

w<sup>ch</sup> forbidds any man to kill an hare or partridge w<sup>th</sup> a gunne, had not allso sett downe the penaltye, the Iudge could not haue founde out any, w<sup>ch</sup> might haue been iust, because no Lawe of God or nature makes suche an Acte any offence or transgression. But for the Cōmon Lawes of Engl<sup>d</sup> (w<sup>ch</sup> are the Ancient Lawes & of farre more esteeme for their wisdome & equitye then the Statute Lawes) they had no penaltyes prescribed, & it may be conceiued that for suche of them as were grounded upon the worde of God, & the light of nature, there must needs be that in the same Worde & in the same light of nature (especially where the image of God in man is in pte renewed by Christ) w<sup>ch</sup> may lead us to a iust punishm<sup>t</sup> for the Transgressor of such a Lawe. Nor doe I oppose all prescript penaltyes in morall cases but onely suche as doe crosse some cleare Rules in the worde of God, as will appeare by all my Arguments. And for avoydinge all danger to the subiect for want of prescript penaltyes in some Cases you may see that to require some suche Lawe to be made, as may limitt Iudges w<sup>th</sup>in suche bounds of moderatiō, as may prevent such dangers, & [it] is one of my expresse conclusions in the first page, that Iudges ought to be tyed to a Rule & suche a Rule, as may be required of them in all their Administrations, & therefore upon what grounde I should be charged to assert Arbitrarye Governm<sup>t</sup>, & that Iudges should haue Lib<sup>tye</sup> to doe what they maye, I leaue to your judg<sup>t</sup>.

As for Lawes, you shall finde allso, that I conclude the necessitye of declaringe & statinge them, so as all the people may knowe them, for I euer held it uniuert, to require of men the obedience to any Lawe, w<sup>ch</sup> they may not (by cōmon Intendm<sup>t</sup>) take notice off. Answearable thereunto hathe been my practice. All the usefull Lawes we haue, had my consent, & suche poore helpe as the Lord enabled me, to yield to them: some of w<sup>ch</sup> haue prescribed penaltyes, & where I haue w<sup>th</sup>helde my consent to any suche penaltyes, I haue giuen my reasons for it, w<sup>ch</sup> haue been suche as in some Cases haue satisfied the Court, & therein I haue taken no more lib<sup>tye</sup> then is allowed to euery member of the Court. I will not justifie every passage in my booke: there are 2: or 3: words that offence hathe been taken at, & althoughe I can giue a safe account of them, yet I must confesse they doe not nowe please me, but when the matter is good, & the intention of the writer honest, the Lorde forbidds us to make a man an Offender in word.

Whatsoever is erroneous (I say as I did from the first) I shall leaue it to its due censure: but for all that is of God, & of the truth, or the sincerity of my intentions herein to the publ<sup>c</sup> weale, or