

his sin : do it to lay the greater obligation upon yourselves for the future, to avoid the sin and live more carefully ; for it is a double shame to sin after such humbling confessions.

CHAPTER XXXII.

Cases and Directions about Satisfaction and Restitution.

Tit. 1. Cases of Conscience about Satisfaction and Restitution.

Quest. 1. 'WHEN is it that proper restitution must be made, and when satisfaction : and what is it ?'

Ans. Restitution properly is 'ejusdem,' 'of the same thing,' which was detained or taken away. Satisfaction is 'solutio æquivalentis, vel tantidem, alias indebiti : ' 'that which is for compensation or reparation of loss, damage or injury ;' being something of equal value or use to the receiver. Primarily 'res ipsa debetur,' 'restitution is first due,' where it is possible ; but when that is unavoidably hindered or forbidden by some effectual restraint, satisfaction is due. Whilst restitution of the same may be made, we cannot put off the creditor or owner with that which is equivalent without his own consent ; but by his consent we may at any time. And to the question, What is due satisfaction ? I answer, that when restitution may be made, and he that should restore, doth rather desire the owner to accept some other thing in compensation, there that proportion is due satisfaction which both parties agreed upon. For if it be above the value it was yet voluntarily given, and the payer might have chosen : and if it be under the value, it was yet voluntarily accepted, and the receiver might have chosen. But if restitution cannot be made, or not without some greater hurt to the payer than the value of the thing, there due satisfaction is that which is of equal value and use to the receiver ; and if he will not be satisfied with it, he is unjust, and it is 'quoad valorem rei et debitum solventis,' full satisfaction, and he is not (unless by some other accident) bound to give any more ; because it is not another unrighteous will that he is obliged to fulfil, but a debt which is to be discharged. But here you must distinguish betwixt satis-

faction in commutative justice, for a debt or injury and satisfaction in distributive governing justice, for a fault or crime : the measure of the former satisfaction, is so much as may compensate the owner's loss ; not only so much as the thing was worth to another, but what it was worth to him : but the measure of the latter satisfaction is, so much as may serve the ends of government instead of actual obedience ; or so much as will suffice to the ends of government, to repair the hurts which the crime hath done, or avoid what it would do.

And here you may see the answer to that question, Why a thief was commanded to restore fourfold, by the law of Moses ; for in that restitution there was a conjunction of both these sorts of satisfaction, both in point of commutative and distributive justice : so much as repaired the owner's loss was satisfaction to the owner for the injury : the rest was all satisfaction to God and the commonwealth for the public injury that came by the crime or violation of the law. Other answers are given by some, but this is the plain and certain truth.

Quest. II. How far is restitution or satisfaction necessary ?

Ans. As far as acts of obedience to God, and justice to man are necessary : that is, 1. As a man that repenteth truly of sin against God, may be saved without external obedience, if you suppose him cut off by death immediately upon his repenting, before he hath any opportunity to obey ; so that the 'animus obediendi' is absolutely necessary ; and the 'actus obediendi' if there be opportunity : so is it here, the 'animus restituendi,' or true resolution or willingness to restore, is ever necessary to the sincerity of justice and repentance in the person, as well as necessary 'necessitate precepti : ' and the act of restitution primarily, and of satisfaction secondarily is necessary, if there be time and power : I say necessary always as a duty, 'necessitate precepti ;' and necessary 'necessitate medii,' as a condition of pardon and salvation, so far as they are necessary acts of true repentance and obedience, as other duties are : that is, as a true penitent may in a temptation omit prayer or church-communion, but yet hath always such an habitual inclination to it, as will bring him to it, when he hath op-

portunity by deliberation to come to himself; and as in the same manner a true penitent may omit a work of charity or mercy, but not give over such works; even so is it in this case of restitution and satisfaction.

Quest. III. 'Who are they that are bound to make restitution or satisfaction?'

Ans. 1. Every one that possesseth and retaineth that which is indeed another man's, and hath acquired no just title to it himself, must make restitution. Yet so, that if he came lawfully by it (as by finding, buying, or the like), he is answerable for it only upon the terms in those titles before expressed. But if he came unlawfully by it, he must restore it with all damages. The cases of borrowers and finders are before resolved. He that keepeth a borrowed thing longer than his day, must return it with the damage. He that loseth a thing which he borrowed, must make satisfaction, unless in cases where the contract, or common usage, or the quality of the thing excuseth him. 2. He that either by force, or fraud, or negligence, or any injustice, doth wrong to another, is bound to make him a just compensation, according to the proportion of the guilt and the loss compared together; for neither of them is to be considered alone. If a servant neglect his master's business, and it fall out that no loss followeth it; he is bound to confess his fault, but not to pay for a loss which might have been, but was not. And if a servant by some such small and ordinary negligence, which the best servants are guilty of, should bring an exceeding great damage upon his master (as by dropping asleep to burn his house, or by an hour's delay which seemed not very dangerous, to frustrate some great business) he is obliged to reparation as well as to confession; but not to make good all that is lost, but according to the proportion of his fault. But he that by oppression or robbery taketh that which is another's, or bringeth any damage to him; or by slander, false-witness, or any such unrighteous means, is bound to make a fuller satisfaction; and those that concur in the injury, being accessories, are bound to satisfy. As 1. Those that teach or command another to do it. 2. Those who send a commission, or authorize another to do it. 3. Those who counsel, exhort or persuade another to do it. 4. Those who by consenting

are the causes of it. 5. Those who co-operate, and assist in the injury knowingly and voluntarily. 5. Those who hinder it not when they could and were obliged to do it. 7. Those who make the act their own, by owning it, or consenting afterward. 8. Those who will not reveal it afterward, that the injured party may recover his own, when they are obliged to reveal it. But a secret consent which no way furthered the injury, obligeth none to restitution, but only to repentance; because it did no wrong to another, but it was a sin against God.

Quest. iv. 'To whom must restitution or satisfaction be made?'

Answ. 1. To the true owner, if he be living and to be found, and it can be done. 2. If that cannot be, then to his heirs, who are the possessors of that which was his. 3. If that cannot be, then to God himself, that is, to the poor, or unto pious uses; for the possessor is no true owner of it; and therefore where no other owner is found, he must discharge himself so of it, to the use of the highest and principal Owner, as may be most agreeable to his will and interest*.

Quest. v. 'What restitution should he make who hath dishonoured his governors or parents?'

Answ. He is bound to do all that he can to repair their honour, by suitable means; and to confess his fault, and crave their pardon.

Quest. vi. 'How must satisfaction be made for slanders, lies and defaming of others?'

Answ. By confessing the sin, and unsaying what was said, not only as openly as it was spoken, but as far as it is since carried on by others, and as far as the reparation of your neighbour's good name requireth, if you are able.

Quest. vii. 'What reparation must they make who have tempted others to sin, and hurt their souls?'

Answ. 1. They must do all that is in their power to recover them from sin, and to do good to their souls. They must go to them, and confess and lament the sin, and tell them the evil and danger of it, and incessantly strive to bring them to repentance. 2. They must make reparation

* Heb. v. 23. 1 Sam. xii. 3. Neh. v. 11. Numb. v. 8. Luke xix. 8.

to the Lord of souls, by doing all the good they can to others, that they may help more than they have hurt.

Quest. VIII. 'What reparation can or must be made for murder or manslaughter?'

Ans. By murder there is a manifold damage inferred :

1. God is deprived of the life of his servant. 2. The person is deprived of his life. 3. The king is deprived of a subject. 4. The commonwealth is deprived of a member. 5. The friends and kindred of the dead are deprived of a friend. 6. And perhaps also damnified in their estates. All these damages cannot be fully repaired by the offender ; but all must be done that can be done. 1. Of God he can only beg pardon, upon the account of the satisfactory sacrifice of Christ ; expressing true repentance as followeth. 2. To the person murdered no reparation can be made. 3. To the king and commonwealth, he must patiently yield up his life, if they sentence him to death, and without repining, and think it not too dear to become a warning to others, that they sin not as he did. 4. To disconsolate friends no reparation can be made ; but pardon must be asked. 5. The damage of heirs, kindred and creditor, must be repaired by the offender's estate, as far as he is able.

Quest. IX. 'Is a murderer bound to offer himself to death, before he is apprehended?'

Ans. Yes, in some cases : as, 1. When it is necessary to save another who is falsely accused of the crime. 2. Or when the interest of the commonwealth requireth it. But otherwise not ; because the offender may lawfully accept of mercy, and nature teacheth him to desire his own preservation : but if the question be, When doth the interest of the commonwealth require it ? I think much oftener than it is done : as the common interest requireth that murderers be put to death, when apprehended ; so it requireth that they may not frequently and easily be hid, or escape by secrecy or flight ; for then it would embolden others to murder : whereas when few escape, it will more effectually deter men. If therefore any murderer's conscience, shall constrain him in true repentance, voluntarily to come forth and confess his sin, and yield up himself to justice, and exhort others to take heed of sinning as he did, I cannot say that he did any more than his duty in so doing : and indeed I think that it

is ordinarily a duty, and that ordinarily the interest of the commonwealth requireth it; though in some cases it may be otherwise. The execution of the laws against murder, is so necessary to preserve men's lives, that I do not think that self-preservation alone will allow men to defeat the commonwealth of so necessary a means of preserving the lives of many, to save the life of one, who hath no right to his own life, as having forfeited it. If to shift away other murderers from the hand of justice be a sin, I cannot see but that it is so ordinarily to do it for one's self: only I think that if a true penitent person have just cause to think that he may do the commonwealth more service by his life, than by his death, that then he may conceal his crime or fly; but otherwise not.

Quest. x. 'Is a murderer bound to do execution on himself, if the magistrate upon his confession do not?'

Ans. No: because it is the magistrate who is the appointed judge of the public interest, and what is necessary to its reparation, and hath power in certain cases to pardon; and though a murderer may not ordinarily strive to defeat God's laws and the commonwealth, yet he may accept of mercy when it is offered him.

Quest. xi. 'What satisfaction is to be made by a fornicator or adulterer?'

Ans. Chastity cannot be restored, nor corrupted honour repaired. But, 1. If it was a sin by mutual consent, the party that you sinned with, must by all importunity be solicited to repentance; and the sin must be confessed, and pardon craved for tempting them to sin. 2. Where it can be done without a greater evil than the benefit will amount to, the fornicators ought to join in marriage^b. 3. Where that cannot be, the man is to put the woman into as good a case for outward livelihood, as she would have been in if she had not been corrupted by him; by allowing her a proportionable dowry^c; and the parents' injury to be recompensed^d. 4. The child's maintenance also is to be provided for, by the fornicator. That is, 1. If the man by fraud or solicitation induced the woman to the sin, he is obliged to all as aforesaid. 2. If they sinned by mutual forwardness and consent, then they must jointly bear the burden; yet so

^b Exod. xxii. 16.

^c Exod. xx. 17.

^d Deut. xxii. 28, 29.

that the man must bear the greater part, because he is supposed to be the stronger and wiser to have resisted the temptation. 3. If the woman importuned the man, she must bear the more; but yet he is responsible to parents and others for their damages, and in part to the woman herself, because he was the stronger vessel, and should have been more constant: and 'volenti non fit injuria,' is a rule that hath some exceptions.

Quest. XII. 'In what case is a man excused from restitution and satisfaction?'

Ans. 1. He that is utterly disabled cannot restore or satisfy. 2. He that is equally damnified by the person to whom he should restore, is excused in point of real equity and conscience, so be it that the reasons of external order and policy oblige him not. For though it may be his sin (of which he is to repent), that he hath equally injured the other, yet it requireth confession, rather than restitution or satisfaction, unless he may also expect satisfaction from the other. Therefore if you owe a man an hundred pounds, and he owe you as much and will not pay you, you are not bound to pay him, unless for external order sake, and the law of the land. 3. If the debt or injury be forgiven, the person is discharged. 4. If nature or common custom do warrant a man to believe that no restitution or satisfaction is expected, or that the injury is forgiven, though it be not mentioned, it will excuse him from restitution or satisfaction; as if children or friends have taken some trifle, which they may presume the kindness of a parent or friend will pass over, though it be not justifiable.

Quest. XIII. 'What if the restitution will cost the restorer far more than the thing is worth?'

Ans. He is obliged to make satisfaction, instead of restitution.

Quest. XIV. 'What if the confessing of the fault may engage him that I must restore to, so that he will turn it to my infamy or ruin?'

Ans. You may then conceal the person, and send him satisfaction by another hand: or you may also conceal the wrong itself, and cause satisfaction to be made him, as by gift, or other way of payment.

Tit. 2. Directions about Restitution and Satisfaction.

Direct. i. 'Foresees the trouble of restitution, and prevent it.' Take heed of covetousness, which would draw you into such a snare. What a perplexed case are some men in, who have injured others so far as that all they have will scarce make them due satisfaction! Especially public oppressors who injure whole nations, countries or communities: and unjust judges, who have done more wrong perhaps in one day or week than all their estates are worth: and unjust lawyers who plead against a righteous cause: and false witnesses, who contribute to the wrong: and unjust juries, or any such like: also oppressing landlords; and soldiers that take men's goods by violence; and deceitful tradesmen, who live by injuries. In how sad a case are all these men!

Direct. ii. 'Do nothing which is doubtful, if you can avoid it, lest it should put you upon the trouble of restitution.' As in case of any doubtful way of usury or other gain, consider, that if it should hereafter appear to you to be unlawful, and so you be obliged to restitution (though you thought it lawful at the taking of it), what a snare then would you be in, when all that use must be repaid! And so in other cases.

Direct. iii. 'When really you are bound to restitution or satisfaction, stick not at the cost or suffering be it never so great, but be sure to deal faithfully with God and conscience.' Else you will keep a thorn in your hearts, which will smart and fester till it be out: and the ease of your consciences, will bear the charge of your most costly restitution.

Direct. iv. 'If you be not able in your lifetime to make restitution, leave it in your wills as a debt upon your estates;' but never take it for your own.

Direct. v. 'If you are otherwise unable to satisfy, offer your labour as a servant to him to whom you are indebted;' if at least by your service you can make him a compensation.

Direct. vi. 'If you are that way unable also, beg of your

friends to help you, that charity may enable you to pay the debt.'

Direct. VII. 'But if you have no means at all of satisfying, confess the injury and crave forgiveness, and cast yourself on the mercy of him whom you have injured.'

CHAPTER XXXIII.

Cases and Directions about our Obtaining Pardon from God.

Tit. 1. Cases of Conscience about Obtaining Pardon of Sin from God.

Quest. 1. 'Is there pardon to be had for all sin without exception, or not?'

Answ. 1. There is no pardon procured or offered, for the final non-performance of the conditions of pardon; that is, for final impenitency, unbelief and ungodliness. 2. There is no pardon for any sin, without the conditions of pardon, that is, without true faith and repentance, which is our conversion from sin to God. 3. And if there be any sin which certainly excludeth true repentance to the last, it excludeth pardon also; which is commonly taken to be the case of blasphemy against the Holy Ghost; of which I have written at large in my "Treatise against Infidelity."

But, 1. All sin, except the final non-performance of the conditions of pardon, is already conditionally pardoned in the Gospel; that is, if the sinner will repent and believe. No sin is excepted from pardon to penitent believers.

2. And all sin is actually pardoned to a true penitent believer.

Quest. 11. 'What if a man do frequently commit the same heinous sin; may he be pardoned?'

Answ. Whilst he frequently committeth it (being a mortal sin), he doth not truly repent of it; and whilst he is impenitent he is unpardoned: but if he be truly penitent, his heart being habitually and actually turned from the sin, it will be forgiven him; but not till he thus forsake it.

Quest. 111. 'Is the day of grace and pardon ever past in this life?'