

may we not then trust him, to give as muche wisdome etc. to suche Iudges, as he shall sett up after us? it is s<sup>d</sup> [*blank*] when they had Iudges by Gods appointm<sup>t</sup>, God was w<sup>th</sup> the Iudge. So may we still believe that if our posterity shall choose Iudges according to God, he wilbe w<sup>th</sup> o<sup>r</sup> Iudges in tyme to come, as well as w<sup>th</sup> the present.

It may be further demanded, what power we haue ouer the property & estates of the succeeding generations? If we should now prescribe, where o<sup>r</sup> posteritye should dwell: what quantityes of land they should till: what places they should tende unto: what diet they should use, what Clothes they should weare etc: by what Rule could we challenge this power? Yet we haue example for some of these in Scripture, as of Ionadab the sonne of Rechab: etc: but no man will take these as warrants for us to laye suche iniunctions upon those w<sup>ch</sup> come after us, because they are to haue the same interest & freedome in their estates & prop<sup>y</sup> that we haue in o<sup>r</sup>s.

And for preventinge of oppression, &c, is there no waye to helpe that, but by breache of Rule? Shall we runne into manifest iniustice, for feare of I knowe not what future danger of it? is there not a cleare waye of helpe in suche cases, by Appeal, or Petition, to the highest Auth<sup>ty</sup>? If this will not releiue, in a pticular case, we shall then be in a very ill case, for all o<sup>r</sup> prescript penaltyes. Besides, there may be suche a gen<sup>l</sup> Lawe made (as in Magna Charta) that may prevent the ouerthrowinge of mens estates, or lands, etc, by ffines, etc. (and I think it as needfull, as any Lawe or Lib<sup>ty</sup>e we haue,) whereby the Iudges may be restrayned, w<sup>th</sup>in certaine limitts, w<sup>ch</sup>, (if occasion should require to exceede,) may be referred to the Gen<sup>l</sup> Court. And in Cap<sup>l</sup> punishm<sup>ts</sup>, a Lib<sup>ty</sup>e in suche & suche cases, to redeeme them at a certaine rate. This would sufficiently assure the proper psons & estates, from any great oppression, if w<sup>th</sup>all, o<sup>r</sup> Courts of Iudicature, were kept but by 3: or 5: magistrates at most, w<sup>ch</sup> may well be ordered, w<sup>th</sup>out any deviation from o<sup>r</sup> Patent. & so the greater number of magistrates should be free from ingagem<sup>t</sup> in any case, w<sup>ch</sup> might come to a review upon Appeal or Petition.

It is an error so to conceite of Lawes, as if they could not be pfecte w<sup>th</sup>out penaltyes annexed, for they are as truely distinct as light & darknesse: Lawe was created w<sup>th</sup> & in man, & so is naturall to him: but penaltye is positiue & accidentall. Lawe is *bonum simpliciter*, but *pœna* is *simpliciter malum in subiecto*: therefore Lawes may be declared & given w<sup>th</sup>out any penaltyes annexed.

Isay. 10: 1: Woe to them that Decree unrighteous Decrees: &