

to shoue how God hath sometyes (in his wisdome & mercye) dispensed wth the rigor of his owne Lawe: & that Princes haue sometyes doone the like, upon publick or other prevalent considerations, w^h cant be denyed to be a truethe: & for the warrant they had for it, beinge (at the most) disputable, it was as free for him to deliuer them in his owne & some other learned & godly mens apprehensions, as it is for others who differ therein: & there can be no more danger in this, then in other bookes & Sermons, where the same or other passages of Scripture are truely reported, though not applyed to the sense of every godly man, as if one should reason thus: Daid putt the Amorites to torture, therefore, in some cases it is lawfull so to doe: this will not be iudged a pnitious doctrine though some godly men doe question the warrantableness of the example. The like may be said of all suche examples in scripture as are controverted amonge godly & learned men: but it is otherwise in suche places as are not questionable, as if a man should reason thus: Daid sentensed Mephibosheth before he heard him: therefore it is lawfull for a Iudge so to doe, — this might truly be sayd to be a pnitious doctrine; or if one should argue thus: Saul made a lawe wth a prescript penaltye of deathe to him that should transgresse it, therefore it had been iust, that Ionathan should have bene putt to deathe for transgressinge that lawe: or therefore it is lawfull for Princes etc: to prescribe penaltyes at their own pleasures; — these might be iudged to be pnitious doctrines; because the example is unquestionable, etc.

THE AUTHOR'S REVIEW OF HIS WRITING.

That w^{ch} gave me occasion first to enq^r after a Rule for prescript penaltyes, was the inequality I sawe in some prescribed sentences upon the breache of diverse morall Lawes: & proceedinge in this enquiry, I kept my intention still upon that subiect, wthout respect to suche Lawes as are meerly positive, havinge their Auth^{ty} onely & wholly from human^e Institutions: therefore you shall find that all my instances are of that kinde, & all my Arguments looke that waye, as in the Instances I bringe of the Lawes of Engl^d. If I had intended the positive & Statute Lawes, it had been a great mistake, for I know well that most of the later Statute Lawes haue their penaltyes pscribed, & it must needs be so, for suche as are meerly positieue; for a Iudge can haue no Rule for his Sentence upon the breache of suche a Lawe, except he haue it from the Lawe itself: as, for instance, if the Lawe