our duty, not onely to know this vertue, and the nature of it, and to bee able to talke of it, but in all our affaires publike and private, and in all our dealings with men: so to put it in practice, that men may see it, and that it may be knowne to other men, and that they may be able to avouch for us, that our dealing is upright, equal, and indifferent, joyned with equity and moderation, and free from extreme and oppression: this is the meaning of that which we are here commanded by the Apostle. And the reason why the

Apostle urgeth us to make it knowne, is because there is a privy hypocrite in our natures, whereby we are given to make shew of more than is in us. Against which vice we do truly labour, when wee labour to make our vertues manifest and knowne to the world; that so the tree may be knowne by his fruit: he is a holy & religious man, nor who knoweth, and can take well, but he whose religion and holiness is knowne in the world, and scene of men: he is a mercifull man, of whose mercy men doe taste. So he is an equall and upright man, whose Equity is felt, and found by them who deale with him. Let therefore our actions with men testifie the vertues of our heart, that men who live with us, & deale with us, may be able to say for us, that we are possitied with those vertues, for this is to bee truly good, nor when a man can speake well, or tell of his owne goodnesse, but when other men see it, feele it, and speake of it.

Hitherto of the meaning of the words.

Now that, which was Pauls exhortation to the Philippians, shall bee mine to all true Christians, *Let your Equity be knowne to all men.* You have learned what it is, and how it is to be practised: it now remains, that we content not our selves with the bare knowledge, but take notice of it, as of a doctrine belonging to us, and put it in practice in all our dealings, publique and private, yea, and make it manifest to the consciences of all men, good and bad, so that every man, with whom wee deale, may taste and feele of our Equity, and be able to testifie of us, that Equitie beares rule in all our actions: thus if we doe, we are Christians, not in name, and profession onely, but in deed, and truth.

And to perwade us all to this holy duty, let us use some few reasons to enforce it: and an eight all the reasons that might be brought, there is none better than this here used in the text [*The Lord is at hand.*]

But before we come to speake of it, let us consider of one other, which doth most naturally enforce this exhortation; and it is this:

God sheweth most admirable Equitie and moderation towards us, therefore ought wee to shew it one towards another: It is the reason of the holy Ghost, *Be ye mercifull, as your heavenly father is mercifull.* Wonderful is the moderation that God sheweth to man, and it appears especially in foure things, whereof two belong to all men, and the other two concerne his Church.

The first action of God, wherein he sheweth great moderation towards all men, is this: A law was given to our first parents, *Eate not of this tree, if you doe, you dye for it:* and that a double death, both of body and soule. But they ate, & so brake the law, and thereby did undergoe the penaltie annexed: by force and vertue whereof they should have died presently, the death both of body and soule, and this had beene no Extremity, but Iustice, for this

was due unto them by the justice of that law, which was given them. But now, behold Gods Equity, and moderation of the Justice of that law, he strikes them not presently, as the tenour of the law, and their desert required, neither with the first, nor second death, but defers the full execution, laying upon them (for the present) a lesse punishment, namely a subjection to the first death, and a guiltinesse of the second, that is, of damnation. Behold a marvelous mitigation, by the tenour of that law, their bodies and soules should both have presently dyed, and bene cast into hell, but God in mercy suspends and defers the execution of it, and onely strikes Adams body with mortality, whereby he was subject to the first death, and his soule with guiltinesse, whereby he was subject to the second death; by which mitigation it came to passe, that as Adam by his repentance, afterward quite escaped the second death, so hee tasted not of the first death till nine hundred years after. If a prisoner counts it a mercifull favour of the Prince, or the Iudge, when after his judgement to dye, he is reprieved but one year, then what a mercifull mitigation was this in God, to reprieve our first parents for so many hundred years? This was the first action of Gods mercy to man, and this concerne all mankind generally, but especially Adam and Eve.

But the second doth more nearly concerne all men. So (soone as man commits any sinne, even then is hee guilty of eternal damnation, because he hath broken the Law: for the curse of the law is not onely a guiltinesse, but a subjection to the wrath of God, presently to be inflicted upon the sinne committed, without any intermission: so that so oft as a man sinneth, so oft doth he deserve to be plucked soule and bodie into hell, without being spared one houre. If therefore the Lord did cast ten thousand into hell in one houre, he did but Iustice, for so the law requieth: but see the mercifull moderation of the Lord: though we deserve every houre to bee cast into hell, yet is every houre and minute of our lives, full of the mercy and moderation of the Lord: so as though our sinnes erie for damnation presently, yet GOD stayeth his hand, and doth not execute the sentence of damnation upon the sinner instantly after his sinne, no not in one of ten thousand, but spareth everie man many yeares, some more, some lesse, but all more than their sinnes deserve, or the law requieth. We often reade, and alwayes finde, that God heares the crye of sinners: but wee seldom reade, that God heares the crye of sin, for if he alwayes heard it, when sinne cries for vengeance to him, hee should raine us all into hell in one houre: this is a wonderful patience and moderation in God, and yet behold a greater.

For whereas wee by our sinnes doe every houre plunge our selves into hell, as a man that

that violently casts himselfe into a gaping gulfe, for Gods wonderfull mercy, we thrust our selves in, and he puts us backe; he stayeth us with his own hand, & so keeps us out. See what a sea of mercies the Lord doth powre upon man: for how can that but be an infinite sea of mercies, which is shewed to so many thousands of men: so many thousand times in one houre. If his mercy did not moderate the extremity of his law, there should not be one man left upon earth, but all in one houre cast into hell: but God stayeth his Justice, and stayeth his law, yea, stayeth us, who our selves would execute the law upon our selves, & so cast our selves into hell, he keeps us out, and gives unto us a longer time to repent. And this is true in all men: to some he gives longer, to some shorter, but to every one some, whereas the law gives not one houre to any man, yea, the law is so farre from giving time to repent, that it admits no repentance at all, no though a man would sinne but once, and instantly after that one sinne, humble himselfe in repentance, & crave forgiveness, the law will not accept him to favour, nor yield forgiveness, nor allow his repentance: for the law can doe nothing but this, either justify, and reward him that fulfilleth it, or condemn and punish him that breakes it; farther than this the law by itselfe goeth not.

It is the Gospell which commandeth us, to teach us to believe and repent; and to the Gospell are we beholding for accepting our repentance, which the law would never doe, which is indeed so farre from accepting repentance, as never intendeth nor aimeth at repentance directly in it selfe: and therefore in it selfe, it is worthily called *The mystery of condemnation.* So then behold a most straight law, and a most mercifull Gods (so straight a law, as if that mercie were not) it would never give us one houre to repent in, nor receive us to favour, though we repented presently, but presently upon our sinne cast us into hell. O therefore taste and see how good and gracious the Lord is: the law cannot have his extremity, nor the devill his will upon us, who is the Lay of the law, & is malicious, though the law be just and so by the extremity of the justice of the one, and the extremity of the malice of the other, no man should live one houre in the world, were it not for the wonderfull mercy and mitigation of God, who contrary to the course of the law, both as to depth then when they repented, and gives all the time to repents, and thus hath God done, as in the beginning with Adam, so in all ages: For the old world, after many preachers sent, and many blaspheemous persecutions, and many thousand times upon us, we were perished: yet God gave us 7000 yeares more to live, how many millions of sinners did they condemn against him at that time? And yet had they repented at the last, they had bene saved: But as was in vain, and therefore in the end God

sent a flood, and swept them all away. Even so, and more patiently, hath God followed us in these latter dayes, but how comes it to passe then, will some say, that we have not a flood as well as they? Surely because his mercy was greater to them, but wonderfull to us; we are as evil as they, yea, if wee judge aright, and consider duly all circumstances, our finnes are far more, yea, farre more heinous than theirs were: so that we deserve a flood ten times more than they did, and if God dealt but Iustice with us, where he brought one upon them, he should bring an hundred on us: and if Justice bare the sway, the world sweep us away, one generation after another, with a continual flood. But mark the moderation of God: more to us than to them, who deserve worse than they. He gave us not an hundred and twenty, but many hundred yeares, and bring us no floods of judgement: but spares us from yeare to yeare, and from age to age, that to we may either repent and escape before our time is come, or drive our selves into damnation, and so be the principall cause of our owne destruction.

It may not unfittly be noted in this place, that sometime God may be said to cast a man into hell; and sometime man himselfe: God throwes a man into hell, when for some monstrous and enormous sinne, hee takes away a wicked man in the midst of his wickednesse, by some sudden judgement, and so sends him to hell, but a man plungeth himselfe into hell, when God gives him leave to live, and liberate, and time to repent, but hee continueth carelessly in his sinnes till his day, and so casts himselfe violently into damnation. Now such is the mercifull moderation of God, that for one man who doth cast himselfe into hell (as hee did that impious king Belshazzar) an hundred wicked men cast themselves into hell, thinking that time and libertie, which hee gave them to repenting, and to turning upon themselves to their damnation. Let every man therefore every day of his life, be well considered, that thousands of sinners who are committed that day and night to the flood of water, see not but bound to come upon us, let him wonder at Gods mercy, and say with the Prophet, *As the Lord hath mercy upon us, we are not consumed.* Furthermore, this moderation of God to all men, hath another branch. Every mans all conscience is to him like the fire of hell, and doubtles, the torment of conscience, is as pitte the every real torment of hell now if every man had but Iustice, hee should see presently after evill sinne, that as if he were in hell, namely, the flagging and burning of a guilty conscience: but for the mercy and moderation of God, he insinuates not presently, but by degrees, the sinne into his heart, and so by little and little, when he hath sinned, doth hee suffering of the conscience, which is the great hell that is upon earth, hee suffers till the houre

of death, or the day of judgement. When therefore thou hast done evil, and feelest a pricke in thy conscience, and a checke, but no more, remember that even then, if God did not moderate his Iustice, thou shouldst feele the extreme horror of thy conscience, which would overwhelm thee, as a burden, which is too heavy for thee to beare.

Thus then wee see the marvelous mercy of God; wicked men are his sworn enemies, for sinne is that which offends him above all things in the world, yet so great is his mercy, and so large is his moderation, that even his enemies taste of it every day and houre.

Thus much of Gods Equity and moderation to all men.

Now secondly, this moderate and milde dealing of the Lord, is more special to his Church and children: and that also shewes it selfe in two actions. First of all, Iustice requirith that every man should pay his debt: and common reason tells us, that words and promises cannot passe for payment, but due debt must be satisfied. Now every Christian man is in a great debt to God; that debt is *obedience to his law* for Christ came to save us from the rigour of the law, not to free us from obedience to it: but how doe we pay this debt? even as he doth, who oweth ten thousand pounds and craveth to pay it by a penny a year, for so wee owe perfect obedience in thought, word, and deed, and also puritie of nature, the roote of all: we (I meane the best and holiest men of all) have nothing to tender to God, but a few good desires & groanes of the heart, and a silly poore endeavour: all which is unto that which the law requirith, like unto one penny unto ten thousand pound. Yet behold the mercy of God and his compassion to his Children: these our desires, and that our endeavour coming from the truth of our hearts, doth he accept for perfect payment; and that man who hath a heart fearing God, and a care and desire to please God in all things, and in his place and calling endeavoureth it accordingly, is the man whom God loveth, and embraceth in the armes of his mercy, though he be far from that which in debt and duty hee oweth to God. Thus doth God testifie of himselfe in *Malachi*: *I will spare you, even as a father spareth his own sonne that feareth him.* Now wee know there is no sparing nor forbearance like unto that. A father bids his little sonne do this or that which is farre above his strength, the childre not considering the difficultie, but looking only at his duty, and desiring only to please his father, goeth about it, and doth his best, and yet when all is done, he can doe nothing to it at all: now the father rejoyceth in this willing obedience of his sonne, and approveth in his child the will and endeavour, though hee cannot doe the thing: hee bids him, *Even so doth the Lord spare his children*, hee commandeth us to keepe his law,

and it is no more than our duty, which notwithstanding our selves wee can doe no more, than a little child is able to carry a millstone, yet if we willingly goe when God commandeth us, and do our endeavour, and all we can, and groane under the burden, and desire to doe more, this our desire and endeavour proceeding from faith, and from a some-like willingness, doth the Lord accept for the perfect deed. This is no small moderation, but great and wonderfull. For whereas we owe perfect obedience, and he might justly challenge it, and for want of it, make us pay it with soules and all, he is content to take a will, a desire and endeavour, which is all we can, and is in effect nothing at all. In this world, that man would bee exalted for his mercy, who will take of his debtor a penny a weeke, who oweth him 100. pound: or that takes all he can pay, and accept his good minde for the rest: Oh then how mercifull is our God, who for so great offences, and so huge a debt, as ours is to his Majestie, is content to accept of our endeavour, and hearty desire: the heart and tongue of man cannot sufficiently magnifie so great mercie. Thus much for the first.

Again, the mercie and moderation of GOD towards his children appeares thus: There is not the best man but he sinneth, and there is not a sinne so litle, but in justice it deserves a whole world of punishments, yea, all those curses denounced in the law, even all those plagues threatened, *Deut. 28.* all which in justice should overcome him, presse him downe, and crush him to nothing. But hee holdeth the mercifull moderation of God, hee is content to lay no more crosses on his children, than by his owne grace (which hee also gives them, they shall bee able to undergoe, and in the end to overcome also. When his child is in sinne, (as when doe they not?) doth hee punish them according to the proportion of their sinne? no: for then all the curses of his law should be heaped upon them for one sinne, and if hee did so, hee did but justice: nay, hee deales so with them, as it is not be called a punishment at all, but rather a chastisement: for a punishment must be in some for proportionable to the offence, but that which hee layeth on his children, is nothing at all to their sinne: and therefore it is no punishment properly, but (as it were) the chastisement or correction of a father, to reach his sonne his duty, and to command him, and bring him home from his evil wayes: and therefore not in the rigour of a Judge, but in the love and wisdom of a father; hee first considereth what wee are able to beare: and then layeth no more on us, than we may well beare, and which is most wonderfull of all, he gives us strength to beare them. To this end speaks the Apostle to the Corinthians *1. Cor. 10. Therefore whosoever tempteth you, let him which beareth the nature of man.* Whereby he

he imports thus much, that there are temptations, and crosses, in Gods justice due for sin, and which he hath in store, ready at his pleasure, which are so great, so heavy, and so fearful, as the nature of man could not possibly beare them, but should sink under them and perish, as did *Cain* and *Isaac*, and such like. Amongst these, an evil conscience is one, which is so intolerable, as the *Wise man* saith, *Prov. 18. 14. A wounded spirit, who can beare it?* But the crosses he layeth on his children, are alwayes such, as they beare with comfort for a time, and at last with joy doe overcome them. A notable example herof we have in *Salomon*, of whom God saith to *David*, *If he sinne, I will chastise him with the rod of men*: as if he should have said, I could in my justice, for *Salomons* great sinnes, beat him with Scorpions, and bring him to nothing, by my heavie hand: but I will consider he is my child, and but a man; therefore will I lay upon him no more than the nature of man is able to beare. As God dealt with his sonne *Salomon*, so this is Gods voice to all his sonnes: unto all his Church and Children, will I use such lenity and moderation, and in my chastising of them I will forbear the rigour of my justice, that by my hand and rodde, they shall not be pressed downe, but rather raised up in new obedience, and learne thereby to feare and love me more than before.

This should every Christian man seriously consider of, and thinke with himselfe, how much this bindes a man to deale moderately with his brother, when the Lord deales so moderately with him. Thou sinnest, and God chastiseth thee most mildly, and layeth not on thee the thousand part of those crosses, which in justice he might doe. Shall the Lord deale thus moderately with thee, for thy many, and so great sinnes, and wilt thou deale so hardly with thy brother, in his few and small offences against thee? remember therefore in thy dealing with thy brother, this dealing of God with thee, and certainly thou canst not forget the one, if thou hast tasted of the other. Shew thy selfe therefore that thou hast bene partaker of Gods favour, and that thou hast felt in thy soule, the sweetnesse of his mercies, by being milde and mercifull to thy brethren; out of that great sea of mercies, which God lets flow over thee all thy life long, let fall some droppe of mercy on thy brother, and remembering how God deales with thee, deal not thou with thy brother alwayes so hardly, nor so straitly as thou mayest, or he deserves. Let these foure mercifull actions of God towards thee, bee foure strong bonds, to tie thee to the obedience of this duty, to be milde and mercifull to thy brethren, remembering every day, how moderately God deales with thee; and how farre from that extremity which thou deservest. And to move us hereunto, let every man bee well assured, that the more he hath tasted of Gods

mercy, the more shall men taste of his mercy: and the more sinnes that a man hath forgiven him at Gods hands, the more will hee remitte and forgive in his brother; and the more hee feels in his owne soule Gods love and mercy to him, and the more neare he is to God by his faith and repentance, the more careful will he be to deale gently with his brethren; and the reasons thereof are these:

First, God forgiveth not a mans his faults, but upon condition that he shall forgive his brother; God is not mercifull to a man, but upon condition he shall be so to all men with whom hee deales. Secondly, the mercy of God to us, in forgiving our sins, is not made knowne to the world by any meane more, than this, when a man is not hard and extreme, but equall and mercifull in his dealing with men. Whereupon therefore it followeth, that the further a man is from God, and the lesse that he hath felt of Gods love to him, the lesse moderation will hee performe to his brother. Let every man then bee ashamed, by these extreme courtes with his brethren, to make it knowne to the world, that hee is an impenitent sinner, himselfe unconciled to God, and his sinnes unpardoned; and let no man thinke hee shall escape that censure, if he be an unmercifull man: for certainly it is imprinted in mens dealings, whether they be in Gods favour, and their sinnes pardoned, or no. Let therefore every man, with his owne crooked nature, or the devil makes him boyle against his brother in anger, and urge him to use him hardly and extremely, consider with himselfe, and say, I live under God, I am more in Gods hand, than this man in mine; I have offended God, more than he me: and if I had my desert, I had now bene in hell for my sinnes: but yet I live, and by his mercy am I spared, and am here still. But hath God spared mee, that I should pinch others? hath hee beene mercifull to me, that I should be cruell to others? surely therefore I will bee mercifull and moderate to my brethren more than they deserve, lest God take his mercy from mee: and then what shall become of me, but to be throwne suddenly into hell, which I deserved long agoe: nay, I will by my equity and moderation towards my brethren, move the Lord to be still more mercifull to me, without which his mercy, I cannot live one day in the world.

Hitherto of the exhortation of the Apostle, and of the great moderation of God to man.

Now followeth the Apostles reason, *The Lord is as a hand.* These words beare two senses or meanings. The first, of the last judgement: the second, of Gods presence. The first is thus framed, as if the holy Ghost meant of the last judgement: Be you equall and moderate one towards another, for God is ready in his

his great and generall judgement, to judge all men, and then happy is he that finds not justice, but taste of mercy: and who shall taste of mercy then, but hee that shewed mercy in this world? But if secondly, the holy Ghost meant of Gods presence, then is the argument framed thus; God is present with every man, and at every action, to rellise and judge of it, and either to approve it and reward it, if it be upright, equall and mercifull; or to correct and punish it, if it be extreme, and void of equity: therefore *let your equity be knowne to all men.* Both senses are good, but we will cleave unto the latter. It is then all one, as if the holy Ghost had said; Use equity and moderation in your dealings, and remember who is at your elbow, stands by and looks on, ready to judge you for it.

Surely there can be no better reason than this, if it be settled in a mans heart, for a theefe or a cur-purse, if he saw the Judge stand at his elbow, and looke upon him, he would not do evill, he would stay his hand, even because he seeth that the Judge seeth him, who can presently hang him. A strong reason with men, & it keeps even bad men from lewd practises. Consider therefore when the Judge of Judges, the Lord of heaven and earth, stands by and seeth, and marks all thy actions, whether they be towards thy brother, as his is toward thee. This ought to make the greatest man on earth feare how he deales cruelly or hardly with his brother. But worldly men will not be perswaded of this, but when they are laying their plots to deceive their brother, and when by injustice and extremity, they pinch and wring him, they thinke in their hearts God seeth them not, nor do they ever thinke of God, but labour that God may bee out of all their thoughts. This is the cause of all sin in the world: for thence it is that mens hearts are hardened, and that they care not how extremely they deale with men, because they thinke God seeth them not, nor will call them to account for it, and doe with them as they have done with their brother. Hence comes all injustice, cruelty, extremity, suits in Law

for trifles, taking forfeitures of leases, and of bonds, and taking all advantages. Hence comes it, that one man will not spare another one day, nor forgive one fault, nor passe by any infirmity, nor put up the least injury, nor yeild one inch from his right: but if his brother offend never so little, upon never so apparent weaknes, hee shall heare of it on both sides, as they say: and if he deserve it, he shall have his deserts to the full. Thus hearts are hardened, affections are immoderate, bowells of compassion are stur up, love and pity are banished, and in their roomes reigne cruelty, and injustice. Moderation dwells in corners, but extremity is that which beareth it away over all the world: what is the cause of all this? Surely, first, because men are untaught, and have not repented of their finnes, and so they feele not that God is moderate and mercifull to them. Secondly, they perswade not themselves that God seeth them; therefore against this blasphemous thought, the root of all evill, and cause of all sinne, arme thy selfe with this reason of the Apostle, and resolve of it, that this is the eternall truth of God, and shall stand for ever, *The Lord is at hand*; and seeth and observeth thee and all thy doings. Therefore as thou wilt escape his mighty and fearfull hand, season thy doings and dealings with moderation: and if thou hadst no conscience nor mercy in thee, yer be mercifull, remembering who seeth thee, and deale moderately and equally in the sight and presence of so moderate, so milde, and so mercifull a God, so mercifull a rewarder of him that deales moderately, and so powerfull a revenger of him that deales hardly and extremely with his brother. Let us then end with the Apostle as we began; *Let your equity and moderation be knowne to all men, for God is at hand.*

And thus much out of Gods word, of Publike and Private Equity; wherein I have not spoken all I might, but given occasion to others, to enter into further consideration thereof.

Trin-uni Deo gloria.

A TREATISE OF Mans Imaginations.

SHEWING,

His naturall evill thoughts.
His want of good thoughts:
The way to reforme them.

Matth. 12. verſe 33.

Either make the tree good, and his fruit good, or else make the tree evill, and his fruit evill.



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