

ΕΠΙΕΚΚΕΙΑ, ΟΡ

A TREATISE OF CHRISTIAN EQVITY AND MODERATION.

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

Ephes. 4. verse 31.

Forgive one another, as God for Christs sake doth forgive you.



LONDON,
Printed by JOHN LEGATT.

1631

TO THE RIGHT HONORABLE THE LORD SHEFFIELD, LORD LIEV-TENANT, AND LORD PRESIDENT:

SIR THOMAS HESKITH, SIR JOHN BENST, KNIGHTS:

Charles Hales, R. William, Cutbert Pepper, John Ferne,

Esquires: and the rest of his Majesty's Honourable Council,

established in the North parts, and under his

Highness, the highest Patrons of Equity,

Grace and peace from

Iesus Christ.



Right Honourable and Worshipfull, how famous in all writers the year Eighty eight, and how fatal it was made by all the old and later Conjectures is not unknown to any of you: but how the issue answered the expectation, I see not, save only in that notable overthrow of the enemies of God, the Papists: whereupon our reverend (a) Countryman, and Christ's Champion for England, said very well:

Ocogonimus octavus, mirabilis annus,

Clade Papistam, laudus ubique pija.

But if ever year deserve to be famous in English Chronicles, it is this year, I cannot tell whether I should say 1602, or 1603, wherein, whether Gods anger was more in taking from us such a Queen as (for ought I read) the world never had: or his mercy, in giving us such a King, as England never had, I leave it to better heads to be determined. How is the name of our God to be magnified, by whose mercy so great a losse is made no losse, but a gaine to us? for who seeth not, that all her Princely vertues doe not only live in him, but are also in him (being a many) more perfect and accomplisht? Shee is dead, but her Heroicall zeale and love to Religion is alive; she bequeathed it with her kingdom to his Highnesse, who doubtlesse will make both her Religion and her Kingdom to flourish as much more, as a man doth excell a woman. And who knoweth not, that the enemies of our Religion, and our peace, notwithstanding all their politike dissembled brags to the contrary) doe finde his Majestie so little for their purpose, that now they would sing a thousand Masses to have her alive againe, against whom they thundered out (b) so many Curses and Excommunications, and after whose blood they so thirsted with the lived: what straightes are they driven into? who would with her alive againe, at whole hands (though a woman) they never gained, nor got one inch of ground in 44. yeares; though nine or ten Popes, and 10000. of their slaves wrestled with her all the while, with all the power, and policy, craft, and treachery, which the Devil could lend them. Nay, her end was as glorious as her beginning, and her last Proclamation against them, was more to their shame, and lesse to their comfort, than ever any in her life before: and so farre was she, from allowing them a Toleration, of their intolerable religion, in her old, and therefore weakest age, as that it never entered into her Royall heart: nor ever thought it worthy to be made a question, whether it should bee or no. No, she halted not betwixt two religions: but to her, *Nullus in Regia*: therefore shee banisht him; and God was the Lord, and therefore she served him. She was relieved that Dagon might downe if Gods Arke stand, or else if Dagon stand, the Arke must away. For both together cannot stand upright. Shee held, that as, when the enemies themselves brought the Arke into Dagon's temple, Dagon fell downe so if the Israelites should have admitted Dagon into Gods Temple, that the Lord himselfe would have removed his Arke from them. Blessed was the latter life, and twice blessed in her end: shee lost not her first love; and her works were more at the last, than at the first; and blessed are we that enjoyed her so long: and more blessed who under her enjoyed such 44. yeares as all the bookes in the world cannot shew under a woman: but most blessed of all, in that after such a David, God hath sent us such a Salomon; after such a woman, such a man; after such a Queen, such a King, who will make an end of many a loab, and many a Shimei, which she could not well doe, and finish that Temple which shee first began: and who (I don't need to asseme it) doe the devil, and the crafty Papist all that they can, is the chief Champion of Iesus upon the side of the true Church.

And how happy a year shall this be, which learning hath sustained, and as well recompensed? *Junius of Leiden, Tassius of Heilderberg, Perkins of Cambridge* the three last yeares beinge taken from us, besides many other of inferior note: happy should those three famous Vaiver be, by whose death we were freed from their rooms. Let us leave the first to the lower, the second to the higher Germany, to persue their study, and to make supply for them. It is the third who specially concerneth us: what is the Church of God, and in the Church, England: and in the Church of England, the Ministry? and in the Ministry, the Vaiver? *Junius* the Vaiver, the younger Students have sustained by the untimely death of that Reverend man, I thinke is not unknowne to any of you. For how should he be unknowne to any (c) *Junius* note in England, whose name and estimation is such in other nations, as that at one (1) Mart we finde, that in *Junius* yeares, two of (2) his bookes were translated into Latine, and four were printed before the seas. The best recompence of this losse, is the fruit of his labours, which he hath left behind, whereof some were written by himselfe, and others taken by others from his mouth: all which, at least so many of them as may be perfected, there is hope we shall in time enjoy. Had not *Iohan. Budaeus*, and *Cerolus Iovianus* done so to Calvin: *Vitus Theodorus*, *Ioh. Eggenius*, and *Iulius Ianus* done so to Luther, many worthy works of those two great Instruments of God had utterly perished; and had not some done so to this worthy man, no doubt many sweet blais of that silver trumpet of God had vanished away. For my part, though time be precious unto mee otherways, yet thinke I that time well spent, which I bestow in preparing to the Preffe any thing of his. This discourse of Equity now made ready, as a childe borne after his fathers death, I present to your Honourable view and Patronage. If any aske why I dare tender so small a gift to so great personages, my onely answer is, I make the Iudges of Equity, the Patrons of Equity. God grant you a long and Honourable state under our worthy Salomon. Amen. From my study, Sep. 10, 1603.

Your Honours, and Worships,
I am, Sir, Your most Obedient
and Faithfull Servant,

W. CRASHAWVE.

(a) Fulk in
in Test. Am.

(b) Pius 4.
Pius 5.
Gregorius 13.
Status 3.
Vrbano 4.
Gregorius 13.
Innocent 4.
Clement 8.

1 King. 1.
1 Sam. 5.
Apoc. 18.
1 King. 1.
2 Chron.

(c) Noni. Fra.
vcc 401.
(b) Cuiuslibet
formatu, 2.
Morte, de Vita,
Prophecia.
Calvin. Dis.
Luther. in
in Hist. Ro.



To the Christian Reader whosoever.



Doe here present unto thee, (Christian brother) A small discourse of Equity delivered by that faithfull labourer in the harvest of God, Master William Perkins, in a few Lectures. The discourse is little, and briefe, but the matter is pety, and the use profitable. Equity and Christian moderation whether publique or private, is the true badge of Christianitie. Without publike Equity, what is the court of Justice, but turned into the seat of Iniquity? and without private Equity, what is mans life, his society, neighbourhood, his friends/ship, nay kindred, nay marriage is false, but even a potion of poison in a golden Cup? Art thou therefore a Magistrate? here is taught thee how to discharge thy place in the execution of lawes, as shall neither be unseeming the lenity of a Christian, nor the severity of a Magistrate. Art thou a private man? here is taught thee how to carry thy selfe in all dealing and bargaining with another: how to demean thy selfe towards thy wife, thy servant, thy child, thy friend, thy neighbour, in such manner, as if thou hadst all the comforts and contentments of this earth, yet the practice thereof shall make them all ten times more comfortable, and the want thereof shall turne all their sweetnesse into gall and wormewood. Which therefore thou readeest this little booke, and wishall, (laying it to thy life) doeest finde the truth of it in thy course and conversation, then acknowledge the Spirit of God in this holy man (who now sleeps in peace) praise God for him, bewaile his losse, and helpe me and others with thy best prayers, that we may stil goe forward in this good worke, of publishing this his godly labours: and in delivering out to the Church of God these Jewels, which the Lord from his mouth gave us to keepe, not for our owne, but for the common good.

Thy brother in Christ Iesus,

W. C.

Oo2

PHIL.

Let your moderation be knowne to all men: the Lord is at hand.

THE Apostle in this chapter, giveth sundry exhortations to many Christian duties. In the first verse, to perseverance in faith and true religion. In the second and third verses, to mutual concord. In the fourth verse, to a spirituall joy in the Lord.

In this fifth verse, he exhorteth to the vertue of Equity, or moderation of minde. Our English translations commonly read it thus: *Let your patient minde bee knowne to all minde*: which though it be truly and well said, yet the words translated have a larger and fuller signification. Therefore according to the nature and force of the words, I rather chuse to read it thus: *Let your equity or moderation of minde bee knowne, &c.*

The words containe two parts.

1. An exhortation, *Let your equity be knowne to all men.* 2. An excellent reason to enforce it: *the Lord is at hand.*

The drift and scope of the exhortation is to perswade the Philippians and in them the whole Church, to the practice of Equity.

Now this Equity, wherunto 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 contentment 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 yeeld to another. In a word, there can bee no peace in families, no found or lasting love betwixt man and wife, nor any conformable quietnesse, where one doth not yeeld to the other, and one beare with another in many things. And if it bee so in marriage, which is the nearest conjunction, and the most excellent and perfect societie, 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 man use a true means,*

and an equal moderation in all their affaires and dealings with men, for the maintaining of justice, and preservation of peace. This I take to be the true description of the generall nature of this vertue: and hence, First, I say it is a vertue, which is conversant about practising of a moderation in all our courtes and dealings with men. For we men can use no means nor moderation with God, but if we doe evil, it is all too much, and if we doe good, it is all too little: againe, equity and moderation is to be performed of God towards men, and not of men towards God. For if men deale not equally towards God, the fault is theirs; and not his, God is not the worse for it; but if God deale not moderately with men, the world would not last one houre. And lastly, where there are no faults, there is no forgiveness: where no infirmities, there needs no moderation. But since there is no fault, no error, no infirmity, but his love, his mercy, and his works of love and mercy towards all kinde, and to his Church especially are true & perfect, therefore there needs no moderation, nor forbearance towards God, but towards men, who being flesh and blood, and full of infirmities, (from which regeneration it selfe doth not fully free us) doe therefore stand in need of this vertue to be practised amongst them: either their fortune and fellowship cannot endure. And further, all men in this case are alike, & therefore one hath good cause to beare with another. The Prince is flesh and blood as well as his subjects: the husband is flesh and blood as well as the wife is; the Pastor is a man, as his people and hearers are; Hence it followeth, that therefore one is subject to infirmities, as well as another, and therefore I conclude, that in all our courtes and dealings of man with man in this world, there must be practised a Christian moderation.

Secondly, I say in the description, that the end of this vertue is, *to maintain justice, and to preserve peace*: which two are the very sinews 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 bee 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.

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

The matter whereabout this publike Equity is conversant, is the right and convenient, and the moderate and discreet execution of the laws of men.

Laws 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 laws, commanded in his Word: but also to ordaine and enact other good and profitable laws of their owne, for the more particular government of their people, and to bee helps for the better executing of Gods laws. And also to annexe a punishment and penalty to the said laws: which penalty is to be according to the quality of the fault, greater or lesse: in such 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 laws, and annexe their punishments: as 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 laws of Common wealths, two things are to be considered, the sight whereof will give great light, to know more perfectly what this *publike 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 literal 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 clause in this description of *extremity*, is in those 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 contrariwise is extremely urged, and pressed to the furthest, 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 proverberie; *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 over 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. The ground of this mitigation is, 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 laws, (which is the practice of publike equity) should turne to the maintenance of the malefactors, the abolishing of laws, 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 theefe 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 theevry, 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, apparell, 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 theefe, 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, euell, and injurious intent, but to relieve his hunger and want. *The equity or moderation*. 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, hereupon 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 obseruation 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 obseruation 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 meer 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 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 proceedes, either from a weakness of wit, and an effeminate nature 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 cōbersome; that is to say, some men have nothing in their mouthes 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 evill 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

Extremitie breeds variance for (in reason) one
extremitie drawes on an other, & so in mens
variances, they are set on worke and the more
the better for them. These men therefore,
sticke so precisely on their points, and on the
very tricks and trifles of the law, as (so the law
be kept, and that in the very extremitie 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
merci take her to her wings, and flie to hea-
ven. 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 mouthes, but *Justice, Justice,*
and have banished mercy, yet let them know,
that *Justice* will not stay where *mercy* is not.
They are sisters, & goe alwaies 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 exiled: and
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
roomes, which are the very overthrow of all
estates.

These men, when they are made practisers
of the law, Iudges, 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 hon-
our, to be counted *mercifull Iudges*: let them
rejoyce, as well to shew *mercy* when there is
cause, as to execute *extremitie* when there is
desert: and let them labour for that Christian
wisdome and discretion, whereby they may
be able to discerne, when *mercy* and *mitiga-
tion* should take place, and when *extremitie*
should bee executed. If inferiour judges or
Magistrates bee negligent herein, then must
we have recourse to the Prince, the highest
Iudge on earth, and under God the first foun-
taine of *justice* and *mercy* : whose care must
bee, that as *justice* and *mercy* (not one of
them, but both together) doe uphold his
throne, & fasten 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 alwaies a room for
mercy and *mitigation*, as for *justice* and *ex-
tremity*. This must he doe, because his lawes
cannot be as Gods lawes are, Gods lawes are
perfect and *absolute*, and of such an universall
righteousnesse, as that at all times, and in all
places, they are of equall strength, and of the
same equitie in all cases : and therefore are to
be executed without dispensation, relaxati-
on, or any mitigation, which cannot be offer-
red unto them, but with *injury* and *violati-
on*. But mens lawes, consuming from their
owne wits, are *imperfect*, and so in all cases,
they doe not hold the same equitie, and ther-

fore must needs bee 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 mans 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 *E-
quity* principally stands in the moderation
of the lawes of men, so it descends more spe-
cially 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 *suing bonds*, and
taking forfeitures : and how men may with
good conscience, carie themselves in *suerty-
ships*, in *taking of fines*, in *letting of leases*, and in
all manner of mutuall 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 *surety-ships*, in *rents*, in
fines, and all other dealings of men together,
there are these two things.

First, *the extremitie*, 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 hun-
dred pound, to pay fifty a day. The same
man, not by negligence, but by some nec-
essitie, breaks his day, and afterwards brings the
principall debt: now to take the *forfeiture*, is
in this case, *extremitie*: though the law doth
yeeld it. And if a man stand upon this *ex-
tremity*, hee deales *not honestly* and *equally*, but
hardly and *extreamly* with his neighbour: and
the law cannot free him in this case, from ma-
nifest 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 wilfull, or with
purpose to hurt thee, but against his will. If
therefore thou beest directly dammified by
his missing thy day, (without all equivocati-
on) 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 bee 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 nor payment of that rent,
his lease to be void. The poore man misseth
his rent day: now what saith the law? his 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, Publike 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 own 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 publike dealings betwixt men in the world; a man observes *Publike equitie* when hee dealeth not with his neighbour, according to that *extremity*, which the strickt 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 bee urged by the word of God; and yet notwithstanding it is good, convenient, and requisite, that the extremities bee 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 uge them, and when to moderate them: So then when a man takes the extremity, hee 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 also. For it is the duty of every Christian man, so 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 publike 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 *besides 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 publike 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 publike equity. Men therefore must consider that they are Christians, and live in a Christian Commonwealth: 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 extremity; but as they are Christians, they live under a law of God, the eternal law which must judgeth 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 stricktly upon forfeitures and other extremities; then must the godly Magistrate exercise his power, and by the force of his authority, cause them to mitigate their extremity, and to put in practice that equitie which becometh Christians. And let every Iudge 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 not doe it of themselves. It may bee therefore good counsell to all men rather to practise this *Christian Equitie* of themselves, then to bee compelled to it by authority: for every vertue and good worke, the more free and voluntarie it is, the more acceptable is it to God, and more commendable before men: and let all men remember, that whereas the strict words of mens lawes, seeme to give them leave to urge the extremitie, yet cannot that excuse them, nor free them from the danger of Gods law, which commands them to practise *Christian equitie and moderation*.

Now before we make an end of this Publike equitie, one point is necessary to be handled in few words. Some may object, if moderation be intended, and included in our law, as well, as extremity, why then is extremity only mentioned in the law, and not this mitigation, which they doe so much urge vnto us? The answer is ready. The law expresseth and urgeth the *extremitie*, to fray men thereby, from committing within the danger of the extremitie, and concealth the *mitigation*, lest it should bee an encouragement to offend: yet intending it as well as the extremitie, and leaving it in the hand of the Magistrate, to put in practise, when just occasion is offered, as well as the extremitie. 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: yet because of the ill consciences of the most men, and the readinesse of all men to offend, thought it fitter to expresse the *extremity* in plaine termes, thereby to keep ill men within the compasse of obedience, and closely to leave the *mitigation* to the discretion of the Magistrate. So then our law-givers concealed the mitigation, and expresse it not in their laws, in good policie, and to good purpose. If we therefore doe onely take the *extremity*, wee take onely one part of their intent, and shew our selves unwise and shallow witted, who cannot see the wisdom, which they closely concealed, in wise and Christian policie.

He is not worthy the name of a lawyer, at least 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 so no law. For *mitigation* is for the good man, and *extremity* for the evill, the careless and unconscionable man: if there were no *extremity*, how could the evill man be kept within compasse? 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 *extremity* should be in force, and should stand by the law, but so as it alwaies admit of *mitigation*, when need is.

Let therefore our conclusion be, to exhort every man, into whose hands is put the exe-

cution of lawes, 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* which is concealed, as the *Extremity* which is expresse: so shall the law-makers wise intent be performed, publike equitie preferred, and much Injustice and hard dealing prevented.

Now in regard of this, that hath bene delivered touching publike Equitie, lawyers must not thinke, that I have gone beyond the compasse of my calling, and encroched upon their liberties. For they are to know, that the lawes of men, are policie, but Equitie is Christianitie. Now Christianitie was, before there were any lawes of men: & therefore they must bee ordered according to the rules of Christianitie. Again, Divines must take lawyers advice, concerning *Extremity* and the letter of the law: good reason then that lawyers take the Divines advice touching *Equity* which is the intent of the law. Moreover, their law is but the ministry of *equity*; but our law the word of God is the fountaine of *Equity*: 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 Commonwealth 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 judiciall lawes, given by God himselfe, whose interpreters were the Priests and Levites. If therefore, once the Divines had to much to doe with positive lawes, it may not now bee thought amisse, 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 publike 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 ere wee goe further, some may demand the difference betwixt publike and private actions. Private actions of men are such, as are practised amongst men, without any help of the law: as contrariwise, publike actions are such, as cannot be performed but by the helpe of the law, and the hand of the Magistrate. Whereupon it followeth, that publike actions may bee betwixt private men, and private actions betwixt publike persons: there is a publike nesse and a private nesse (as I may terme it) both of men and actions. A man is private, untill hee bee exalted unto some authority, in Church or Commonwealth: then he is a publike person. An action is private, as long as it is begun and handled betwixt two men, and needeth not the publike voice, nor censure of the law to determine it, and then it is publike. For example: a Magistrate may have dealing with an other man,

man, or two Magistrates together. If they determine it together betwixt themselves, it is a private action, because they doe it, not as they are Magistrates, but as they are men: and so there is a private action betwixt publike persons. So a private man no magistrate, may have a trespass, a debt, a forfeiture, or any other action or demand against another man: wherein (because he cannot come to a reasonable and equall end, by private means) he craves the helpe of the law, and the voice of the Magistrate: and so here is a publike action betwixt private men. Now this vertue of Equity respecteth not the publiquenes or privatenesse of the persons, but of the actions: therefore as that is Publike Equitie, which is exercised in the determining of publike actions, which come to the judgement of the law: so that is private Equity, which is practised in the managing of private Actions, which are begun and concluded privately betwixt man and man, and never come to publike hearing, nor triall of the law.

Now let us come to search more neerely into the nature of this vertue. *Private equity is a moderate, even, and equall carriage of a mans selfe, in all his private words and deeds, towards all other men, and all their words and deeds.* First, I say it is (a moderate carriage) of a mans selfe, that is, betwixt both extremes, neither bearing all things, nor revenging every thing. Secondly, I say towards all other men: wherein I comprehend all men, and all sorts of men: husbands, wives: Magistrates, subjects: teachers, hearers: masters, servants: parents, children: men, women, neighbours in townes, fellows in societies, in service, in labour. In a word, none are excepted, who any way doe live or converse together, but of them all it is true, that if there be not a moderation, and a forbearance one of another, there can bee no peace among them, but their lives shall bee all (as it were) a hell upon the earth.

Seeing therefore, the necessity and excellencie of this vertue is such, that the due practice of it is the *ornament of families, and societies*, and the comfort of a mans life: in this world; let us enter into a more particullar consideration thereof. Private Equity hath foure degrees, or principall duties.

First, to beare with naturall infirmities,

Secondly, to interpret doubtful things in the better part.

Thirdly, to depart from our owne right sometimes.

Fourthly, to forgive private and personall wrongs.

Of all these briefly, and in order.

The first dutie of private Equitie, is to beare with the defects and infirmities of mens natures, with whom wee live, as long as they beake not out into any great inconvenience, or enormitie. These infirmities are manifold: as for example: forwardnesse or morosity of nature: hastinesse, slownesse of conceit:

dulnesse of wit, suspitiousnesse, desire of praise, and such like. These and many other naturall infirmities, must a Christian man beare and tolerate patiently in those with whom hee converseth, as with his wife, his childe, his servant, his friend, his neighbour, &c. And so long must he beare with them, as they are kept within a meane; and beake not out into extremitie. Of these the holy Ghost speaketh, *Prov. 19:3. It is the glory of a man to passe by an infirmity: that is, if he seeth in his brother weaknesse of nature, which doe not arise from settled malice, or cankred corruption, it is a mans glorie and praise, alwaies so farre to moderate himselfe, as not to see them, nor to take notice of them, at least not to be moved, nor disquieted at them: and oftentimes so little to regard them, as though they were not done. To this end saith the Apostle, 1 Cor. 13. 7. Love suffereth all things: that is, all things that may bee borne with good conscience, and are done by them whom we love. Now any thing may bee borne with good conscience, which is either to private, or so finally, that the wrong is only ours, and no dishonour thereby cometh to Gods glorie, nor ill example to the Church: all such things love suffereth. And indeed it is the property of true love, to passe by many wants: and the more that a Christian is rooted in true love, the more infirmities will he passe by, in them whom he loves: he seeth no limits to himselfe, how many, or how long to beare, but even all that are infirmities of nature: many hard words, many angrie fits, many needlesse surmises, many unkindnesse, will he puc up, and (as it were) not see them, whose heart is possessed with true love, wisdom, and the feare of God: and thus must every one doe that will practice Christian Equitie. For this is mans glorie, and commendation. Let us lay this doctrine neerer to our consciences, by considering the nature of this vertue in some few examples.*

A man hath a wife, or a woman a husband, in whom there is the feare of God, and honest faithfull love, but hee or she is subject to anger, or to hastinesse, or to an austerity in their behaviours, or it may bee it is not in their natures to practice those outward complements of kindnesse, which others can doe with great facility. These and such like, are but weaknesse of nature, in them that feare God: therefore must love cover them, and beare with them, and oftentimes not take notice of them; and the rather, because he or she that hath not such, hath either the like or greater weaknesse, all which if one forbear not in another, it is not possible to live in peace and comfort. But if this part of Equitie were practiced, it is scarce credible how much it would augment the happinesse, and adde to the comfort of them that are married.

Againe, a man hath a servant carefull and willing enough to obey and please his master,

fter, also trusty and faithfull but hee is slow in his businesse, and doth dispatch things appointed him, to the minde of his master, not so speedily, nor so readily, nor with that facilitie, as his master requirerh. What is to be done in this case? To see it, and alwayes to checke him for it, and to gall and gird him with it, & ever to be casting it in his teeth, & threatning him for it, is the extremitie which here the Apostle condemneth. The Equitie then in this case to be performed; is, in consideration that it is not a fault of malice, but of nature, nor of idleness nor carelesnesse, but of a naturall weakenesse, the Master must gently tell him of it, and privately & seldom: and advise him, what are the best helps for nature in this case. And though hee see not that speedy amendment, which hee desireth, yet is hee to beare with him, as long as he is trustie, diligent, dutifull, and willing, and for those so many good properties, hee must beare with his wants, and not be too sharpe, either in reproving, or in correcting him for them.

In the third place: A man hath occasion, to conferre often with another man, by reason that they are neighbours, or speciall friends, or of the same calling, and course of life: but one of them is hasty, & soone angry, and it may be in his talke, either for the matter or the manner of it, he cannot but shew his anger. Extremity in this case, is, for a man to deale roughly with him, to contradict and crosse him, to deny what he saith, to stand stiffly to our owne opinion, and to be angry againe with him.

But on the other side, Christian Equity reacheth a man not to see it, nor take notice of it, nor to be angry againe, nor to checke him for it, but to put it off by gentle words, soft demands, and other talke: & to yeeld to him, as farre as a man may doe, in good conscience, without betraying of the truth. And by the way, in conference hold it alwayes for a rule of Christian wisdom, and private Equity, never to stickie stiffly to any opinion, unless it be in a plaine truth, & of great moment. Now thus doing to our brother, and sparing his weakenesse, and continuing on our speech, as though we sawe not that he was angry, hereby the conference holds on, and love is continued as afore. But if contrariwise, wee take the advantage of his infirmity, and display it, and reb him for it, if we be as those are, and stand stiffly upon points, then the conference is broken off without edification, and heart-burning riseth betwixt them, in stead of true love. Thus wee see in these examples, how in a Christian moderation, we are to beare, and to forbear the naturall weakenesses of our brethren, if wee purpose to live in any comfort with them in this world.

Yet this forbearance must be with two conditions. First, that these weaknes be want of nature, not of malice, nor of old, rooted, set-

led, and cankered corruption. Secondly, if they whom we forbear, containe themselves within convenient bounds, & doe not exceed, nor breake out into any outrage, or extremitie: for then they are not to be forbore, but to be told, and reprov'd for them, and a mans duty is not to winke at them, but to take notice of them, and to shew open dislike of them. But in as much as these are want of nature, as it is infirmity in the one to shew them, so it is the glory and praise of the other, to pardon them: yea it is a token of wisdom & good government; and a signe that a man is a lover of peace, and consequently of religion, and of God himselfe, to passe by them. The practise of this duty, maintaines peace in kingdomes, countries, states, cities, colleges, families, and all societies of men. Thus much for the first duty.

The second duty of private equitie is, to construe and interpret mens sayings that are doubtful, in the better part, if possibly it may be: this is to be understood of all men, though they be our enemies: and this must a man doe, if he will live in peace in this world.

Our nature is given to take men at the worst, to deprave mens deeds and words; and to pervert them to the worst sense that may be: and this is commonly the cause of debate and dissention in the world.

But the dutie of Christian Equitie is contrary hereto; namely to thinke the best they can of all men, to construe all doubtful actions in the better part, and to make the best sense of all doubtful speeches, if we have any probable reason to induce us to it. The Apostle makes this the property of love, 1 Cor. 13. 9. Love thinkes not evil, that is, not only then, when there is manifest & good cause to thinke well, but when it is doubtful, if it may by any means have a good meaning, if by any means, it may be well thought of, love will make a man thinke well of it: & that more specially a man loves another, the more equally, indifferently, and Christianly, will he interpret all his sayings and doings. The want of this duty, and the practise of the contrary, is the cause of more troubles, tumults, garboiles, fallings out, & heart-burnings, in kingdomes, countries, societies, and families, betwixt man and man, when any one thing in the world besides. Dealing thus with the words of Christ cost him his life: for when Christ said, Destroy this temple, and I will build it in three dayes, they interpreted it of the Temple of Ierusalem, whereas hee meane of the temple of his bodie. And the wrong and sinister interpretation of Davids ambassage, by his neighbour king Achish, was the cause of that great warre betwixt two mighty kingdomes, the Israelites, and the Ammonites, which cost so many thousand their lives: For when David sent an ambassage to comfort him after his fathers death, he and his wicked counsellors interpreted it that hee sent pids

and intelligences, to finde out the weaknesse of the land, it cannot be spoken, what broiles, hurliburles and confusions in kingdomes, what contentions in Common wealtes, what factions and divisions in colleges and societies, what disquietnesse in families, what unkindnes and falling out among old friends, and what separation even among them that should bee neereſt, are daily in the world, by reason of this sinister interpretation of mens words and deeds. Wherefore, if that doo proſeſſe our ſelves the children of peace, muſt learne to make conſcience of this, the due practice whereof is the conſervation of peace.

And further in this dutie, one thing more is to bee remembered, namely, that wee muſt not give too ſharpe a cenſure, even of the open and maniſeſt evil ſayings, or doings of our brother: we muſt not judge them to bee done careleſſly, when it may bee they are done ignorantly: nor deliberately, when it may be 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 be they are done for another cauſe: nor may we judge an evil thing, to be done for want of conſcience, when it may be, it is done for want of heedfulneſſe: but alwayes we muſt remember, to make the beſt wee 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 do amiſſe, we muſt not make it worſe then it is.

But the world is farre too blame herein, for they can extoll their owne well-doing, and twentie waies excuſe their evil-doing: but as for other men, they can deſaie their well-doing, and advance their evil-doing, ſay it is a common thing, to make a badde man worſe then hee is, and to ſpeake of an evil-action, and of mans faults worſe then they are, yea to ſpeake worſe, even of ill men then they deſerve. But it is ſo in juſtice, not onely 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 he can, of a bad action: but to make it worſe then it is, there is no caſe, wherein a man may doe it, without plaine injurie to his brother. If any man reply, and ſay, I am nor to ſpare my ſelfe, nor excuſe my owne ſinnes; 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 able 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 ſpoke or did thus or thus: but his heart, his purpoſe, and intent in ſo doing, thou canſt not judge: and therefore thou muſt not judge ſo ſharply of

another mans ſayings and doings, as of thine owne. To make an end of this point: In the performance of this duty, two cautions muſt be remembered: firſt, that wee ſpeake not of continued evils, in doing or ſpeaking evil, but of particular ſpeeches and actions: for not an action of a ſpeech, but the courſe of life ſhewes what a man is: one evil ſpeech or action may be excuſed, but a continued courſe in doing or ſpeaking evil, may bee by no means excuſed or excuſed. Secondly, wee ſpeake not of maniſeſt and publike enormities, as of treaſons againſt the Prince or ſtate: for therein it may be dangerous to the Prince, and hurtfull to the ſtate, to have any thing coloured, concealed, or excuſed. In ſuch caſes, we muſt ſet aſide our duty to our brother, and remember our duty to the head & whole bodie: and better it is, that one member bee cut off, then that the whole bodie periſh: but we ſpeake of private evil words or deedes, the evil ſhall have whereof it dooendeth to private men. And in them we ſpeake not of maniſeſt, groſſe, and palpable crimes, wherein not onely the action is plainly evil, but their intent alſo for to excuſe or conceal, or to extenuate ſuch, is to make our ſelves accuſarie to the evil of them; But we ſpeak of doubtful words, or deedes, wherein in either ſituation it ſelfe, or at the leaſt, the intent of it, may receive a likely excuſe, and a probable interpretation of good.

And unto theſe two cautions, adde thus much further, that the practice of this duty, for the moſt part ceaſeth, when the Miniſter is to worke upon the conſcience of an impudent or 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 deſerveth, and to lay out his ſinnes in their owne colours, that hee ſee 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, doubtfull, are to bee conſidered in the beſt ſenſe, apparently evil, are to be made no worſe then they are, but rather to be excuſed; and let a man ſometimes 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 better way wherein to be deceived: Thus ſhall we ſee to perſeute our Chriſtian equitie which is here commended, and to maintain peace which is the comfort of a Chriſtian life. And thus much of the ſecond duty.

The third duty and degree of private equitie is, In ſundry caſes to depart from a mans owne right: that is, to yeeld ſometimes in ſuch things, where by law he might ſtand; and ſometimes to forgoe ſuch things, which by

law he might require. Without this Equity, Justice and peace; cannot stand. Christ our Saviour gave a notable example hereof in paying tolls, *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 paies them tolls; all 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 he 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 so must 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 bargaines.

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 must a man oftentimes suffer himselfe to be crossed and overthwarted in that, of which he is most certaine, and to grant that to be, which is not, and that not to bee, which hee knowes 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 this is thought a reasonable speech; and he 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 wee heard before. But if any man object, that the example of Christ is not a bound to, because he is the Mediator, and therefore was to performe extraordinary obedience, to

A I then answer, that not onely Christ, but other holy men have practised this dutie; for he paid tolls 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 shepheards could not agree, was content to depart from his right: for whereas he being the elder might have chosen first, he notwithstanding stands not upon that, but bids his brother Lot choose whether he will, and he will take what he 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 childre of Abraham, then must wee be followers of him in his worke, and namely in this: wee must oftentimes depart from our owne right.

In the practice of this duty, one caution onely must be remembered, namely, *that wee must distinguish of anothers right and our owne.* In thy owne right thou must yeeld, but when thou art to deale for another man, thou must not yeeld too much, nor bee too lavish 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 he 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 must not give anothers mans right from him, without his content; 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 fawill 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 brabling contentions in the world; all which, or many of them might be stayed, if men had but contentence 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, some by religion and conscience, some by naturall reason and policie, to practise this duty; it were not possible for the societie of men long to continue upon the earth, so much for the third degree.

The fourth and last degree of Private Equity, is *to forbear and to forgive wrongs without justice done without in word and deed.* The Scripture is plaine for this, and is a thrifft reason, which teacheth, that every one that beareth the name of a man, should forgive one another, because he being a man, may deserve and

and stand in neede 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 owne sinnes, 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 obtaine 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 sinnes 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 plaine, that even salvation: it selfe, 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 iniurie: and that is, when his life is endangered, as when a man is assaulted by a theefe, 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 extremitie, 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, hinders 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 devillish 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 charitable 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. B The Scripture forbiddeth not mens going to law, but tels them how they should doe it; 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 trifle, 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 steales 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 he damage is so small, as that therefore thou maist not goe to law for it. For the law is abused in being executed upon trifles, and those lawyers blame 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, raiseth or carrieth evil tales of thee: *Equitie* is, not to goe to law for every evil word, but to consider, that for the malice, thou art to forgive it; and for the damage it cannot bee great, because many mens tongues are no slander, neither art thou any thing worse for it, especially when he dare not stand to what 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 warre, as therefore

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 Equitie; for as to goe to law for a trifle, or at the first, is *extremitie*, 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 no *extremitie*.

Here therefore let all Christians learne how to goe to law; and the rather 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 Iudge of every trifle: It is a shame to our law, that men be suffered in the common wealth 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 common wealth? why then have wee not the wisdom to appoint 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 go 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 controllis another foule misorder 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, is not onely made the first means, but whereas it should be open and publike, it is used as a close and secret means; it steals 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. Is this Equitie? yea, is it not rather *extremitie*? 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, wil 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 theefe, to his due and iust triall; for the title of thy lands: for the recovery of thy iust and due debts of value: and of thy childes 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 publickly endangered: for these, & such like causes thou mayest go 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 Iudges, in as much as our state and government by the merite of God is not heathenish, but we have a Christian common wealth. But the other two are the generall sores of this Land; let us therefore labour to heale them, and to cover our shame: let us remember, that *not extremitie*, but *Equitie* 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 Christianitie, 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 feels Gods mercies to himselfe, therefore he cannot be mercifull to his brother. Now to goe to law for every trifle, or to steal 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 waight, 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 comfort to his conscience, and also without any great losse in this world, or hurt to his estate.

And thus much for the foure severall duties and degrees of private Equitie.

Now having opened the nature and kindes of Christian Equitie, let us proceede further in the text. *Let your Equitie* (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, joynted with equitie and moderation; and free from *extremitie* 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 hypocrisie 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 cree may be knowne by his fruits: he is a holy & religious man, nor who knoweth, and can talke well, but he whose religion and holinesse 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 possessed with those vertues; for this is to bee truly good, not 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 remaines, 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, publike 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 perswade us all to this holy duty, let us use some few reasons to enforce it: and amongst 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.* Wonderfull is the moderation that God sheweth to man, and it appears especially in four 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 Extemitie, but Iustice, for this

was due unto them by the justice of that law, which was given them. But now, behold Gods Equitie, and moderation of the Iustice 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 marvellous 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 yeares 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 yeare, then what a mercifull mitigation was this in God, to reprieve our first parents for so many hundred yeares? This was the first action of Gods mercy to men, and this concernes 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 plunged 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 requireth: 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 requireth. We often reade, and alwayes finde, that God heares the crie of sinners: but wee seldom reade, that God heares the crie of sin, for if he alwaies heard it, when sinne cries for vengeance to him, hee should turne us all into hell in one houre: this is a wonderfull 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, see 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 extremities 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 yeeld forgiveness, nor allow his repentance for the law can doe nothing but this, either justifie, and reward him that fulfils 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, & teacheth us to beleeve 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 it never intendeth nor aimeth at repentance directly in it selfe: and therefore in it selfe, it is worthily called *The misery of condemnation*. So then behold a most straight law, and a most mercifull God: 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 extremities, nor the devill his will upon us, who is the Laye of the law, & is unmercifull, though the law be softned 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 addeeth time when they repent, and gives all the time to repent; and thus hath God doned as in the beginning with Adam, so in all ages to the old world, after many preachers sent, and many blisshed yeres patience; inobedient many thousands of sinners upon us vengeance; yet God gives 720. yeres more to us. How many millions of sinners did they commit against him at that time? And yet had they repented at the last, they had bene saved. But it was in vain, and therefore in the end God

sent a flood, and swept them all away. Even so, and more patiently, hath God suffered 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 hainous than theirs were; so that we deserve a flood 100. times more than they did, and if God dealt but justly with us, where he brought one upon them, he should bring an hundred upon us: and if justice bare the sway, the should sweep us away, one generation after another, with a continual flood. But marke 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 yeres, and bringeth us no floods of Judgements; but spares us from yere to yere, and from age to age, that to we may either repent and escape hell, or when our time is come, drowne our selves in damnation; and so be the principall cause of our owne destruction.

It may not unly be noted in this place, that sometime God may be said to cast a man into hell; and sometime man himselfe: God throweth a man into hell, when for some monstrous and contagious sinne, hee takes away a wicked man in the midst of his wickedness, 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 liberateth him to repent, but hee continueth carelessly in his sinnes till hee dye, and to caste himselfe violently into damnation. Now such is the mercifull moderation of God, that for one man who hath cast himselfe into hell (as hee did Adam, & many others) sin) an hundred wicked men cast themselves into hell, during that time and libertie, which he gave them to repenting, and to bringing upon themselves (with damnation. Let every man therefore every day of his life, follow mee considereth these thousands of sinners that are committed that day, and seek no flood of water, fire nor brimstone to come upon us, let him wonder at Gods mercy, and say with the Prophet, *In the Lord is my mercy, for 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 comfort of conscience, is a part of the very real fire of hell; now if every man had but justice, hee should feele presently after evill sinne, that angier drowne of hell, namely, the fling and torment of a gail according to conscience: but see the mercy and moderation of God; he inflicts it not presently. But hee gives us the time to repent, or a little space (as hee were) when he hath thrust us into the raging fury of the conscience (which is the greatest hell that is upon earth) hee suffers till the house

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 lustice, thou shouldest 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 marvellous mercy of God; wicked men are his sworne 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 speciall to his Church and children: and that also shewes it selfe in two actions. First of all, Iustice requireth 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 yeare; for so wee owing perfect obedience in thought, word, and deed, and also puritie of nature, the roots of all: we (I meane the best and holiest men of all) have nothing to render to God, but a few good desires & groanes of the heart, and a silly poore endeavour: all which is unto that which the law requireth, 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 he oweth to God. Thus doth God refuse of himselfe in *Malachie*: *I will spare you, even as a father spareth his owne sonne that serveth 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 child not considering the difficultie, but looking onely at his dutie, and desiring onely 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 approoveth 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,

A and it is no more than our dutie, which notwithstanding of 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 doe 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 sonne-like willingness, doth the Lord accept for the perfect deed. This is no small moderation, but great and wonderfull. For whereas wee owe perfect obedience, and he might justly challenge it, and for want of it, make us pay it with soale and all, he is content to take a will, a desire and endeavour, which is all wee can, and is in effect nothing at all. In this world, that man would bee extolled 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 accepts 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.

B Again, the mercie and moderation of GOD towards his children appears thus: There is not the best man but he sinneth, and there is not a sinne so little, but in justice it deserveeth 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 behold 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 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 bee heaped upon them for one sinne; and if hee did so, hee did but justice: nay, he deales so with them, as it is not be called a punishment at all, but rather a chastisement: for a punishment must bee in some sort 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 teach 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 speaketh the Apostle to the Corinthians, *1 Cor. 10. That which we tempteth taken you, but that which befallt 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 Judas, and such like. Amongst these, an evil conscience is one, which is so intolerable, as the Wiseman saith, *Prov. 18. 14. A wounded spirit, who can beare it?* But the crosses he layeth on his children, are always such, as they beare with comfort for a time, and at last with joy do 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 finnes, beat him with Scorpions, and bring him to nothing, by my heavie hand; but I will consider he is my childe, and but a man; therefore will I lay upon him no more than the nature of man is able to beare. As God deale with his sonne *Salomon*, so this is Gods voice to all his sonnes: unto all my Church and Children, will I use such lenity and moderation, and in my chastising of them I will so abate the rigour of my justice, that by my hand and rodde, they shall not bee 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 finnes, 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, thy 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 beene 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 alwaies so hardly, nor so straitly as thou mayst, 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 mild 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

A mercy, the more shall men taste of his mercy: and the more finnes that a man hath forgiven him at Gods hands, the more will hee remit 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 man 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 means more, than this, when a man is not hard and extreame, 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 extreame courses with his brethren, to make it knowne to the world, that hee is an impenitent sinner, himselfe unconciled to God, and his finnes 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 finnes pardoned, or no. Let therefore every man, when his owne crooked nature, or the devill makes him boyle against his brother in anger, and urgeth him to use him hardly and extreame, 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 beene in hell for my finnes: 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 he 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 at 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 great and general 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 testify and judge of it, and either to approve it and reward it, if it be upright, equal and mercifull; or to correct and punish it, if it be extreme, and void of equity: therefore *let your equity be knownne 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 seeld 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 Iudges, the Lord of heaven and earth, stands by and seeth, and markes 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 wil 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 think 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

A 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 yeeld 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 ill, he shall have his deserts to the full. Thus hearts are hardened, affections are immoderate, bowells of compassion are shut up, love and pity are banished, and in their roomes reigne cruelty, and injustice. Moderation dwells in corners, but extremity is that which beareth sway over all the world: what is the cause of all this? Surely, first, because men are unconverted, 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, yet 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 knownne 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.