

4: In all, or most of those offences, the penalty was in waye of satisfaction, to suche as were damnified therewith & in such cases, Iustice will not allowe a Iudge any Lib^{ty}: to alter or remitt any thinge: nor can any circumstance leade to qualification: a Riche man hathe the same right of satisfaction for his goods stollen from him, as a poore man: & the poorest mans life is the life of man, as well as a princes:

5: These Presedents were given to the Iudges, not wth direction to prescribe penaltyes to other Lawes that had none: but wth Comāndment to give Iudgem^t in all cases, by the equity of these: (there are some formes of prayer & sermons in scripture, but this dothe not prove erg^o: all etc.)

3: ob: If the determinatiō of the Lawe were lefte to the Iudges, that were Arbitrary Governm^t: & is it not in reason the same, if the punishm^t of the Transgressⁿ of the Lawe, be comitted to them?

Answ, The Reason is not alike in bothe cases.

1: The determinatiō of Lawe belonges prop^{ly} to God: he is the onely Lawgiver: but he hathe given power & giftes to men to inter-prett his Lawes: & this belonges principally to the highest Auth^{ty}: in a Com: W: & subordinately to other magistrates & Iudges accordinge to their severall places.

2: The Lawe is allwayes the same, & not changeable by any circumstances of aggravation or extenuation, as the penaltye is: & therefore drawes a certaine guilt upon every transgressor, whither he sinne of Ignorance, or ag^t knowledge, or presumptuously: & therefore Lawes or the Interpretations of them, may be prescribed wthout any danger, because no event can alter the Reason, or Iustice of them; as it may of punishments.

3: The Lawe is more gen^l., & lyeth as a burden upon all psons & at all tymes: but the penaltye reaches to none, but transgressors: & to suche, onely when they are brought under sentence, & not before.

4: It is needfull that all men should knowe the Lawes, & their true meanings, because they are bound to them, & the safety & wellfare of the Com: W: consists in the observatiō of them: therefore it is needfull they should be stated & declared, as soone as is possible; but there is not the like necessitye or use of declaringe their penaltyes before hande, for they who are godly & vertuous, will observe them, for Conscience & Vertues sake: & for suche as must be helde in by feare of punishment, it is better they should be kept in feare of a greater punishm^t: then to take lib^{ty}: to transgresse, throughe the Contempt of a smaller.