

4: ob: It is safe for the Com: W: to haue penaltyes prescribed, because we know not what Magistrates or Iudges we may haue heer-after.

Answ: 1: God foresawe, that there would be corrupt Iudges in Israel, yet he lefte most penaltyes, to their determinatiō.

2: There is no wisdome of any State can so provide, but that in many thinges of greatest concernment, they must confide in some men: & so it is in all humane Affaires: the wisest merchants, & the most warye, are forced to repose great trust in the wisdome & faithfulnessse of their servants, ffactors, masters of their Shippes, etc. All States, in their Gener<sup>ls</sup> of Warre, Admiralls, Embassadors, Treasurers, etc: & these are causes of more pub<sup>lc</sup> consequence, than the Sentence of a Iudge in matters of misdemeanor, or other smaler offences.

3: When we have provided against all comōn, & probable events, we may & ought to trust God for safety from suche dangers, as are onely possible, but not likely, to come vpon vs: especially when o<sup>r</sup> striving to prevent suche possible dangers, may hazard the deprivation, or weakninge of a present good: or may drawe those, or other evils, neerer vpon vs.

This discourse is runne out to more length than was intended: the Conclusion is this: The Gouverment of the Massachusetts consists of Magistrates & Freemen: in the one is placed the Auth<sup>tye</sup>, in the other the Lib<sup>tye</sup> of the Com: W: either hath power to Acte, both alone, & both together, yet by a distinct power, the one of Lib<sup>tye</sup>, the other of Auth<sup>tye</sup>: the Freemen Act of themselves in Electinge their Magistrates & Officers: The Magistrates Acte alone in all occurrences out of Court: & both Acte together in the Gen<sup>l</sup> Court: yet all limited by certaine Rules, bothe in the greater & smaller affaires: so as the Governm<sup>t</sup> is Regular in a mixt Aristocratie, & no wayes Arbitrary.

*The Returnes of the Committee of the house of Dep: concerning the Book about Arbitrary Governm<sup>t</sup>, in the exam<sup>n</sup>: thereof: & the votes of the house passed upon each pticular, viz:*

In the 1: pte thereof

1: Concerninge the Definitiō, therein made, we conceive it is defective.

2: Concerninge the distinction therein made of the bodye Polit<sup>k</sup>, & the members thereof, in attributing Autye to the one, & onely Lib<sup>tye</sup> to the other: we finde not any suche distinctiō in the Patent.