

ptye Confessed his sinne & brought his offeringe, he should onely restore the principall, & adde a fifthe pte thereto. Adultery & incest deserved deathe, by the Lawe, in Iacobs tyme (as appeares by Iuda his sentence, in the case of Thamar): yet Ruben was punished onely w<sup>th</sup> losse of his Birthright, because he was a Patriark. David his life was not taken awaye for his Adulterye & murder, (but he was otherwise punished) in respect of publ<sup>e</sup> interest & advantage, he was valued at 10000: comon men. Bathsheba was not putt to deathe for her Adulterye, because the Kings desire had w<sup>th</sup> her the force of a Lawe. Abiathar was not putt to deathe for his Treason, because of his former good service, & faithfulness. Shemei was Reprived for a tyme, & had his pardon in his owne power, because of his profession of Repentance in such a season. Those w<sup>ch</sup> brake the Sabbaothe in Nehemiah his tyme, were not putt to deathe, but first admonished, because the state was not settled, etc. Ioab was not putt to deathe for his murders, in Davids tyme, for avoydinge iminent publ<sup>e</sup> danger, the sonnes of Zeruah had the advantage of David, by their interest in the men of Warre: & the Com: W: could not yet spare them. But if Iudges be tyed to a prescript punishment, & no lib<sup>tye</sup> lefte for dispensation or mitigation in any case, heer is no place lefte for wisdome or mercye: whereas Sol<sup>n</sup> saythe Prov: 20: 28: mercy & truth preserve the Kinge; & his throne is vpholden by mercye.

I would knowe by what Rule we may take vpon vs, to prescribe penaltyes, where God prescribes none. If it be Answ: from Gods example, I might replie 1: God prescribes none except capital, but onely in suche cases as are betweene party & party, & that is rather in a waye of satisfaction to the pty wronged, then to Iustice & intention. 2. Gods examples are not warrants for us, to goe ag<sup>t</sup> Gods Rules: o<sup>r</sup> Rule is to give a Iust Sentence, w<sup>ch</sup> we cant doe (in most cases) before the Offence is committed etc. 5<sup>s</sup> now may be more then 20<sup>s</sup> heerafter & *e contra*. if examples in Scripture be warr<sup>t</sup> for us to proceed ag<sup>st</sup> Rule, then we may passe by Murders, Adulteryes, Idolatryes, etc; w<sup>th</sup>out capitall punishments: then we might putt the Children to deathe for parents offences, etc:

If we should enq<sup>r</sup>: also of the ende of prescribing penaltyes, it can be no other but this, to prevent oppression of the people, by uniuert Sentences: then I am againe to seeke of a Rule to weaken the power & Iustice of an Ordinance of God, through distruste of his providence: & promise of Assistance in his owne Ordinance: who must giue the Lawe makers wisdome etc. to prescribe Sentences? must not God? &