

inge it in upon the Sabbaothe : we doe not forbidd wine to be brought to us, though we knowe it is a great occasiō of Temptation to sinne.

2 : Those who make Lawes & prescribe penaltyes are allso men subiect to Temptations : & may allso miscarrye through Ignorance, heedlesnesse, or sinister respects : & it is not hard to prove, that the Lawe makers, in all states, have comitted more, & more punitious errors than the Judges : & there is good reason for it : 1 : they supposinge themselves tyed to no Rule, nor lyable to any accompt are in the more danger of beinge misledd : 2 : he who prescribes a punishm^t in a case, wherein no pson stands before him to be judged, cañot be so warye of shedding innocent blood, or sparing a guilty pson, or comittinge other iniustice, as the Iudge who hathe the pson & cause before him. when Saule prescribed that Capitall sentence agst suche as should tast ought before night, if Ionathans case had then been before him he would haue Iudged otherwise. 3 : Lawe makers haue not so cleare a Calling, in prescribinge penaltyes, as Iudges have in passinge sentences, & therefore there cañot be expected the like blessinge of Assistance from God. Iudges are necessariye tyed to give Sentence in a Cause before them but Lawe makers are not so bounde to prescribe Sentences.

3 : If a Iudge should sometymes erre in his sentence, through misprision or Temptatiō : the error or fault is his owne : & the iniurye or damage extends not farr : but an error in the Lawe resteth upon the ordinance itselfe, & the hurte of it may reache far, even to posteritye. there is more unrighteousnesse & dishonor in one uniust Lawe then in many uniust Sentences.

2 : ob : God prescribed some certaine penaltyes : & that in cases where offences doe usually varye in their degree & meritt :

Answ : 1 : *We haue shewed before, how God might doe it,* in regard of his absolute Soveraintye.

2 : It is no Iniustice in him, because the least degree of the smalest offence, (before his Iudgm^t Seate) deserves the highest degree of punishm^t.

3 : In some of these (as in Theft) he varieth the punishm^{ts} according to the measure & nature of the offence. In others as deathe, perpetuall servitude, etc : beinge the Just Reward of suche offences in their simple nature, they haue not a fitt Subiecte, for an increase of punishm^t to take place upon : he who is putt to deathe for Adultery, cañot dye againe for Incest concurringe therewth. & he who is adiudged to ppetuall servitude for stealinge 100^{li} cannot be capeable of a further sentence, for batterye.