

E. g. One law commandeth that all the needy poor be kept on the parish where they were born or last lived. Another law saith, that Nonconformable ministers of the Gospel, who take not the Oxford oath, shall not come within five miles of city or corporation (though they were born there) or any place where they have been preachers. In case of necessity what shall they do? *Ans.* Whither they shall go for relief, they must discern as well as they can: but whither they shall be carried or sent, the magistrate or constable must discern and judge.

Also whether he shall go with a constable that by one law bringeth him to a place, which by the other law he is forbid on pain of six months imprisonment in the common gaol to come to? *Ans.* If he be not voluntary in it, it is not his fault: and if one bring him thither by force, and another imprison him for being there, he must patiently suffer it.

16. But out of such excepted cases, the laws of our rulers (as the commands of parents) do bind us as is afore explained; and it is a sin against God to violate them.

17. Yea, when the reason of the law reacheth not our particular case and person, yet when we have reason to judge, that it is the ruler's will that all be bound for the sake of some, and the common order and good will be hindered by our exemption, we must obey to our corporal detriment, to avoid the public detriment, and to promote the public good.

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## CHAPTER IV.

### *Directions to Lawyers about their Duty to God.*

**GENTLEMEN**, you need not meet these Directions with the usual censures or suspicions, that divines are busying themselves with the matters of your calling, which belong not to them, and which they do not understand: you shall see that I will as much forbear such matters as you can well desire. If your calling be not to be sanctified by serving God in it, and regulating it by his law, it is then neither honourable

nor desirable. But if it be, permit me very briefly so far to direct you\*.

*Direct.* 1. 'Take the whole frame of polity together, and study each part in its proper place, and know it in its due relation to the rest: that is, understand first the doctrine of polity and laws 'in genere,' and next the universal polity and laws of God 'in specie;' and then study human polity and laws, as they stand in their due subordination to the polity and laws of God, as the bye-laws of corporations do to the general laws of the land.'

He that understandeth not what polity and laws is 'in genere,' is unlike to understand what divine or human polity or law is 'in specie: he that knoweth not what government is, and what a community, and what a politic society is, will hardly know what a commonwealth or church is: and he that knoweth not what a commonwealth is 'in genere,' what is its end, and what its constitutive parts, and what the efficient causes, and what a law, and judgment, and execution is, will study but unhappily the constitution or laws of the kingdom which he liveth in.

2. And he that understandeth not the 'divine dominium et imperium,' as founded in creation, (and refounded in redemption,) and man's subjection to his absolute Lord, and the universal laws which he hath given in nature and Scripture to the world, can never have any true understanding of the polity or laws of any kingdom in particular; no more than he can well understand the true state of a corporation, or the power of a mayor, or justice, or constable, who knoweth nothing of the state of the kingdom, or of the king, or of his laws. What ridiculous discourses would such a man make of his local polity or laws! He knoweth nothing worth the knowing, who knoweth not that all kings and states have no power but what is derived from God, and subservient to him; and are all his officers, much more below him, than their justices and officers are to them; and that their laws are of no force against the laws of God, whether of natural or supernatural revelation. And therefore it is most easy to see, that he that will be a good lawyer must first

\* *Legum mihi placet autoritas; sed earum usus hominum nequitia depravatur: itaque piguit perdiscere, quo inhoneste uti nollem, et honeste vix possem, etsi vellem.* Petrarch. in vita sua.

be a divine ; and that the atheists that deride or slight divinity, do but play the fools in all their independent broken studies. A man may be a good divine, that is no lawyer, but he can be no good lawyer, that understandeth not theology. Therefore let the government and laws of God have the first and chiefest place in your studies, and in all your observation and regard.

1. Because it is the ground of human government, and the fountain of man's power and laws.

2. Because the Divine policy is also the end of human policy : man's laws being ultimately to promote our obedience to the laws of God, and the honour of his government.

3. Because God's laws are the measure and bound of human laws ; against which no man can have power.

4. Because God's rewards and punishments are incomparably more regardable than man's ; eternal joy or misery being so much more considerable than temporal peace or suffering ; therefore though it be a dishonour to lawyers to be ignorant of languages, history, and other needful parts of learning, yet it is much more their dishonour to be ignorant of the universal government and laws of God <sup>b</sup>.

*Direct.* II. ' Be sure that you make not the getting of money to be your principal end in the exercise of your function ; but the promoting of justice, for the righting of the just, and the public good ; and therein the pleasing of the most righteous God <sup>c</sup>.' For your work can be to you no better than your end. A base end doth debase your work. I deny not, but your competent gain and maintenance may be your lower end, but the promoting of justice must be your higher end, and sought before it. The question is not, Whether you seek to live by your calling ; for so may the best : nor yet, Whether you intend the promoting of justice ; for so may the worst (in some degree). But the question is, Which of these you prefer ? and which you first and

<sup>b</sup> Male se rectum putat, qui regulam summæ rectitudinis ignorat. Ambros. de Offic.

<sup>c</sup> It was an ill time when Petr. Bles. said " Officium officialium est hodie jura confundere, lites suscitare, transactiones rescindere, dilationes innectere, suppressere veritatem, fovere mendacium, quæstum sequi, æquitatem vendere, iniuriæ actionibus, versutias concinnare.

principally intend? He that looketh chiefly at his worldly gain, must take that gain instead of God's reward, and look for no more than he chiefly intended; for that is formally no good work, which is not intended chiefly to please God, and God doth not reward the servants of the world; nor can any man rationally imagine, that he should reward a man with happiness hereafter, for seeking after riches here. And if you say that you look for no reward but riches, you must look for a punishment worse than poverty; for the neglecting of God and your ultimate end, is a sin that deserveth the privation of all which you neglect; and leaveth not your actions in a state of innocent indifferency.

*Direct.* III. 'Be not counsellors or advocates against God, that is, against justice, truth, or innocency.' A bad cause would have no patrons, if there were no bad or ignorant lawyers. It is a dear bought fee, which is got by sinning; especially by such a wilful, aggravated sin, as the deliberate pleading for iniquity, or opposing of the truth<sup>d</sup>. Judas's gain and Ahithophel's counsel will be too hot at last for conscience, and sooner drive them to hang themselves in the review, than afford them any true content: as St. James saith to them that he calleth to weep and howl for their approaching misery, "Your riches are corrupted, and your garments moth-eaten, your gold and silver is cankered, and the rust of them shall be a witness against you, and shall eat your flesh as it were fire; ye have heaped treasure together for the last days.' Whatever you say or do against truth, and innocency, and justice, you do it against God himself. And is it not a sad case that among professed Christians, there is no cause so bad but can find an advocate for a fee? I speak not against just counsel to a man that hath a bad cause, (to tell him it is bad, and persuade him to disown it); nor do I speak against you for

<sup>d</sup> Bias fertur in causis orandis summus atque vehementissimus fuisse, bonam tamen in partem dicendi vim exercere solitum. Diog. Laert. p. 53. Justum est homines propter justitiam diligere; non autem justitiam propter homines postponere. Gregor. Reg. Justitia non novit patrem, vel matrem; veritatem novit; personam non novit; Deum imitatur.—Cassian. Plutarch saith, that Callicratidas being offered a great sum of money, (of which he had great need to pay his seamen) if he would do an unjust act, refused: to whom saith Cleander his counsellor, "Ego profecto hæc accepissem, si fuisset Callicratidas." He answered, "Ego accepissem si fuisset Cleander."

pleading against excessive penalties or damages ; for so far your cause is good, though the main cause of your client was bad ; but he that speaketh or counselleth another for the defence of sin, or the wronging of the innocent, or the defrauding another of his right, and will open his mouth to the injury of the just, for a little money, or for a friend, must try whether that money or friend will save him from the vengeance of the universal judge, (unless faith and true repentance which will cause confession and restitution, do prevent it).

The Romans called them thieves, that by fraud, or plea, or judgment got unlawful gain, and deprived others of their right.

Lampridius saith of Alexander Severus, “ Tanti eum stomachi fuisse in eos iudices qui furtorum fama laborassent, etiamsi damnati non essent, ut si eos casu aliquo videret, commotione animi stomachi choleram evomeret, toto vultu inardescente, ita ut nihil posset loqui.” And afterwards, “ Severissimus iudex contra fures, appellans eosdem quotidianorum scelerum reos, et solos hostes inimicosque reipublicæ.” Adding this instance, “ Eum notarium, qui falsum causæ brevem in consilio imperatorio retulisset, incisus digitorum nervis, ita ut nunquam posset scribere, deportavit.” And that he caused Turinus one of his courtiers to be tied in the market-place to a stake, and choked to death with smoke, for taking men’s money on pretence of furthering their suits with the Emperor ; “ Præcone dicente, Fumo punitur, qui vendidit fumum.” He strictly prohibited buying of offices, saying, “ Necesse est ut qui emit, vendat : Ego vero non patiar mercatores potestatum : quos si patiar, damnare non possum.” The frowns or favour of man, or the love of money, will prove at last a poor defence against his justice whom by injustice you offend\*.

The poet could say,

Justum et tenacem propositi virum,  
 Non civium ardor prava jubentium,  
 Non vultus instantis tyranni,  
 Mente quatit solidâ :—— Hor. lib. iii. O. 3.

\* Facile est justitiam homini justissimo defendere. Cicero.

But if men would first be just, it would not be so hard to bring them to do justly; saith Plautus,

*Justa autem ab injustis petere insipientia est :  
Quippe illi iniqui jus ignorant neque tenent.*

*Direct. iv.* ‘ Make the cause of the innocent, as it were your own; and suffer it not to miscarry through your slothfulness and neglect. He is a lover of money more than justice, that will sweat in the cause of the rich that pay him well, and will slubber over and starve the cause of the poor, because he getteth little by them. Whatever your place obligeth you to do, let it be done diligently and with your might; both in your getting abilities, and in using them. Scævola was wont to say, (ut lib. Pandect. 42. tit. refer.) “ *Jus civile vigilantibus scriptum est, non dormientibus.*” Saith Austin, “ Ignorantia judicis plerumque est calamitas innocentis.” And as you look every labourer that you hire should be laborious in your work, and your physician should be diligent in his employment for your health; so is it as just that you be diligent for them whose cause you undertake, and where God who is the lover of justice doth require it.

*Direct. v.* ‘ Be acquainted with the temptations which most endanger you in your place, and go continually armed against them with the true remedies, and with Christian faith, and watchfulness, and resolution.’ You will keep your innocency, and consequently your God, if you see to it that you love nothing better than that which you should keep. No man will chaffer away his commodity for any thing which he judgeth to be worse and less useful to him. Know well how little friends or wealth will do for you in comparison of God, and you will not hear them when they speak against God †. When one of his friends was importunate with P. Rutilius to do him an unjust courtesy, and angrily said, “ What use have I of thy friendship, if thou wilt not grant my request?” He answered him, “ And what use have I of thy friendship, if for thy sake I must be urged to do unjustly?” It is a grave saying of Plutarch, “ Pulchrum

† *Vix potest negligere, qui novit æquitatem nec facile erroris vitio fordescit, quem doctrina purgaverit. Cassiodor.*

‡ *Luke xiv. 26. 27. 33.*

quidem est justitia regnum adipisci : pulchrum etiam regno justitiam antepone : nam virtus alterum ita illustrem reddidit, ut regno dignus judicaretur ; alterum ita magnum ut id contemneret." Plut. in Lycurg. et Numa. But especially remember who hath said, " What shall it profit a man to win all the world, and lose his soul ?" And that temptations surprise you not, be deliberate and take time, and be not too hasty in owning or opposing a cause or person, till you are well informed ; as Seneca saith of anger, so say I here, " Dandum semper est tempus : veritatem enim dies aperit. Potest poena dilata exigi ; cum non potest exacta revocari." It is more than a shame to say, I was mistaken, when you have done another man wrong by your temerity<sup>h</sup>.

## CHAPTER V.

### *The Duty of Physicians.*

NEITHER is it my purpose to give any occasion to the learned men of this honourable profession, to say that I intermeddle in the mysteries or matters of their art. I shall only tell them, and that very briefly, what God and conscience will expect from them.

*Direct.* 1. ' Be sure that the saving of men's lives and health, be first and chiefly in your intention, before any gain or honour of your own.' I know you may lawfully have respect both to your maintenance and honour ; but in a second place only, as a far less good than the lives of men. If money be your ultimate end, you debase your profession, which as exercised by you, can be no more to your honour or comfort than your own intention carrieth it. It is more the end than the means that ennobleth or debaseth men ; if gain be the thing which you chiefly seek, the matter is not

<sup>h</sup> Chilo in Diog. Laert. lib. i. sect. 71. p. 44. (mihi) saith, Sibi non esse conscium in tota vita ingratitude<sup>s</sup> : una tamen re se modice moveri, quod cum semel inter amicos illi judicandum esset, neque contra jus agere aliquid vellet, persuaserit amico judicium a se provocaret, ut sic nimirum utrumque et legem et amicum servaret. - This was his injustice of which he repented.

<sup>s</sup> Laertius has *ὅτι οὐδὲν ἐνομιλῆν ἄνευ τῆς ἐν τῷ φίλῳ*. Sibi non essi conscium in tota vita præter rationem quidquam egisse. (T. C.)