

CONSCIENCE WITH THE POWER AND CASES THEREOF

Divided into Five Books

THE FIFTH BOOK

Written by the Godly and Learned

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Of the Duties of Man Towards His Neighbor

Chapter 1

Of Right

The Word *Ius*, signifying *Right*, is derived from the Latin word *Iussus*, because it implies a Power of some authority, commanding this or that to be done.

It is therefore taken:

First, For the Law commanding.

Secondly, For the Object and effect of *Iustice*, or for the Action itself, prescribed and required by Law; and in this sense, we are said to give every man his Right.

Thirdly, For skill in the Law, according to that vulgar Saying, *Jus est Ars Aequi & Boni*.

Fourthly, For the Power which any man hath, to do this or that according to Law, in which sense, we usually say, *Such a man stands upon his Right*. And not unlike to this Acception, is the applying of the same Word, to denote some particular Privilege granted to any man, either by Law or just Authority. Of which kind was that *Ius trium Liberorum*, among the Ancient *Romans*.

2. The first and second Acception are only *Rationally*, and not *Really* distinguished: For the same *Rectitude* is intimated in Both, but with a diverse existence. It is first in the *Law*, as in the *Efficient Cause and Rule*: and secondly in the *Action*, as in the *Effect*, conformed to the *Rule*. In the third and fourth *Acception*, there is a *Metonymia*, of the *Subject* for the *Adjunct*, and of the *Cause* for the *Effect*.

This Word *Right* in its largest acceptation is divided into

Divine, of which God is the Author.

Humance, of which Man is the Contriver.

3. *Divine Right* is divided into *Right Natural*, and *Right Positive*.

4. *Right Natural* is that which is apprehended to be fit to be done or avoided, out of the natural instinct of Natural Light; or that which is at least deduced from that Natural Light by evident Consequence. So that this *Right*, partly consists of *Practike Principles* known by Nature, and partly of *Conclusions* deduced from those *Principles*.

5. The *Divine Positive Right*, is a Right added to the *Natural*, is the same, which usually is called the *Eternal Law*: but it is called *Eternal*, in relation to God, as it is from *Eternity in Him*; it is called *Nature* of man, by the God of *Nature*.

7. That *Positive Right* was in the mind of God from Eternity, as well as the *Natural*. But in respect it is not so easily apprehended by Human Reason, therefore it is not usually termed, the *Law Eternal*.

8. The *Natural* and *Positive Divine Right* differ in this, that the *Positive* is mutable and various, according to God's good pleasure; for that which was heretofore in the Indaical Church, is different from that which is in the Christian Church: but the right natural is always the same, and like itself, and for this reason also, it is called the Law eternal.

Question 1. *Whether the Natural law were not changed, when Abraham was command to kill his Son. And when the Israelites were permitted to take away the Egyptians' goods.*

9. A. 1. There was not in those cases a change of the law, nay not any dispensation properly so termed, but the mutation and change was in the matter, about which the law was conversant. For in the first instance, the life of the innocent, which was not subject to the power of *Abraham*, as the *Principal cause*, was subjected to him as the *instrument* of the command and good pleasure of God.

10. 2. In the latter instance, the goods of the *Egyptians* for God's pleasure, who is the absolute Lord of all things; left off to be longer the goods of the *Egyptians*, and became proper to the *Israelites*: insomuch, that the *Israelites* taking them away, did not steal other men's goods, but assumed their own.

Question 2. *Whether the Law natural is not changed, When a sword left with another, being demanded by the Owner to commit murder with it, is not restored, ought not by Right to be restored.*

11. A. 1. The Right of returning anything committed to a man's trust by the Owner, is not in this case quite changed, but it is stopped for awhile and delayed by another more observable law, viz. of not committing murder.

12. A. 1. And somewhat like is the reason of *prescription*, or attaining anything thereby: for by this law of *prescription* it comes to pass, that after some certain time accomplished, the action of recovering his own goods from an unjust Possessor is denied to the true Owner. For the course of particular Right is stopped, for the sake of public right and good, that so an infinite number of suits might be prevented. Nevertheless, the right and title to anything is not so transferred in the Court of conscience for merely the forfeiture by *prescription*; for he who wittingly and willingly detain anything of another man's against the will of the true Owner offends against the law of nature. Nor is this commanded by the law, but permitted only.

Question 3. *Whether it be rightly said by Lawyers, that the Right natural, or the Law of Nature is that, which Nature hath taught all living creatures.*

13. A. 1. In brute creatures, the true nature of right, or law, hath no more place than it hath in plants, or things inanimate. For neither is there a reason distinguishing between good and evil, neither a will or choice of one thing before another; nor lastly, any Justice at all in Brutes more than in things without all life.

14. 2. Nevertheless in all things, there is an inclination, a power and operation, which is guided by certain reason; for as much as concerns their nature and end. And in this respect, all things created are said to

have a law prescribed unto them, which law or right remains passively only in them, so that in respect to themselves, it is only by similitude and some proportion termed a law or right; *Ps 148:6; Job 38:10-12; Jer 33:20,25.*

15. 3. But in regard, there are some inclinations and operations, which are common both to man and beast, and not to plants; and other inanimate things, of which sort the safeguard and defense of life and liberty, the coition of male and female, etc. The apprehension of which things, brute beasts have by instinct of nature, as man by the Judgment of his reason, therefore in a certain special proportion, we acknowledge the law of nature in brutes, rather than in plants and things inanimate.

16. 4. And hence is it, that the sin of any man offending against these natural inclinations, which are common to himself and beasts, even out of this very comparison is exceedingly aggravated, and rightly too, etc; *Judg 10; Isa 1:3; Rom 1:26; 2 Tim 3:3*

Question 4. *Whether the Law of Nations be the same, with the Law of nature?*

17. A. 1. The law of nations, as it is taken for the law which all nations use, comprehends under it, not only the law of nature, but also the positive law. So servitude is by Lawyers said to be by the law of nations, and yet is evident, that servitude was brought in by custom and the positive law. And the same is the reason in division of possessions, and the like.

18. 2. If the law of nature, for that law which is introduced by the common consent and custom of all nations, it then participates a certain middle nature between the law natural, and that positive law which is peculiar to this or that nation. It hath thus much common with the natural law; that it is everywhere received without anything done contrary, it is censured of all men to be ill done. And it hath thus much common with the positive law, that it may be changed or abrogated by the common consent of them, whom it may concern. A division of things is by the law of nations: Nevertheless by the common consent it may upon just grounds be somewhere enacted, that almost all possessions should be in common. It is likewise the law of Nation, that in time of war the

Ambassadors of each side should be peacefully entertained, because it is supposed they treat of peace, which is the end of war: or at least to speak in their own behalf, which to any guilty party is not denied & yet upon just cause, and by the common consent of both parties waging war, this law may be abrogated.

Question 5. *Whether the Precepts of the law of nature be rightly stated, To live honestly, Not to hurt another, To give every man his due?*

19. A. 1. This enumeration is somewhat confused and imperfect. For first, here is nothing mentioned of the worshipping of God, which nevertheless is a principle of the law of nature. 2. To live honestly (as this phrase is actually taken by Philosophers and Divines) is the same thing as to follow virtue. For virtue is honesty or the honest good, as it is distinguished from the good profitable or pleasant, and in the same sense it is called the absolute good, or the just good. Therefore to live honestly (if it be taken in this sense) is nothing else than to live justly: Inasmuch, that when to live honestly, is called precept of the law; nothing else is meant, but that the law prescribes, we should live according to the law, and so it is as much as to say nothing at all, because *in that saying* they express the same thing by itself. But if in this phrase be so understood (as usually among the vulgar it is) for the esteem and credit which may be gotten among men, then it contains no certain precept, but that every man should diligently endeavor his own credit and esteem in the vain and inconstant opinion of the multitude. 3. What is meant by the *injunction* not to hurt another, must be expounded by the *particular* precepts of the law; for in that we do our duty towards any man, we hurt him not: But if we do not that which is our duty, we do hurt him, because we give him not his due, though perhaps, *for some reasons to ourselves known*, we think we have thereby deserved well at his hands. This therefore is too confused a precept. 4. To give every man right; (that is,) to do what is right and just: Therefore to live justifiably, and according to law, is rather an injunction of the law in *particular*, than a precept of the law in general.

Question 6. *Whether that precept be of the law of nature, What you would have done to yourself, do that to another: What you would have not done to yourself, do not that to another.*

20. A. 1. This precept is natural, and indeed Divine; *Matt 7:12; Luke 6:31*. Yet in this it is to be observed: First, that this law doth not include the whole compass of the natural law in general, but that part only, in which our duty between man and man is comprehended. 2. That our will whatsoever it be, may not be the square and rule of the performance of our duty to others, (for under that pretence, he which would have any base things done to himself, should do in like manner to others: He which would himself be made drunk should make others drunk; he which would himself be enticed to Lewdness, should entice another to Lewdness:) but our Natural will being well disposed, and not tainted with any passion or perturbation, by which we truly and *considerately* wish good unto ourselves. 3. That it be not enjoined, that we do all those things to others which we in particular desire to be done to ourselves, (for so Masters should obey their own servants, and cease to be Masters) but the same things by way of proportion, or supposition; as if indeed we ourselves were in the case of them, *from whom we expect those duties. The Root of Justice and the whole foundation of Equity* (saith Lactantius in his *Epit. Cap. 3*. Is comprehended in this: *Have a care, you do not that to another, which you would not willingly have done to yourself: If it be irksome, to suffer an injury, whosoever he be, that doth one, is unjust. Do but transfer what thou thinkst in thyself to the person of another, and what thou judgest of another person to thyself, and you will soon perceive that you yourself are unjust if you hurt another, as another if he hurt you. If we ruminate on these things, we shall be sure to retain our innocence, in which, Justice, as in its first step, is contained; for the first step of Justice is, Not to hurt your Neighbor, but readily to do him all the good you may. Alexander Severus (as Lampidrius relates it,) did oftentimes proclaim this, which he had observed from some Jews or Christians, and himself did approve, nay and commanded it publicly to be proclaimed by a Common crier when he corrected any offender, Do not that to another, which you would not have done to yourself; Which sentence he so much affected, that he commanded it to be written in his Palace, and other public works.*

Question 7. *What proportion the Civil Law, hold with the Law of Nature.*

21. A. 1. The Civil Law is, that which every City or Society of men enacts current for itself. And such a kind of Law is not only peculiar to

the *Romans*, but also to the *Athenians*, *English*, or any else, who have no respect to the *Roman Law*.

22. 2. This Civil Law inasmuch as it is Right is derived from the Law of Nature; for that is not Law which is not just and right, and that in morality is called Right, which accords with right practical reason, and Right practical is the Law of Nature.

23. 3. This Civil Law therefore is derived from the Law of Nature, either as a special conclusion inferred from a general proposition, or as a special determination and application of a general Axiom.

24. 4. That Law which is derived from the Natural Law, only by way of conclusion, if the consequence be good, hath its whole strength from the Law of Nature, as the *Conclusion* hath its force from the *premised propositions*; but that which is derived from the Law of Nature, by way of determination and application, is in part a new constitution: Even as every *species* hath its own proper form and essence, besides which is actually comprehended in the *Genus*.

25. 5. Seeing then, that as well in conclusions as determinations, the Reason of man, can only imperfectly judge, nay, and is often therein cozened; hence it must need follow, that all human Constitutions are of necessity liable to imperfection, error, and injustice: This the Authors of the *Roman Law* confess of their own Laws. *It is impossible, that a reason should be given of all things that are enacted not to all men, nor of all Laws, and it is proved in innumerable cases, that there are many things received in the Civil Law for the public good, which are somewhat contrary to a disputative reason.* Ad leg. Aquil. f. 51.

26. 6. The imperfection of the best Civil Law consisteth in this.

First, In regard it contains not in its compass the whole Law of Nature, but so much of it, only as such or such men have approved and thought applicable to their own manners.

Secondly, in respect it hath no eye at all upon the inward affection, but only upon the outward Action; for it doth not suppress *absolutely* all vices, but those only, which may seem likely to disturb the peace and quiet of

the Commonwealth, neither doth it enjoin all acts of all virtues, but those only, which are opposite to the *inconvenient* vices.

Thirdly, In that it doth not *principally* make good men, but only good Subjects of Citizens.

Fourthly, In that upon occasion it may admit in many things of addition, detraction, or correction.

Question 8. *What proportion the Moral Law bears to the Law of Nature.*

27. A. 1. All the precepts of the Moral Law, are out of the Law of Nature, except the determination of the Sabbath-day in the fourth Commandment, which is from the positive Law.

For first, we meet with nothing in them, which concerneth not all Nations at all times, so that these Precepts do not respect any particular sort of men, but even Nature itself.

Secondly, Nothing is contained in them, which is not very necessary to human Nature, for the attaining of its end.

Thirdly, there is nothing in them, which is not so grounded upon right reason, but it may be solidly defended and maintained by human discourse, nothing but what may be well enjoined from clear reason.

Fourthly, All things contained in them, are for the substance approved, even of the more understanding sort of the Heathen.

Fifthly, They all much conduce to the benefit of Mankind in this present life, insomuch, that if all these Precepts were duly observed, there would be no need of any other human Laws and Constitutions. Memorable is that sentence in *Hierome ad Celant, de instit. Matrisfam.* Whether it be *Hieromes* or *Paulinus* his, upon the Precepts of the second Table: *All things saith he, which you would have men do unto you, even so do ye unto them. He would have charity knit and maintained among us by mutual good offices, so that the whole Law of God is nothing else, but the general benefit of mankind. O the wonderful mercy of the Lord! O the unspeakable goodness of our God, he promiseth a reward unto us on the condition that we love one another, that is, if we mutually perform those*

things among ourselves, which we ourselves stand in need of; yet we with a proud and ingrateful heart resist his will, whose very command is our own benefit.

Obect. But it may be objected, that if the Moral were the same with the Law of Nature, it had no need to be promulgated either by voice of writing for it would have been writ in the hearts of all men by Nature.

28. A. 1. That to Nature upright, (*i.e.*) as it was in the State of *innocency*; there was no need of such a Promulgation. But ever since, the corruption of our Nature, such is the blindness of our understanding and perverseness of our will and disorder of our affections, that there are only some Relics of that Law remaining in our hearts like to some dim aged picture, and therefore by the voice and power of God it ought to be renewed as with a fresh pencil. Therefore is there nowhere found any true right practical reason, pure and complete in all parts, but in the written Law of God. *Ps 119:66.*

Question 9. *What proportion the Judicial Law bears to the natural.*

29. A. 1. That is properly termed the Judicial, which is about Judgments or any politic matters thereto belonging as that was called the Ceremonial Law, which was about ceremonies, and that the Moral Law which was about manners and civil duties.

30. 2. That Judicial Law which was given by *Moses* to the *Israelites* as proper only to them, was a most exact determination and accommodation of the Law of Nature unto them, according to the particular condition of that people.

31. 3. To the *Israelites* therefore in respect of the use, it was of like nature, with other good Civil laws among other Nations: but in respect of the Authority, which from God the immediate giver, it received, it was of much more perfection than any.

32. 4. This Law belongeth not to Christians under the title of a Law, especially obliging them, but only by way of Doctrine, inasmuch as in its general Nature, or in its due proportion to it, it doth always exhibit unto us the best determination of the Law of Nature.

33. 5. This Judicial law is not accurately distinguished from the Moral and Natural Law, in this, that the Moral Law was published by God with his own voice, and twice written in Tables of stone and expressed in the Decalogue, But the Judicial Law without all this solemnity, was afterwards delivered to *Moses*, and by him to the people. For the *Laws of restoring things Lent or Trusted, of just Weights and Measures, of paying the Laborer his hire*, and many such as these, not expressly set down in the *Decalogue*, are not more *Judicial* or less *Moral*, and natural than the Commandment, *Thou shalt not steal*.

34. 6. Those Laws were properly termed *Judicial*; which being not *Ceremonial*, had some singular respect to the people of the *Jews*, so that the whole reason and ground of them, was constituted in some particular condition of that Nation.

35. 7. But it is no certain Rule (which is given by some) that wheresoever the reason of the Law is Moral, there the Law itself is Moral, as is seen in *Leviticus 11:44*. For any special determination of a Law may be confirmed by a General Reason: and the nature of the Lawgiver being mutable hath some place too, and power in constituting Laws which may be mutable. But where the special intrinsical and proper reason of the Law is moral, there it always follows, that the Law itself must needs be Moral.

36. 8. Those Laws therefore which are usually reckoned among the Judicial, and yet in their Nature bear no singular respect to the condition of the *Jews* more than of any other people. Those are all of the Moral and Natural Law, which are common to all Nations.

Chapter 2

Of Justice

Question 1. *Whether Justice be rightly defined to be a Perpetual and constant intent of giving to every man his due.*

1. A. 1. This is not a Definition of the General Justice, which denotes the rectitude of Virtue, and so intimateth one and the same thing with Virtue in general. For it is not essential to all Virtue, to respect only what is *precisely* due to another: as appears in the Virtue of Liberality.

2. Secondly, It is not any exact definition of any particular Justice, because it doth not set down the *Proximum genus*, next common nature of any special Virtue. For seeing that a perpetual and constant Intent or Will, implies as much as a Habit, and being that between a Habit and any special Virtue. For seeing that a perpetual and constant Intent or Will, implies as much as a Habit, and being that between a Habit and any special Virtue, Virtue in general is interposed as the *Genus*, the perpetual and constant Will, or Intent, cannot be the immediate *Genus* of any special Virtue.

3. Thirdly, The Lawyers which maintain that definition of Justice, do in it miserably contradict themselves: because, Justice being every way of as large extent as Right, which is the Object of it, and they themselves allow three Acts of Right, *viz.* To give every man his Right or due.

4. Fourthly, If this description of Justice were thus corrected, that by a *Perpetual and constant Will* should be meant Virtue, and by *every man*, our Neighbor should be designed, and by *His Right*, the duties we ought to perform towards him, then it layeth down the Justice of the second Table, and is the same with our definition: *viz. Justice is a Virtue whereby we are inclined to perform all due Offices to our neighbor.*

Question 2. *Whether Justice hath always some respect to another.*

5. A. 1. All Virtue is after its manner ordained to the uprightness and perfection of him that hath such a Virtue. Justice therefore doth not so

wholly respect another, but that it hath some eye upon him that exerciseth it.

6. 2. Besides, in that very respect, that a Just man gives another his due, it must needs follow, that he make himself fit for the performance of that duty, and so also conserve his own due to himself with moderation.

7. 3. Howsoever in respect there is some peculiar difficulty in the designing and procuring what is Right, and due to another, which cannot arise in the search of our own Good or Right; and because that Justice doth not consist in the proper commodity of him that exerciseth it; but is necessarily extended to other: in these respects, I say, it is most properly defined by *Another's Right*.

Question 3. *Whether Equity, or that which the Civilians call Epieikeia, (i.e.) a Moderation of the strict Law, do truly participate of the nature of the Justice?*

8. A. 1. All Law which is the Rule of Justice, hath always a double end. The one Intrinsical and Immediate, which the Lawgiver doth immediately look upon: the other Extrinsical and mediate. So the Law of not opening some City gates in time of War, doth immediately consider the not letting in of the Enemies, which is the immediate End: but it hath another remote End, to wit, the safeguard and preservation of the City. *Legal Justice* as it is strictly taken, considereth only the *next* immediate End: but this *Epieikeia* respects the more remote End.

9. 2. In respect he which makes the Law doth always first and more principally look at the remote End, therefore to speak absolutely and clearly, *Epieikeia* hath more in it of Legal Justice, though taken in the strict sense. For if it be certain that upon admission of some part of the hostile Forces into the City, the safeguard of the City, and Victory would follow, it is more just to open the Gates so far, than to keep them still shut.

10. 3. Legal Justice taken strictly, considereth the words just as they are written, but Equity considereth the End, scope and intent of the Law, and so hath more Law in it, than Legal Justice, when taken strictly.

11. 4. Legal Justice strictly taken, as it is opposed to Equity, is iniquity. For being Equity is a virtue, it is necessary that whatever hath a contrary nature to it, should be reckoned among vices.

12. 5. In that Proverb, where Extreme Right is termed Extreme Wrong, Extreme Right is not to be understood, as if it signified an exact observance of the Law, but rathe as it expresseth the Outside, Superficies, and as it were, the bark of the Law: (i.e.) that which the Words and Letter of the Law speak, in which sound and outside oftentimes lurketh exteme wrong.

13. 6. Therefore it is the best Justice, so to stick to the words of the Law, that we be still ready to receive some further direction from the intent of the Lawgiver according to the equity of Justice.

14. 7. But howsoever in many things which appertain to the public good, it is not usually in the power of any Subjects to depart from the words of the Law: In which sense it is rightly said, The Law carries no meaning in it but the words.

Question 4. *What is the difference between Distributive and Commutative Justice?*

15. A. 1. Distributive Justice is, as it were, from the Whole to the Parts, but Commutative is as from Part to Part. For the distribution of Honors and Rewards proceeds from the whole, as the greater; but al Commutation considers the Equity of Right between the parts Commuting.

16. 2. In distributive Justice, that which is due is given not as if before it had been in the possession and command of him that receiveth, or as it had formerly been conferred, but that now in equity it should be conferred: But in the Commutative Justice, that which is due is retorted to a man, as being now properly his own Possession.

17. 3. In Distributive Justice, the proportion which one party bears to the other, in respect of the thing to be delivered, is directly observed. But in the Commutative nothing is directly observed, but the proportion between the thing received, and the thing returned.

Question 5. *To which of these two species do Rewarding and Punishing belong?*

18. A. 1. The conferring of those Rewards which are freely given according to due proportion, doth belong to distributive Justice: But the Collation of those Rewards which may of right be exacted, for some service performed, as out of condign merits doth properly belong to Commutative Justice: Because in this case the proportion and equality between that which is bestowed, and that which is received, is still considered. But punishing, in regard it always deals about some injury offered, that it may be punished with due and answerable punishment, it therefore belongeth rather to the Commutative than the distributive Justice. But because this Commutation is compelled for the most part, and is brought about by a Counter-passion (as they call it) not any answerable or equal action; it is therefore most properly referred to the singular *species* of corrective Justice, properly so called.

Question 6. *What is the difference between Civil and Criminal Justice?*

19. A. 1. Civil Justice in its punishing doth principally aim at the injustice of the thing, but Criminal Justice in its punishing doth principally aim at the Injustice of the Person.

20. 2. Injustice sometimes is comprehended only in the thing done, the action, or the work itself; but sometimes not only in the thing done, or action, but in the intent of the Doer. If the Action only, or Thing done be unjust without any appearance of injustice whereby this injustice is punished, is to be termed Civil. But if not only the Action, but the Intention be found to be unjust, then in regard there is a crime comes in to be punished, the Justice whereby such injustice is punished, in as much as it hath a Crime for its Object, is rightly styled Criminal.

21. 3. Hence it is, that Civil suits in Law, are appointed for the prosecution of the thing, and so are called Real, but criminal suits were intended for Punishment, proceeding from the demerit and obligation of the crime, and thence are called *Personal*.

22. 4. Hence it is, that when any private commodity of the Party wronged is aimed at, it may be called a Civil suit, But when the suit is,

that punishment may be given to the party offending, and that if any Fine or Mulct do thence follow, it fall to the public Treasury, and not to the party offended, it is then called a *Criminal suit*.

23. 5. Moreover hence it is, that in a Civil cause a man may be cast, as guilty of injustice, without all scandal to himself, in respect there appeared not any ill intent; But injustice in a criminal cause bears always with it an ill intent, in which is evidently seen the nature of an offence.

24. 6. Nevertheless, although these two differ in the whole *Genus*, yet they may meet in one and the same cause, as in case of some damage offered by open violence, where the suit aims at both the thing, and the punishment.

Chapter 3

Of Revenge, or Vengeance

Question 1. *To what Species of Justice belongeth Revenge?*

1. A. 1. Revenge or Vengeance (whereby faults are punished according to their deserts) is sometimes taken for the Act of the Judge, who by public authority may lawfully execute it: sometimes for the Act of a private man, whereby he seeks of the Judge that vengeance may be executed according to Law: sometimes for the Act of a private man, whereby he himself punisheth his enemy.

2. 2. Vengeance in the Judge is not an Act of distributive Justice, because there is not any distribution of Goods, and evil things are not properly disposed by the Judge, as if they were things to be distributed. It hath nevertheless some likeness with distributive Justice, in regard more grievous offences are more grievously punished, and lighter more lightly.

3. 3. Vengeance in the Judge, if you take the thing in itself, is in some sort an act of Commutative Justice.

First, Because of the equality which is considered between the offence and the punishment.

Secondly, Because that which is due out of precedent merit, is by that conferred.

Thirdly, Because Vengeance as much as may be, maketh the party injured who suffered the wrong, equal to the other Citizens, in respect of the immunity from that wrong.

4. 4. The seeking revenge from a Judge, in a private person, is sometimes an act of commutative Justice: As for example, He who is much wronged by any in his credit, and is to stand upon his credit with other men, insomuch that he may not exercise his function as long as his credit is tainted, is bound by that commutative Justice whereby he stands

engaged to others, to seek Revenge. And it is the like case when a man is offended by one whose amendment can by no other means than by suffering vengeance be expected. For it behoveth Justice to have a care, that the Common-wealth be not full of pernicious men.

5. 5. But the seeking of Revenge when it is not necessary for any public good, nor for the amendment of the delinquent, not for the immunity of the party offended, is by no means an act of Justice. And the reason is, Because in such a case there is not anything which doth legally engage any private man to seek vengeance; nay, on the other side, there are many things which oblige him to forgive the injury.

6. 6. Private Revenge is unjust, especially in a public society, *Rom 12:17 & 13:4; 1 Pet 2:14*. The first Reason is, Because to take vengeance upon another man's offence, belongs only to him who is Superior in his power: But all private men are by Right equal.

Secondly, Because Vengeance is an act of Judicature, and no man is a competent Judge in his own cause: which indeed is the reason too, that he which desire revenge seeks it not rightly, unless he desire it with this condition, that his cause being heard, it shall be thought fit by the Judge.

Thirdly, Because a private man cannot by himself set any limits to his revenge. For seeing that in the Vindication of other men's injuries, these three things ought to be considered both by the Law and Magistrate.

That the Delinquent punishment may be thereby amended, *Rom 13:4*.

That the example of his punishment may make others better, *Deut 19:20*.

That there may be henceforth more security to the party offended, and to others, *Exod 21:18; Rom 13:4; 1 Tim 2:2*. He that taketh private Revenge doth not attain to any one of these. For he doth more and more provoke his Adversary: he gives a scandalous example to others, and draws and endless vexation upon himself, and others.

Fourthly, Because vengeance is proper to God, *Deut 25:35; Rom 12:16; Heb 10:30*; and therefore not to undertaken by any, but those to whom by God it is committed, and their Vindication is the Vengeance of the Lord, *Numb 31:2*.

7. 7. Public Revenge, whether it be exercised by a Magistrate, or sought by a private man, if it proceed out of Envy, Hatred, Thirst of blood, or Cruelty, or if by any other means it be tainted in the impulsine, formal, or final cause, doth in that respect become private and unlawful.

Question 2. *Whether Vengeance may be lawfully taken upon those that are free from fault?*

8. A. 1. Vengeance in its proper nature is a punishment: and all just punishment doth essentially and formally respect some antecedent Crime, as the effect doth its compelling cause, or as the adjunct doth its proper subject, or any like, or proportionate thing, respects the rule to which it is like, and from which it takes its measure; or as the correcting act respects the object to be corrected, and therefore it can have no place where there was no precedent crime.

9. 2. Yet there is something like revenge, which by way of Medicine, and as it may be necessary, either to prevent future crimes, or encourage Virtue, may be exercised, though no singular crime proceed. For as we cut a Vein for the health and safeguard of the heart, so some certain external conveniences are to be denied to some private men, as occasion shall serve, either for the prevention of greater inconveniences, or the procuring of some greater good. So the Leprous man is denied public commerce, and private conversation with others, and yet Leprosy is no crime.

10. 3. That sometimes Children do justly suffer under the punishment of that fault which properly is their Parents: it hence ariseth, because the children politically considered, are as members of their Parents; for they so depend upon their Parents, that the Parents cannot be punished without the damage of the children. For even as the Father cannot suffer death, but the children must needs be Orphans, so he cannot be deprived of his estate, but they must needs be the poorer.

11. 4. That the *Grecians (as the proverb saith) are punished while the Captains offend (id est,)* that Subjects sometime suffer for the faults of their Kings, is so, for some kind of participation in the fault, either by express consent, or by dissimulation, or for neglect of giving better advice.

12. 5. That there be some Laws that bind some to the punishment, who are guiltless of the fault, is either unjustly done, or else they are used by way of Medicine, or Example, and are not properly to be termed punishments.

Chapter 4

Of Restitution

Question 1. *What is Restitution?*

1. A. 1. Restitution sometimes signifieth the same thing, as to restore anything, whether it be out of Justice, or out of Charity, or Liberality, or Common duty; but among Divines and Lawyers, this word is more strictly taken to signify an act of Justice, by which any injury or injustice done is repaired, and any man stated in the possession of what was his own, but unjustly taken from him. And in the same sense, it is called a satisfaction and requital.

2. 2. It is properly an act of Commutative Justice.

First, because requital ought to be made according to the equality of the thing, not the dignity of the person.

Secondly, because restitution is of something directly due.

Question 2. *In what things hath this Restitution place.*

3. A. 1. It doth most properly and primarily agree to external corporal things: But by some analogy it is rightly extended to internal, incorporeal, and spiritual goods, and to those external also which consist in honor and credit that is to all those things, to which a man hath any title, for those we may reckon among his goods, as well as his external and corporal riches.

Question 3. *Whether it be necessary that Restitution be made.*

4. A. 1. Restitution is in its own nature necessary by the necessity of Precept; because the detaining of what doth properly belong to another man against his own will, is an unlawful action, a kind of theft, and is specially forbidden, *Rom 13:7,8*.

5. 2. Actual Restitution is sometimes *by accident* not necessary: (*viz.*) when it is not in the power of him, that hath done the wrong, to make requital.

6. 3. A mind ready and willing to make Restitution, if it had power, if it had power, is absolutely necessary. For neither is he truly penitent for an injury done, who when he may, will not satisfy for the same: neither is there the love of Justice, or charity towards his Neighbor in him, who hath not an intention of giving every man his due. And in this sense it is not ill said, That the crime is not remitted till the thing taken away be restored.

Question 5. *Who is bound to make Restitution?*

7. A. 1. Every one who unjustly detaineth anything of anothers, unjustly taken from him, whether it were taken upon trust and deceit in matter of restitution; for he who by deceit possesseth anything of another's, is absolutely bound to Restitution of the thing, and also of the loss thence acquired, and the gain which by detention ceased: but he, which detaineth a thing as committed to his trust, is not bound to a Restitution of that thing, which in his charge is lost without all fault of his, but only of that, which by the use of it, he himself hath gained, reserving still something in consideration of his own industry.

8. 2. Every man who detains anything lawfully received, beyond the appointed time, and before too, if he received it upon that condition, that if it were lost, it should not be to the loss of the owner, but the receiver.

9. 3. Every man that hath unjustly damaged another, (*id est*) by violence, by deceit, fraud, or negligence.

10. 4. Not only he who immediately offered the damage is bound to make Restitution, but also, (if the action whence the damage ariseth be unjust,) 6[?] sorts of persons.

First, He who either commanded or counseled the damage.

Secondly, He which maintains any such act committed in his name.

Thirdly, He who consented, if so be his consent and connivance, shall be the impulsive causes of the unjust action.

11. 5. He who did not hinder it, having power, and being in duty bound so to do.

12. 6. He who discovereth it not, if his testimony be required by a Judge, or by the nature of the thing, or his own conscience.

Question 5. *What is to be restored*

13. A. 1. The thing itself if it remain, and there be no extraordinary impediment.

14. 2. The price or value of it, if it be either lost, or impaired by the fault of the detainer.

15. 3. That which another ought to have had as his own.

Question 6. *To whom is Restitution to be made?*

16. A. 1. To the true owner if he be alive, and to be found; *Heb 5:23 & 1 Sam 12:3; Heb 5:11.*

17. 2. To his lawful Heir, Deputy; *Num 5:8.*

18. 3. If after a diligent inquiry made after the true owner, or his heirs, Neither can be found, the Restitution then ought to be made to God, bestowing the thing taken away either upon the Godly, *Num 5:8*; or the Poor, *Luc[?] 19:8.*

The first reason is, because God is always offended by that sin, which is committed against our Neighbor; therefore as far as we may, we are bound to make Restitution to God.

Secondly, The sincerity of our repentance before God, will not suffer us willingly to detain that, which is unjustly got, which must all the while needs upbraid our crime unto us.

Thirdly, We ought so much the more to abound in works of piety and charity, by how much we have done the more wrong by injustice.

Question 7. *What causes may excuse a man from Restitution?*

19. A. 1. A free Remission of the debt made by him to whom it was due, but by no means compelled neither by guile nor fraud, nor extorted through fear. Now this Remission is either *expressed* or else tacit and *virtual*. This virtual, tacit, implicit, or interpretative Remission then is, when from some probable signs we may guess, that the damnified person would not have any Restitution made to him from such a person, or for such an injury. The will of parents, friends, or acquaintance may pass for such a Remission, in some light matters.

20. 2. The disability of restoring, whether it be absolute, or only such, that we cannot restore anything of less value, without far greater loss.

21. 3. An equivalent Commodity bestowed upon the Creditor by way of satisfaction.

22. 4. If any inconvenience must necessarily arise out of the Restitution, to him to whom it ought to be made, it doth necessarily defer the Restitution.

Question 8. *Whether or no, and how he ought to make Restitution, who against the 5th Commandment, hath injured another man's fame?*

23. A. 1. If indeed any man's fame be notoriously blemished, if unjustly too, and not yet by any other means recovered, then he which did blemish it, is bound to make a Restitution of it.

24. 2. Fame is recovered by recantation, and by satisfaction.

25. 3. Recantation is made either by confession that the same was falsely, or rashly, and unjustly tainted.

26. 4. Satisfaction is made: 1. In the same kind, when the defamer shall discreetly procure, that the defamation be smothered, and upon all occasions speak honorably of the person defamed, and that without all sign of affectation. 2. In some certain sum of money, to be paid (as the Judge or any honest man shall think fit) not properly in lien of the same, which can by no means be rated at any price, but for the damages which may arise from the defamation, and to appease the wronged party if he be of such condition, that he may with honor receive the money.

Question 9. *Whether or no, and how he ought to make Restitution, who against the 6 Commandment hath hurt another man's life?*

27. A. 1. He who hath hurt another man's spiritual life, in respect he was the cause, perhaps of his sinning, or left some scandal before him, is bound to do what he can to reduce the party so offended to that State, at least, from which he seduced him.

For it is very just, that he which is cause of the evil, should as much as in him lies repair the same; As it is most just, that he, which hath given poison to his Neighbor, should with all speed get him an antidote. And hence it is that the Ecclesiastical Discipline in all solemn penance for a scandal given, either in words, or deeds, doth necessarily, prescribe and require Confession, Recantation, Deprecation, and holy Admonition.

28. 2. He who hath hurt his Neighbor's corporal life, either by complete or incomplete homicide: Is first bound to make Restitution for all the damages, that from that manslaughter or hurt many arise. And the reason is, that besides the Judicial punishing and vindictive Justice which respects only the Common good, the Particular good also, inasmuch as may be, ought to be made whole. Secondly, But in respect, the damages hence arising are of two sorts, *viz.* either *Real* as the charges of curing, of diet, of burian, and the gains ceasing which all might be rated at a certain price; or else *Personl*, such as are Desolation, Affliction, Deformation, Maiming, and loss of life, which admit no certain rate or price, therefore there is this difference of Restitution.

First, That in real losses, equal charges, or as much as is due be restored, but in personal somewhat equivalent; or else what may be restored, and out of custom, or the judgment of wise and honest men ought to be restored.

Secondly, That real damages be paid to the Heirs of the party of what kind soever they be, though Creditors to the person deceased, but personal to them only who are so nigh the party deceased that they seem in a manner to make but one person.

Question 10. *Whether or no, and how he is bound to make Restitution, who hath against the 7th Commandment defiled a woman's chastity?*

29. A. 1. Because Chastity once defiled, can no more be restored, than life when once taken from us, therefore Restitution in this kind of injustice, respecteth those damages which from such a pollution do follow.

30. 2. Now the damages thence following, are both in credit and temporal estate; for from known whoredom always doth arise irreparable infamy, and many times, partly, by reason of the infamy; partly, and by reason of the issue begot, many and great charges do also follow.

31. 3. Amongst those persons, who without further inconvenience, may enter into matrimony, that Restitution is most commendable, *Exod 22:16*.

32. 4. The second degree of Restitution, is a competent Dowry, *Exod 22:17*. And some fair satisfaction (as well as may be) made to the Parents or Guardians of the Maid, *Deut 22:28,29*.

33. 5. The third degree of Restitution is, to be at charges of keeping the child, and provide, as much as may be, that none henceforth be damaged thereby.

34. 6. There is a great deal of difference in the obligation to Restitution between him, which by any maid is moved to deflower[?] her, and him which moveth maid to it. For, he which moveth a maid either by violence, deceit, or fraud, or importunate solicitations, is bound to make Restitution as well to the maid as her father, as well in other damages, as in her honor. But he, that is himself moved, although he be bound as much, as in him lies to make satisfaction to those, who without their consent are in this wronged, yet in respect of the party moving him to it, he doth not in justice owe any Restitution at all.

Chapter 5**Of Acception of Persons**

Question 1. *What is Acception of Persons?*

1. A. 1. Acception or Respect of Persons, doth not consist in love of the Persons, but in this, that when the cause only ought to be considered, the Personal qualities are only respected, which are altogether impertinent to the end, which is intended in the cause in hand, *Lev 19:15; Isa 11:3*. And such qualities are kindred, power, riches, and friendship; and hence in the Hebrew it is called, [] the respect of the *face*, and in the Greek ([]) of the external or accidental Person, not [].

2. 2. It therefore hath no place, but in him who is obliged for some reasons to prefer one man before another, not according to his opinion, but according to some reasons and causes inherent and to be looked after in the very Persons.

3. 3. And hence it follows, that respect of Persons hath not properly any place in free gifts and gratuities, but in those gifts only, which are some way due; whence also it comes to pass, that God when after his good will and pleasure: he bestows his gifts on some, and not others, though equal to them, is nevertheless in himself free from all respect of Persons, because he bestows his gifts freely, and not as any way due, nor hath he regard to any particular inconsiderable qualities, but only to his own good pleasure.

4. 4. But yet it hath place in some certain gifts, which in themselves are *free*, but upon supposition due. As in case those things, which out of liberality are wont to be distribute among all, be conferred on some few, who have no singular desert.

Question 2. *Whether Respect of Persons be a sin?*

5. A. 1. It is in its own general nature a sin, *James 2:1; Dan 1:17; Prov 5:21,28*. Because in the same act, it excludes both Justice and Charity.

For first, It deprives men of those good things which are due to them.

Secondly, Because it putteth a greater value on some smaller and more inconsiderable things, than those which are more weighty, and which ought to be considered, and perverteth the Order of human Society, *Eccl* 10:2-4.

Thirdly, Because *in effect*, it makes a plain and direct way to all kind of sin, *Prov* 28:21. Fourthly, And (as much as in it lieth) takes away all difference between good and ill deserts.

Question 3. *To what sort of Justice is respect of Persons opposed?*

6. A. Respect of Persons though it be most properly imputed to those, who offend against distributive Justice, in the deciding of controversies between things and persons; yet rightly understood, and according to Scripture-phrase, it relates to all kind of Judgment, Election, or Sentence, which is made of men, not according to the Rule, which ought *in such cases* to be followed, but according to the Rule, which ought *in such cases* to be followed, but according to some affections respecting this or that quality, which nothing at all appertains to the Judgment *in hand*.

Question 4. *In what cases about the Election or Promotion of men to Offices Ecclesiastical or Secular, is there this offence of Respect of Persons?*

7. A. 1. If any do wittingly, or willingly, or out of negligence make choice of an unworthy man. Now such a man is unworthy, who is either void of skill, honesty, or the dexterity, or readiness, which is required to the exercise of such an office, *Hic & Nunc* (as the Logicians term it.) And in such an Election.

First, God is robbed of his honor, which all men or public place ought to maintain as their functions shall require.

Secondly, By this means, the public good, for which all public offices are intended is much hindered.

Thirdly, There is an injury offered to them that are worthy, to whom the honor of public offices is due as a Reward of their virtues.

Fourthly, There is much wrong done to virtue herself, whose proper encouragement (Honor) is denied to her, and perversely misplaced to her great contempt.

8. 2. If in case of opposition the less worthy be chosen, and the more worthy neglected. And the reason is, because first, The less worthy, in comparison, to the more worth, is indeed unworthy.

Secondly, Because the more worthy is fitter for the end *of his place*, which in election ought chiefly to be considered. This is very manifest in Ecclesiastical elections, because the Church ought, as much as may be, to be edified by her Ministers, *Eph 4:11-14*.

9. 3. But yet there is this difference between the election of one *absolutely* unworthy, and one less worthy than another: That the choice of one absolutely unworthy is in itself a sin, but the choice of on less worthy is not so simply and intrinsically a sin, that it may not sometimes become lawful upon that consideration of some supervening circumstances. As for example, if there be four men presented or nominated in the election. A man *absolutely unworthy*, a *worthy man*, one *more worthy than he*, and one *worthier than all* the rest; If I give my voice to him, that is the *worthiest* of all, and will not concur with them, that would choose the man that is *worthy*, or him that is *more worthy than he*, the other side must needs carry it for the unworthy man, or for the less worthy *at the best*; it is lawful and fit for me in such a case, letting pass the *most worthy* to make choice of him that is *worthy*, or him that is the *more worthy*. And the reason is, because I am not bound to give my voice to him, whom I know cannot possibly be chosen, although he be most worthy: yet I am bound to hinder (as much as in me lieth) the election of one altogether unworthy, or less worthy *than another*, *whom I may help with my choice*. But such a choice is so to be moderated, that there be for all that, a fit testimonial given to him, that is the *worthiest* of all, or him that is more worthy than the party chosen; because every man's due honor ought to be afforded him according to his worth: and because every man is bound to give a fair testimony of his own good intention to the Common good for example sake.

Question 5. *Whether this fault of respect of persons, hath any place in giving of honor reverence to others*; James 2:2-4.

10. A. 1. Saint *James* in his 2nd ch. doth clearly testify this sin to be too frequent.

11. 2. In that honor which is simply due to any (such as that is, which we owe to our Parents and Elders) the case is plain: because in the distribution of this kind of honor, it were very unjust to deny any the due testimony of his pre-eminence which he deserves, upon unfit grounds.

12. 3. Nay in honor, that is but upon supposition due, it hath place so far forth, as there is way for injury or contumely. And somewhat near unto this fault is it not to salute a man (as the use and custom of the Country is) that hath first saluted you: or else not to salute men at all, according to the distinction of their persons and worth.

Question 6. *Whether Rich men ought to be honored for their Riches?*

13. A. Simply for the possession of so much wealth, they are not to be honored, but for the good use of it, or for the place they bear, perhaps in the Commonwealth by reason of their Wealth, they are to be honored.

Question 7. *Whether in those things which are left to the free will of the Judge, there may be such a thing as respect of Persons?*

14. A. In those circumstances which nothing concern the parties in suit, there can be no respect of persons: But in those which do concern them and yet nevertheless are not determined by the Laws, but are (as *of necessity many* must) left to the discretion of the Judge, of which kind are the prorogation, or restraint of time, and the like, if they be done, (as for the most part they are) with an eye upon the person, *and not on the* cause; There is in such case this sin of respect of Persons.

Chapter 6

Of Injury

Question 1. *Whether it is possible an Injury may be done to a willing man?*

1. A. 1. By Willing, here we are to understand a man that knoweth, and willingly and freely consenteth to the fact: Otherwise there were no difficulty at all. For whatever is done either out of Ignorance, Fear, or violence, is esteemed as involuntary, at least in part is so, and so in that part may admit an injury by the consent of all men.

2. 2. This word *Injury*, if it be taken in its general sense for the violation of that which is Right, and perpetration of that which is Wrong, doth no way depend upon the will of the patient, whether he consent or not, but only upon the Rule of Justice. And in this sense it is plain, that an injury, or an unjust thing may be done to a man both willing and consenting, as we may see in the example of the *Amalekite* who killed *Saul* when he desired him, 2 *Sam* 1.

3. 3. There are many things in which a man cannot as he pleaseth, quit his own Right: to wit, those things over which he hath not a full power, but rather a custody and safeguard of them, such as are his life and members, and in these the consent of the Will taketh not away the nature of an injury.

4. 4. Now besides the Will Rational, which always springs from Counsel within, there is a certain Natural inclination, may be termed Will Natural, because virtually, always it carrieth with it the power of a Will, and doth in some sort then appear, when a man doth not directly consent to his own discommodity, because it is his discommodity, or to the evil of punishment, because it is evil. The consent therefore of the Will Rational doth not always destroy the nature of an injury.

5. 5. That this, (*viz.* To a willing and knowing man, there can be no Injury done) is affirmed by Philosophers and Lawyers, is from hence, because by the word Injury, they understand, a *Violation of the Law*,

which is done by violence, and necessity of coactions. But all kind of coactions is not required, to make the thing unjust which is suffered.

6. 6. Indeed the Agent is perhaps willing and consenting, but it doth not thence follow that he is no way patient. Christ in suffering death was willing, consenting, and an agent, and yet he suffered most horrid Injuries.

Chapter 7

Of Charity towards our Neighbor

Chapter 1. *Who is to be understood by that term, Our Neighbor?*

1. A. 1. Every man, whom by any means we may accommodate, is, in some sort, our Neighbor, *Luke 10:29,37; Acts 17:26.*

2. 2. Man in general, as he is with us capable of supernatural happiness, inasmuch as he is the proper object of absolute Charity, is our Neighbor. For this is the Tie of our Charity between one another, in order to God whom we love. And thus is every man living our Neighbor, without difference of kind, affection, or manners, unless somewhat to the contrary do certainly appear unto us.

3. 3. But in regard the nature of sin doth only strive against this capacity; therefore Man as he is such, or in consideration he is a Man, is not to be loved, but rather hated and avoided.

Question 2. *In what sense is our Neighbor to be loved even as ourselves?*

4. A. *Even as*, in this precept doth no imply an absolute and universal parity, but a proportion of likeness; Now this likeness chiefly consisteth in three things.

First, that we neither wish, nor do any evil to our Neighbor, more than to ourselves

Secondly, that we wish all true good to our neighbor, and to our power endeavor to procure it.

Thirdly, that we wish these things to our Neighbor, out of sincere and hearty affection, having still an eye upon his benefit, and not our own.

Question 3. *Whether it be not lawful sometimes to wish ill to our Neighbor?*

5. A. 1. It is not lawful to wish any man evil, as evil; but as good, sometimes you may. And so, First, you may desire and wish a temporal evil to any, for his spiritual amendment: to wit, if his amendment cannot be probably hoped for by any other means. As in case, any man for the favor of men do perhaps neglect his duty towards God, we may lawfully wish him out of favor with those men.

6. 2. It is lawful to wish a temporal ill to some for the good of others. As if any man be a desperate corrupter of others, it is lawful to wish him taken from the earth, for fear he should undo others as well as himself.

7. 3. And such a thing as this, is sometimes lawful, out of zeal for Justice, and God's honor.

Question 4. *How the degrees of greater or less Charity ought to be observed.*

8. A. 1. If you consider the good in itself, as it is to be wished to your Neighbor, there can be no imparity in the thing. For we ought to wish the chiefest good to our Neighbor, even as to ourselves. And this too is the duty of every man, that as much as in him lieth, he promote the good and welfare of his Neighbor: But yet there is some difference of order in the wishing of that good: for we ought to wish that happiness to the godly immediately, but to the ungodly, only hoping and supposing their Faith and Repentance.

9. 2. In respect of the affection itself, whereby we wish good to others, there ought to be no impurity of *Intention* or *Remission* therein: because the very Habit of Virtue in its own nature doth equally incline our Affections to its act, without all difference of greater or less intention.

10. 3. In respect of the Exercise and effects of this Affection, there is granted some imparity, as of the frequency, the order, and extention, so far as the collection of circumstances may make necessary this act and operation of Charity.

For first, We ought more frequently to stir up, and employ that act of Charity toward those, in whom we shall more frequently meet with reasons and causes for our true love.

Secondly, The order ought to be observed according to the occasion which is offered, and the proportion which the acts bear to their objects.

Thirdly, the extension to more, or more noble effects, is requisite according to the necessity of the effects, and the dignity of the parties beloved.

Question 5. Whether or no, and in what cases a man may be bound, in respect of the exercise and effects of his Charity, to love his Neighbor more than himself?

11. A. 1. There may be such cases: Because our Neighbor, by sundry means may be in extreme grievous necessity, so that he ought not to be neglected, nor ought, we to expect, when others may and will help him; although we cannot do it without our own danger.

12. 2. Every man is bound with any temporal hazard whatsoever, to help his Neighbor that is in Spiritual danger, if it be probable his assistance may do him any good, *1 John 3:36*.

13. 3. Again, in extreme necessity, Every man of what condition soever, (but in the first place, he to whom of duty it may belong) is bound to expose his life to any probable danger, that so he may hinder another man's certain death. For another Man's certain death ought to be esteemed a greater evil than our own, if uncertain. Hence it is not lawful for a Pastor to forsake his Church and Cure in time of Plague, or persecution, unless perchance there be some other fit man who may undertake the charge.

14. 4. In temporal goods, every man is bound to prefer a public person or the community before himself. For the good of the whole is more to be values than the good of any one part. Now those men ought to be accounted public persons, who do manifestly stand the Common-Wealth in much stead.

15. 5. Moreover it is sometimes an honest thing to expose one's corporal life to certain danger, to save the corporal of a friend, though but of equal condition, *John 15:13*. For although my life, by itself taken, ought to be conserved by me, rather than the life of another, yet it ought not to be conserved rather than another's life, and my credit.

Chapter 8

Of Praying for others

Question 1. *For whom ought we to pray?*

1. A. 1. For all those whom we hope may be helped by our Prayers; For Prayer is a means instituted by God, that it may be applied to procure those things which we wish: Hence no man living is absolutely to be excluded from our prayers, except it be evident unto us, that he is altogether desperate.

2. 2. We ought to pray for our enemies especially, *Matt 5:45*.

First, Because we are to be affected especially with their sin, from whence danger hangs over their heads, *Luke 23:34*.

Secondly, Because by this means we do, and testify that we do, that which is necessary to the remission of our own sins, *Matt 6:12*.

Thirdly, because also by this means we exclude from our thoughts all unlawful desire of Revenge, *Rom 12:19,20*

Fourthly, In regard this is in charity to commit our cause to God.

3. 3. Howsoever we are more bound to pray for our friends and allies, because in such there are many reasons found, which directly and in themselves, are prevalent to move our Charity; insomuch that they move some love, even in Ethnics, *Matt 5:46,47*

Question 2. *Whether or no, and how far it is lawful to wish evil unto any man?*

4. A. 1. A deliberate imprecation of evil, as it is evil against any man, which is a formal cursing, cannot choose but be evil.

First, because it proceeds from Hate, which is an evil opposite to Charity

Secondly, because it is not more lawful to wish evil, as it is evil, than to do it so.

Thirdly, because it is repugnant to our blessed calling, *1 Pet 3:9*.

5. 2. Those rash and common curses which are in use amongst many, (as *The plague take you, Get you gone with a mischief. Would you were hanged, etc*) are expressions of hatred and ill will, the signs of perturbation reigning in the heart reigning in the heart, and besides this are contumelious to our Neighbor, and therefore cannot be excused from a grievous offence.

6. 3. The imprecations of evil under consideration of good, is in itself lawful. Thus we may wish a less evil to this or that man, with relation to the glory of God, the good public or private which is of greater moment; yet this must be thus understood.

First, that there by this condition, to wit, if that good will follow out of this evil, and not but by this evil.

Secondly that we submit our will to the will of God.

7. 4. Cursings which are cast on irrational Creatures, if they have any respect to God and his providence, which is conversant about those Creature are blasphemies, if to Man who is lord of them, then they are injuries; if to the creatures, as they are simply considered in themselves, then they are the signs of heart and mouth full of bitterness, *Rom 3:14*; if to any evil which happens by them, then they either ought to be figurative speeches, as *2 Sam 1:21*, or else they are unjustifiable motions of impatience, *Job 3*.

Chapter 9

Of Brotherly Reproof

Question 1. *What persons fall under Brotherly Reproof?*

1. A. 1. First, and most properly, the faithful, and amongst the faithful, those who are members of the same Church with us. The reason is, because those have greater brotherly conjunction with us, than others.

2. 2. Yet Infidels also on occasion are to be reproofed.

First, because that seeing they are our neighbors, and to be beloved with true Charity, they ought not to be excluded from the common act, and duty of Charity.

Secondly, because the spiritual alms ought no more to be restrained, than the corporal: but the corporal ought in great necessity to be bestowed on any.

Thirdly, because the Oxe or Sheep of one's Neighbor which is astray, ought by him that seeth it, if he can, to be brought back, *Deut 22:1*, then much more, one's Neighbor himself, when he doth wander, ought to be reduced to the right way.

Fourthly, Because that he which erreth most, that most need of instruction, and the Law of Nature requires, that we strive to help our Neighbors in their greatest necessities.

Question 2. *What conditions are requisite to make reproof necessary?*

3. A. 1. The knowledge of the sin, which at least ought to be so probable; that it be morally certain, that is, such which is morally judged, enough to believe without rashness, That our Neighbor sinneth. Yet in a doubtful suspicion, the reason of our duty oft-times requires that we should wisely intimate to our neighbor, what the suspicion is, and by what means it might be removed

4. 2. The hope of some fruit. For if there be no hope of amendment, in that respect reproof is not to be applied; *Prov 9:7,8, Matt 7:6*. Yet it oftentimes happens, that those which are incorrigible in themselves, ought to be reprov'd in regard of others, whose danger by this way may be prevented.

5. 3. The opportunity of time, and conveniency of other circumstances.

Question 3. *Who are they which ought to reprove others.*

6. A. 1. This duty in some manner belongs to all men who have the use of reason: because it is a Precept of the natural Law, a deed of Charity, and a general duty of Neighbor towards Neighbor, as he is so. Hence, the faithful ought to admonish both the believer, and the unbeliever, and the infidel, as well as the faithful, as an infidel; *Gen 20:16*. The inferiors and those that are subject, ought to admonish their Superiors, but with reverence, *Job 31:13*.

7. 2. Yet more especially it belongs to them, who either by reason of gifts are more fit to fulfill this duty with fruit, *Ezek 33 & 34; Gal 6:1; Tit 2:4*.

8. 3. He himself which is guilty of the same, or a greater crime, is not altogether exempted from the obligation of this Precept. For no man's wickedness can be so helpful to him, that should excuse him from a natural Precept, as this is. But he ought to do this with special expression of repentance, and compassion, accusing himself first, and more than another, lest he incur the reprehension of our Lord, *Matt 7:3-5*. *Thou Hypocrite, first cast out the beam out of thy own eye, then thou mayst see to cast out the mote out of thy brother's eye*. There is a notable example in *2 Sam 16:17*.

Question 4. *How ought reproof to be applied?*

9. A. 1. Admonition ought to be founded on the word of God, our the speech of Christ, *Col 3:16*. *Let the word of Christ dwell in you plenteously in all wisdom, teaching and admonishing, etc.*

10. 2. It ought to be sprinkled with brotherly Charity, *2 Thess 3:15; 2 Cor 2:4*.

11. 3. It should be seasoned with meekness and lenity, *Gal 6:1; 2 Tim 2:25*.

12. 4. It ought to be strengthened by perseverance, *2 Pet 3*. So often, and so long, should our brother be by us admonished, as there may any fruit be hoped for thereby.

Question 5. *How ought Reproofs to be entertained?*

13. A. 1. In Charity and holy reverence, *1 Thess 5:13*.

14. 2. With Humility, *Heb 13:22*.

15. 3. With the fruit of Piety, so that it should always be to us, either, as for medicine (ιαμα) or for warning ([]) or at least for a testimony (διαμαρτυριαν).

Chapter 10**Of Partaking with other men's sins**

Question 1. *Who are they that partake of other men's sins?*

1. A. 1. All they which do cooperate in the committing those sins, for the social or joint cause cannot choose, but partake of those sins both in the crime and guilt to the production, of which it hath jointly conferred its power. And hence, first, he who commands or persuadeth any sin, is partaker of that sin, because he hath both such an intent himself, which before God is all one as that fact; and besides for as much, as in him lieth: he would infuse that intent into another, and so he is the author of sin, 2 *Sam* 13:28; 1 *Kings* 12:30 and 13:35[?], etc.

Secondly, Not only the Authors, but the Ministers of sins have communion with them, for inasmuch, as they are the ministering and assisting causes, and do afford some strength to the sin, they have a direct communion in the same sin, *Isa* 10:1; 1 *Sam* 22:17,18 with *Psa* 52; 2 *Kings* 1:9; *Matt* 28:4; *Acts* 12:18,19.

2. 2. All they which do cooperate though indirectly, that is, which do any thing that ought to be omitted, or omitted anything which ought to be done, of which sin is the sequel. For by the moral interpretation, he also is termed the cause of sin, who doth not apply all due diligence to forwarn or hinder the same, 1 *Sam* 3:13; *Ezek* 33:6,8; *Acts* 20:26,27.

3. 3. And with this sin, Preachers, Magistrates, Parents, Masters, Teachers, are chiefly tainted, when they do not their duty in prevention of the sins of those, who are entrusted in their charge.

4. 4. All they who by their consent approve of a sin already committed, *Rom* 1:32. For he who approveth and commendeth the thing done, he sheweth his Will ready and forward to do the same thing, if need and occasion should require it. And moreover he is a conserving, defending, and promoting cause of the sin committed. To this consent of approbation or correction of the sinner, 1 *Chron* 5:2,6 insomuch that we

may not only participate in other men's sins, by our endeavor, speech, and example, but even by our silence, dissimulation, and connivancy.

5. 5. And in this kind also do some Preachers often offend, who make pillows for the sinners, and preach peace unto them. And all other Superiors, who through too fond an indulgence, do dissemble, or too tenderly reprove the sins of them that are under their charge, and all they too, who without some just cause omit brotherly reproof.

6. 6. Out of these principles the doubt is easily cleared, how when many are punished, and yet but one openly sinning, they are not properly said to be punished for the other's sins, but for their own; to wit, most often for those, whereby they participate with others' sins. And after this manner, one of our Countrymen [D. Reignolds], doth piously and learnedly show, how *Judas Maccabeus* and the Jews, *2 Macc 12:43*, did not offer Sacrifice for the sins of those that were dead (as the Papists would have it) but for their own, and the other survivors sin, which they had contracted to themselves from the pollution of those that were dead, and whereof perhaps not unworthily, they might, in some part, think themselves the Authors. For no man (to speak properly) is punished for another's sin, as no man dieth of another man's disease but his own. But even as men do oftentimes contract diseases to themselves from other men's (and many things hurt the body by transition:) so in those diseases of the mind, men do usually contract their own sins from other men's.

7. 7. Moreover, hence the Faithful are instructed to a more profound humiliation of themselves, in the confession of their sins of this kind. And *G. Par*: proposeth a godly form of Confession suitable to this purpose, which will illustrate this doctrine,

O Lord my God! What evil is ther of which I am not guilty, either in myself, nor by myself, or in some other man: to wit, by being willing or consenting that he should commit it, or by commending the fault, or flattering the committer of it, or not reprovng when out of my duty it belonged unto me; or (what is worse) by rejoicing at another man's sin, or which was the greatest infidelity towards thee, by not regarding it at all. For sure, it could not be lawful for me to see one of thy flock perish, and be devoured by the infernal Wolves, and not resist as much as I was able: In the like condemnation I acknowledge myself, in respect of good

things: For what good is there, which I have not either extinguished in myself, or persecuted in others; either by hindering it that it should not be done at all, or by discommending it if it were already done, or permitting it to be extinguished, or else rejoicing if it were extinguished? Lord of mercy, how many good things have been lost, either by my procuring that they should not be, or my not assisting that they might be, or by not nourishing them, or withdrawing my aid from them? Moreover, I have sinned against them, O Lord God, either by not rejoicing at them, or by not giving thanks for them to thee, the Author of them.

Question 2. *Whether or no it be lawful to rejoice at another man's sin, or to take any pleasure in it?*

8. A. 1. We ought not by any means to rejoice at sin, as it is sin, but as by God it is sometime converted into occasion of some good. As if perchance some haughty-minded arrogant man, after some sliding, should repent and behave himself more modestly; or as if after some grievous offence, and excellent Law should be made, which otherwise would not had been enacted. See *Phil 1:15-18*.

Question 3. *Whether or no it be lawful to abuse another man's sin?*

9. It is lawful when any necessity shall enforce it, provided that we do not cherish those sins which we abuse. So *Jacob* when he took *Laban's* oath, swearing by false gods, abused *Laban's* sin, without any sin of his own, *Gen 31:53*. So in *Jeremiah 41:8*. The ten innocent men did abuse the ravenousness of *Ishmael*: So many out of necessity compelled, do honestly abuse the iniquity of Usurers.

Chapter 11**Of good Example, and Scandal**

Question 1. *Who are bound to give good example to others?*

1. A. 1. This belongs to all godly men, in respect of all those, to whom their life may be any ways known.

First, In regard all men ought to glorify God by their works, *1 Pet 2:12*.

Secondly, because there is no man who cannot express somewhat in all his life, whereby others may be encouraged and confirmed in godliness. For from the contemplation of the Pismire men may be edified, *Prov 6:6*.

Thirdly, because each man in his place hath certain special occasions of performing somewhat, which upon the like occasion may be exemplary to others, *Prov 2:20; Ps 34:7*.

2. 2. But this duty is chiefly enjoined to such as are above others, either in Age, Parts, or some Office, *Tit 2:4,7; 1 Tim 4:12; 2 Thess 3:9*.

First, Because to whom much is given, of him much is required, *Luke 12:48*.

Secondly, Because the more eminent a man is, the more eyes lie upon him, and he is the less undiscovered, *Matt 5:14*.

Thirdly, Because they who in place do precede other, ought by going before, to show them the right way, *1 Thess 1:6-8*.

Fourthly, Because Inferiors, do much rely upon the actions of their Superiors, and do frame themselves to their example, *Prov 29:12*.

Question 2. *Whether or no our good works ought to be carefully made known unto others, that they may be an example to them?*

3. A. 1. Good Works are of two sorts: some Public, and some Private. Those which are Private, ought not ordinarily to be divulged by us ourselves; for this were ambition of Vain-glory, *Matt 6:1,2,etc*. But Public

good Deeds, because in their own nature they are known unto others, may, and sometimes ought, modestly and warily be represented unto others.

4. 2. The representation of a good deed, of what sort soever it be, if by it we respect our own glory as the end, is not to be allowed of: but as it may conduce to the glory of God, and edification of others, it cannot be discommended.

Question 3. *Whether or no all Scandal be a sin?*

5. A. 1. In all Scandal there must needs be some sin: because it always appertains to the Spiritual ruin or detriment of our Neighbor.

6. 2. Nevertheless, there may fall our some Passive, or received Scandal, without any offence of the Agent: as when the fact of one man, is an occasion of sinning to another man, beyond the intention of the doer, or the condition of the fact: And there may too be an Active Scandal, without any sin on his part whom it aims at. As when one, as much as in him lieth, by his example induceth another to sin, and yet the other will not suffer himself to be induced.

Question 4. *Whether or no, Scandal be a special sort of sin?*

7. A. 1. It is a special, and indeed, a devilish one, when a man intendeth the ruin of his Neighbor. For this is a *special difference* which constituteth a sin, that fiercely falleth on any besides the Devil himself.

8. 2. Moreover it is a special sin, when that fact, whereby our Neighbor is scandalized, cannot be any otherways evil, but by the ruin of our Neighbor; the occasion of which another man ought not to give. For by that difference, such an act is first in itself made evil, and therefore determinated to some certain kind.

9. 3. In other sins the nature of Scandal is only a circumstance opposed to that Charity which is generally required in each part of our conversion with our Neighbor. By this circumstance, Public sins are not changed but only multiplied and aggravated.

Question 5. *Whether or no it be possible for a man to live without Scandal?*

10. A. 1. By the Grace of God, a faithful man may live free from passive Scandal: Because he may so firmly adhere unto God, that he can never be moved from good to evil, by the other example of other men: He may live too, free from active Scandal, though not absolutely from all sin: Because the common infirmities of all the godly, in respect they are not by them maintained, have not any aptitude to induce others to sin.

Question 6. *What Rules are to be observed that we give no Scandal?*

11. A. 1. For the avoiding of Scandal, no sin at all ought at any time to be admitted, though it seem never so slight: for this were only to sin myself, lest another should sin, *Rom 3:8*. To do evil that good might come thereof. And hence no requital of crimes is to be allowed of: Such as was that of the old *Gibeonite*, in the cause of the Levite, *Judg 19:14*. And of *Lot* in the cause of the Angels, *Gen 19:8*.

12. 2. No good or lawful thing is to be omitted, for fear of the Scandal, which men of a Pharisaical temper will take thereat, *Matt 15:14*.

13. 3. To avoid the Scandal which the weaker may take, all those things are either to be done or omitted, which may lawfully and without sin be done or omitted. And this is the obligation of Charity, *1 Cor 8:13*.

14. 4. Those are to be called the Weak, who are not sufficiently instructed, to whom we can give a reason of the fact; for it may so fall out, that some are not capable of the reason that is given, who nevertheless, though there be a reason given, are yet to be esteemed as weak.

16. 6. No human Authority can take away the nature of Scandal, from that which otherwise would be a Scandal, nor the nature of a sin from that Scandal being given. For no man hath a command of our Charity and Consciences, nor can he take away the danger of Scandal when given.

17. 7. There is no such danger of Scandal in neglecting human inventions, as there was in the Apostles' time, about the casting out the

Ceremonies of the Law. For we may not use any such Conscience in human inventions, as the Jews used in the Injunctions of God.

18. 8. There is no such perplexity that it must needs be necessary for a godly man to give Scandal, whether he do this or that, or do it not?

Question 7. *What Rules are we to observe, that we do not take Scandal?*

19. Ans. 1. We must have a care, that we do not so depend upon any man, let him be of what perfection he will, or have him in so high estimation, that by his sliding, falling, or defection, our hearts should be too much affected. Hither we are to direct our meditations upon those grievous sins, into which many have fallen, not only of those who seemed, and were not, but also of those who were notable servants of God, as *David, Solomon, Peter, etc.*

20. 2. It is a detestable and horrid perverseness of Judgment, whereby many are wont, at the falling of some, or the detection of Hypocrisy, strait to charge all of that profession with hypocrisy. For this is directly to imitate the Devil in accusing the godly, and burdening them with unjust suspicion, *Job 1:11*.

21. 3. Although it be good to tread in the steps of the godly, yet this is not to be done in a blind obedience, and imitation, but with a discreet and way carriage, as far they follow Christ, *1 Cor 11:1*.

22. 4. We must again and again consider how base a thing it is, either for fear or hope of this world, to desist or deviate from the right path.

23. 5. Upon any occasion, we must call to mind that God permit Scandals to be offered unto us, for the trial of our Faith and constancy, *Deut 13*.

Chapter 12

Of Schism

Chapter 1. *What is Schism?*

1. A. 1. The Latin word *Schisma*, signifying Schism, is so called a *Scindendo*, from cutting. And it is a Cutting, a Separation, dis-junction, or dissolution of that Union, which among Christians ought to be kept. But because this division is chiefly effected, and appeareth by a refusal of any due Ecclesiastical Communion. Therefore this Separation by a singular appropriation is rightly called Schism.

Question 2. *Whether or no, and how Schism differs from Heresy?*

2. Ans. Schism, as in the general it denoteth all unjustifiable departure from the Church, containeth Heresy too, and those two words are sometimes used in one and the same sense, *1 Cor 11:18*. But they are properly distinguished, in that Heresy is opposed to Faith, and Schism to Charity. Heresy is in a perverse opinion, but Schism in the fact of a perverse Separation. So that he may be an Heretic, who is not a Schismatic, as in case he deny some Article of Faith, and yet will cleave to that Church which professeth the true Faith; and he may be a Schismatic, who is no Heretic, as in case he believe all the Articles of Faith, yet will not communicate with the true Church in holy duties. And such a distinction is intimated by the Apostle, *Gal 5:20*.

Question 3. *Whether or no all Schism be a sin?*

3. Ans. Schism, (properly so called) is a most grievous sin.

First, because it is against Charity towards our Neighbor, and robs him of a spiritual good.

Secondly, It is against the edification of him which maketh the Separation, in regard it deprives him of all communion in that spiritual good.

Thirdly, It is against the honor of Christ, in regard that after its manner, it destroyeth the Unity of Christ's Mystical body.

Fourthly, It maketh way for Heresy, and a separation from Christ.

4. 2. Nevertheless, a Withdrawing from the true Church is in some cases both lawful and necessary. As First, if a man cannot continue his communion, without a communication of their sins. Secondly, if there be any eminent danger of being seduced. Thirdly, If by oppression or persecution, a man be compelled to withdraw himself.

5. 3. Howsoever a total Cessation or Withdrawing, with an absolute renunciation and rejection of all communion with that which is the true Church, and by no mean lawfully be undertaken; but a partial secession only is allowed of, as far as there can be no Communion had, without a participation of the sin.

Question 4. *Whether or no, Schismatics are Members of the Church?*

6. *An.* Schismoth insomuch separate from the Church, as it doth renounce the communion with the Church. If therefore, First, a separation be made from certain Actions or Persons only, although that separation be Schismatical, yet doth it not presently separate from the Church.

7. 2. If the separation be made from one or more particular Churches, yet the party separated may nevertheless remain a member of some other Churches, in which he findeth not that cause of separation which he did in the other.

8. 3. If an obstinate Separation be made from all true Churches, or from any one, for a cause common to all, then such Schismatics (although it may be, retaining the Faith, they continue members of the Church Catholic) they cannot be esteemed as visible members of the Church.

Question 5. *How far we ought to avoid Schismatics?*

9. *Ans.* So far at least, that by our agreement, neither they be confirmed in their Schism, nor we have communion in the same, nor others by our example enticed to the approbation of Schism.

Question 6. *Whether or no, a Schismatical Church is to be held a true Church?*

10. Ans. While it retaineth the true Faith, it is to be held for a Church, and so those things which are Ecclesiastically performed therein; For the substance of them ought to be held ratified and firm; but in respect it is Schismatical, it is not to be held for a lawful and allowable Church

Chapter 13

Of the Honor of our Neighbor

Question 1. *What is the Honor which is due to our Neighbor?*

1. A. 1. Honor in its common signification denoteth some testification of the excellence or eminence that is another. And in regard such testification which is in words and deeds (if it be not a dissembling and vain counterfeiting of it, as indeed nowadays a Muncial observance hath the name and place of Honor among many) it includeth a correspondent Judgment, and internal affection, in which resideth the testification before God; therefore the true and solid duty of honoring any man, doth chiefly rely in an internal acknowledgement of his worth and eminence, *Lev 19:3; Rom 13:5,9,10.*

Question 2. *To what men is Honor due?*

3. Ans. 1. We are bound most properly and fully to honor, those who in worth are our Superiors, as our Parents, and the like, because not only a reverend esteem and absolute acknowledgment of their preeminence is due unto them, but also an illustration of the same, by a submissive observance, springing from the confession of our own imparity.

4. 2. Yet for all this, we have the express word of God telling us that all men are to be Honored, *1 Pet 2:17; Honor all men.*

First, Because another man's eminence may be considered, not only by the comparison thereof to him that honoreth him, as if indeed he ought to be more eminent than the man that should honor him, but by the comparison of him to others, and by this reason, we owe honor to equals, nay, our inferiors, because they are more eminent and superior to others.

Secondly, Because indeed there is scarce any man found, in whom we may not observe some gift or other, in which he is superior to us, if we pass our judgment upon ourselves with all humility, *Phil 2:2.*

Thirdly, Because the meanest sort of people may have some singular relation to God, in which respect they are to be honored, *Mk 9:41; 1 Pet 3:7; Isa 39:9*.

Fourthly, Because in all, and every man, who have communion with us in the same nature at least, and are not excluded from a capacity of the same communion in grace, there appeareth somewhat which forbiddeth contempt, and so doth in some manner demand some honor, *Job 31:13-15, Matt 18:6*.

Object. The godly are taught to contemn the ungodly, *Ps 15:4*.

5. *Sol.* The ungodly are to be contemned, just so as they are to be hated, that is under that formal acceptation, whereby they are ungodly. They are not therefore to be honored because they are ungodly, or so that their impiety may be cherished, confirmed, or strengthened by our honor, *Prov 5:9 & 6:33 & 26:1,8*; but as they have good in them, a fair testimony thereof is not to be denied them, *1 Tim 6:1*.

6. 2. And for this cause some signs of that honor which is in itself simply due, may for their wickedness' sake, of right be denied unto them, *2 Kings 3:14*. But with this caution, that this be not understood but of those that are very notoriously wicked, in whom the ordinary causes that should invite our honor, are by the opposite baseness quite overwhelmed; and that it be still with that moderation, that we may show a willing disposition to give them all honor, in case this obstacle of their impiety were once removed.

Question 3. *Whether or no, and how far we ought to regard our own honor that is due unto us?*

7. A. 1. Worldly honor, if once it come into competition with that honor which we are to seek at the hands of God, ought utterly to be contemned, *John 5:4 & 12:43; Rom 2:26*.

8. And for this cause, First, we may not commit any sin for to get the honor of this world.

9. 2. Neither are good works to be done wholly for the honor of this world, *Matt 6*.

10. 3. Out of our regard unto solid honor, we must abstain from all sin, especially from that which carrieth with it any singular note of defamation, *1 Thess 4:4; 1 Cor 6:18,19; Prov 5:9 & 6:33.*

11. 4. We ought to apply ourselves to the performance of those things to which God hath annexed true and solid honor, *1 Sam 2:30; Prov 4:8 & 8:18.*

First, Generally to Righteousness towards God.

Secondly, Especially, to those duties of Righteousness, which by the world are held of greatest disparagement, such as are to suffer reproof, *Prov 13:18.* And to cease from strife, *Prov 20:3.*

Chapter 14

Of Fame, or Report

Question 2. *Whether or no, and how far a man ought to look to his Fame?*

1. A. 1. A good Report is in its proper nature, the testimony of Virtue, and an evil Report, the testimony of Vice. That therefore is to be wished for, and sought after; but this to be avoided and feared. A good report cannot wholly be contemned, without the contempt of Virtue too, *Prov 21:1; Eccl 7:3; Phil 4:8; 2 Cor 8:20,21.*
2. 2. Now as all Testimony is of moment, according to the condition of him that giveth it, so also a good report among those that are good, is the only true good report, and chiefly to be considered, to wit, to be praised by a man that is generally praised himself, *2 Cor 8:18.*
3. 3. And yet the testimony of those that are without the Church, so they are not desperately wicked, is not to be neglected, *1 Tim 3:7.*
4. 4. A good report because it is not Virtue, but only a testimony of Virtue, ought never to be prized before Virtue or our duty, *2 Cor 6:8.* We ought not to seek Report by deserting Virtue.
5. 5. Moreover a good Esteem is first to be sought in the heart and Consciences of men, rather than in their expressions, *2 Cor 4:2 & 5:11,12,* and from solid works of Virtue, rather than from an applause gained by cunning Art, *2 Cor 3:1-3.*
6. 6. Besides, a good esteem is to be labored for, and preserved, not for itself, neither for ourselves, as if we were bound to believe other men's judgments upon our deeds more than our own, but principally for the glory of God, *Gal 1:24; 2 Thess 1:12;* and that we by our example or deeds might more benefit others, *1 Thess 1:7.*
7. 7. And for this reason, those men are bound to have a special care of their credit and esteem, who by reason of their parts or function, are

specially called to the promotion of God's honor, and the good of mankind, *Neh 6:10, 11; 1 Tim 3:7; 1 Sam 2:17, 22-24.*

8. 8. Yet this difference is to be deserved, that we less esteem our credit in those things, which do not much concern God's honor, and that we more regard it in those things, which do not much concern God's honor, and that we more regard it in those things which do more concern that. So *Paul* condemning the credit of human Wisdom and Eloquence, *1 Cor 2:2 & 2 Cor 11:6*, did specially regard the credit of his Calling, faithfulness, and constancy, *2 Cor 1:17, 18*. Nor indeed is any man's credit impaired, for that he is undeservedly and unjustly thought poor, base, or less learned, eloquent, or witty than another. For a good esteem is not the Testimony of Wealth, Titles, or Learning, but of Virtue.

9. 9. A man may sometimes smother up his discredit in silence, as in case there be no convenient occasion offered of revealing[?] the same to any purpose, and there may be some hope that the discredit will of itself so vanish, that it may redound rather to the good, than damage of others, *Matt 27:12, 13*. But whosoever he be that without some such reason neglects his undeserved discredit, when it is not without Scandal to others, is not so much to be thought patient, as prodigal and cruel.

10. 10. He who disparageth himself, by imputing a crime to himself which he never did, doth not by his lie offend only against the Truth, but against his Neighbor also, by leaving a Scandal to him, and against himself, whilst he robs himself of a good that ought to be preserved, and against God too, whose grace in this part is disavowed, and whose name perhaps upon this occasion may be blasphemed, *Job 27:5*.

11. 11. Yet a man may in some sort defame himself, by revealing some hidden crime, if there be any cause offered; as for example, if the great necessity to ask advice, or to disburden his heart of grief, or if this be necessary, or some great inconvenience to others, may hereby be prevented.

Chapter 15

Of Rash Censure

Question 1. *What is rash Censure?*

1. Ans. 1. It is an Opinion or belief of any man's badness, conceived without just ground.

2. 2. It is called an Opinion or assent, because a private Censure may be in the thoughts of the heart, without any expression of probation of the same thoughts, which must necessarily be done in public judgment.

3. 3. The Object of this rash Judgment or Censure is seated in the badness of another, because the evil of the sin, is the only thing that hindereth a good repute; We generally say in the badness or wickedness of another, because the Judgment may pass not only upon some fact which is itself a sin, but also upon the state which any man is in, as if he be in the state of sin, *Luke 19:7*.

4. 4. The difference properly doth consist in the lightness, or insufficiency of the proofs upon which the censure is grounded: in which respect it is properly termed Rash, which if it went upon good and firm arguments, were prudent and just. But these Arguments and Reason are not only requisite in the thing itself, but must also be evidently known to him that passeth the Judgment: For a true Censure may be Rash, as a true assertion may be a Lie in him that telleth it.

5. 5. Now those grounds are to be esteemed light and insufficient, which upon sober consideration of all the circumstances, are not thought sufficient to produce such an assent as passeth. For those Reasons which are too light to fasten an ill report upon one man, may be strong and just enough to fasten it upon another; and those which are light to persuade one ill opinion, may be forcible to persuade another, those which are light to ground a firm assent, may be just to ground a weaker assent, or a suspicion which is only an inclination of the mind to assent, or to doubt, where the mind is in suspense, and cannot incline to either side.

Question 2. *Whether or no, and how rash judgment be a sin?*

6. 1. It is a sin of Lightness, and so against Prudence.

7. 2. It is repugnant to that natural Principle, *Do not that to another, which thou wouldest not have to be done to thyself*. For there is no man who would willingly have his Neighbor to Judge rashly of him, or his Actions.

8. 3. It impairs the good of our Neighbor and is Repugnant to his Right. For every man hath title to a good repute, as a commodity trusted in the bosoms of other men, till such time as he himself by his own misdemeanors shall, as it were fetch it away thence.

9. 4. It begetteth a contempt of our Neighbor, *Rom 14:3*, whence it cometh to pass, that he may undeservedly, be held unworthy of offices, or benefits.

10. 5. It is an usurpation of the Judgment and authority of God, inasmuch, as it either judgeth of things hidden and known to God alone, or else, that it frames to itself a Law of judging, and doth not receive any, which is only proper to God, *Rom 14:4; Jam 4:11, 12*.

Question 3. *What may be the difference of the sin in rash judging?*

11. A. 1. Rash judgment may sometimes proceed from the simple error of the apprehension, or else from inadvertency, whereby it may come to pass, that those proofs of some wickedness may be held sufficient, which indeed are not so. This is a light offence, as proceeding from Common weakness: And it is a sign of this, when he, that so judged shall be ready upon better information to renounce his opinion.

12. 2. There is another kind of rash judgment, which proceedeth from a perverseness of mind, whereby, a man is ready to judge perversely of another man, or some personal misprision, whereby a man will easily be persuaded to believe evil of this, or that man, towards whom he is peevishly inclined. And a sign of this, is such a pertinacy, which willingly neglects the trial of the reasons or proofs, upon which the judgment is grounded, and a willingness to persist in the same perverse opinion, and such a kind of rash judgment, is indeed voluntary, and a grievous sin.

Question 4. *Whether or no, and how things in themselves doubtful, may be interpreted upon the better part?*

13. A. 1. Doubts upon things, ought to be carried according to the weight of the proofs, without any inclination to either side.

14. 2. Doubts about persons in those things, which make to the good or ill repute of the persons, are absolutely to be interpreted in the better sense, *1 Cor 13:5*.

15. 3. But we must not take this, as if *positively* and *speculatively*, we ought certainly to judge those men honest, of whose honesty we never had any certain proof, (for so we should be bound to believe a falsehood) but that negatively and practically, we ought to judge well of things doubtful, (that is,) that first, we judge not ill of our Neighbor.

Secondly, That we so behave ourselves toward him in common duties, as if he were honest, seeing, we have no evidence to the contrary. And this is the judgment of charity.

16. 4. The Judgment of prudence is not repugnant to this Judgment of charity, that Judgment I mean, whereby, by way of amendment or caution, of some ill we so behave ourselves to some men in doubtful matters, as if we had some bad suspicion of them, as when we have a reasonable careful eye upon our goods before men, which we know not, as if they were thieves; or when we do somewhat harshly rebuke those men, whom we take to be honest, for their own, or the common good. For in such cases, we do not interpret doubtful things positively on the worse side, but out of a possible supposition, we prevent the worse. And this kind of judgment is not only lawful, but in some cases necessary, as well by the *necessity* of the *Precept* as of the *means to the end* aimed at *by our place* and calling. As in case of vigilant attention upon those men, who under feigned shows deceive the unwary, or as the Apostle admonisheth us: *By good words and fair speeches deceive the hearts of the simple*, *Rom 16:18*.

Chapter 16

Of Detraction

Question 1. *What is Detraction?*

1. A. 1. In propriety of language, Detraction, is as much as an unjust and secret violation of another man's repute. But in regard, this is the chief way of injuring another man's credit, therefore by the figure *Synecdoche*, it may, and is usually taken in such a sense, as it may imply any open contumely. Which differeth from Detraction, properly so termed, as rapine differeth from Theft, because it is done to one, that knoweth and resisteth the injury.

2. 2. And hence, Detraction is so much the more grievous sin;

First, By how much it is the more unjust, as if it be exercised against them, who are of an unblemished conversation and manners, or if it be done with a direct intention or wronging another man's credit, and not out of any rash or prattling humor.

Secondly, By how much the more it injureth, as if it be in a matter, which must needs carry with it, a great blemish to reputation, and in such sort as it may spread the further, and so too, that it cannot well be pretended, as in scandalous libels.

Question 2. *Whether or no, he be truly a Detractor, who revealeth a true sin of another man's, which otherwise would have been concealed.*

3. A. 1. He, who doth such a thing without just cause is a Detractor, because seeing no other lawful end of such revealing doth appear, we must judge out of the nature of the thing, which in such a revealing is nothing else, but a spoiling the man's reputation, to the intent to hurt him.

4. 2. But if he be done, either in respect to the amendment of the offender, or for the prevention of some great danger to others, or some such reasonable grounds, it is not a sin. Because by this means, the less

good is neglected, that the greater may be procured; and a growing evil is some way repressed and not promoted.

Question 3. *Whether or no, he be a Detractor, who reporteth things, that make to an ill fame, which he hath heard from others, without any other asseveration of them?*

5. A. 1. If any man without some weighty reason, report such things, so that the hearers may be very well induced to believe them, or if it be likely, that an ill suspicion may from such a relation arise in the minds of men, then it is detraction: Because it is a cause concurring to the unjust violation of a man's credit.

Question 4. *When is it lawful to defame another man's sins?*

6. A. 1. When they are public either by the sentence of the Judge, or by the evidence of a notorious fact. For the author of a crime, being in such sort defamed, hath forfeited his right to any good repute.

7. 2. When wicked men by dissembling their wickedness, and making a feigned show of virtue, labor to get a good repute with the manifest danger of others.

Chapter 17

Of Humility towards Men

Question 1. *What, and of what kind is this Humility?*

1. A. 1. It differeth from the humiliation of ourselves before God, and in respect of God: because in respect of God, our very souls are to be subjected, and we ought to acknowledge ourselves not only unprofitable servants, *Luke 17:10*, but nothing, *Prov 30:2,3; 1 Cor 3:7; Gen 18:27*; and to be abhorred, *Job 42:6*. But such a dejection of ourselves hath no place among men. For *Paul* professeth himself to have been useful to the Churches, and that he deserved to be beloved and honored by them.

2. 2. Yet our Humility before men, hath dependence upon that Humiliation before God, *1 Pet 5:5,6; Prov 21:4*. Not only because we ought to bear ourselves humbly before our brethren, out of conscience towards God: But also because a sense and apprehension of our own vileness and unworthiness before God maketh us truly humble; and fitteth us in all respects for true humility.

3. 3. Humility towards men, is a virtue, whereby a man hath a care, that he exalt not himself above his degree, *Matt 23:12; Luke 14:11 and 18:14; Rom 12:3; 2 Cor 10:13; 14:15*; And doth not willingly commend himself, *2 Cor 10:12*.

4. 4. Therefore, he that is humble affecteth not any outward signs of Eminence, *Matt 23:6-8; Luke 14:7*.

5. 5. He prizeth others highly and labors to wait upon them, *Phil 2:3; Matt 23:11*.

6. 6. He patiently endureth any contempt of himself, so far as it appertains to him: *2 Cor 5:12,13 & 12:10*.

7. 7. He aspieth not to high things, *Psalms 131*.

8. 8. And yet he doth not renounce the gifts which God hath bestowed upon him: *2 Cor 11:5*. Nor doth out of the dejection of Spirit refuse any function to which he is called: *Gen 1:6,7*.

Chapter 18

Of Pride and Envy

Question 1. *In what thing, doth pride towards our Neighbor consist?*

1. A. 1. Pride in common is that, by which one doth inordinately go beyond that which he is. Whence it is commonly defined, an inordinate affectation of one's proper excellence. From this disposition, it doth immediately follow, that the proud man refuseth to be subject to others; and in this respect, it chiefly looks towards God, to whom all ought to subject themselves. And it is found at least *interpretatively* in all sin; because he that sinneth refuseth to be subject to the Divine will.

2. 2. But in respect of men, although there be some such similitude of Pride towards superiors, to whom proud men will not be subject: Yet hath it another consideration, in respect to inferiors, to whom they desire to be, or at least seem, superiors.

3. 3. This Pride as it is in the heart, thought, and affection, is called the lifting up of the heart, *2 Chron 28:19; Ezek 28:1*, as it is in the outward gestures, it is called the haughtiness of the eyes, *Prov 6:17*, as it is in words, it is called boasting; *Prov 12:9 and 20:6*.

4. 4. The same Pride as it is busied about fame, and empty praises, is called vain glory; as it is busied about honors, and dignities, it is called ambition: as about the ostentation of some great virtue, which one hath not, it is called presumption.

5. 5. This sin doth then directly hurt one's Neighbor, when a proud man undeservedly prefers himself before him: but chiefly if it be done with any contempt, contumely, or dis-esteeming of his Neighbor.

6. 6. But because it is the proper effect of Pride, to set one's self before his Neighbor, it singularly appears in that pertinacy, by which one will stick to his own opinion, or cause, against the judgment of others without any reason. Hence almost arise all discords, and contentions: and

therefore in this consideration, also Pride is the cause of many sins against our Neighbor, *Prov 13:10*.

7. 7. From Pride also Envy properly flows: by which, a proud man will not, or cannot with a willing mind see another's good, because by that his excellency seems to be diminished.

Chapter 19

Of the mutual obligation betwixt those that are superior only in age, and gifts, and their inferiors.

Quest. 1. *What is the duty of such Superiors?*

1. A. 1. All Superiors of this kind ought to endeavor to go before their inferiors, by some eminent example in living well; *Tit 2:4; 1 Pet 5:3*. The reason is, because of those which have received more, more also is required; *Luke 12:48*, and that, for others good, and especially for theirs which have received less. But he which is superior in good parts, hath received greater means of living: and he which is superior only in age, hath at least greater experience. Therefore from either somewhat more is required, than can be expected from inferiors, which conduceth to their good by the means of an eminent example.

2. 2. He which excels in some gift, ought readily to impart it to the benefit of others. The reason is, because those gifts which we have received of God, are not merely ours, as if we were absolute Lords of them: but we are only dispensers of them, and in the dispensing of them, the will of the Lord and Giver, is to be respected, which requires, that they be referred to his glory, in the right use of them towards other men; *Rom 1:14, I am a Debtor, etc.*

Quest. 2. *What is the duty of inferiors towards such superiors?*

3. A. 1. The inferiors owe to them a lowly reverence or honor with submission. The reason is, because all are to be honored according to their degree: and the degree of those superiors is above other, therefore, the respect which is due to them, ought to be joined with acknowledgment of superiority, which is honoring, or lowly reverence.

4. 2. That reverence ought not to be performed by internal estimation only, but by words, gestures, and deeds also.

5. 3. Inferiors also ought willingly to learn those things of such superiors, as will be for their proficiency in living well: and those things they have learned, they ought upon just occasion, gratefully to profess, *Acts 18:26*.

Chapter 20

Of the mutual obligation between Superiors in power, and those which are subjected to them

Quest. 1. *What is the duty of this kind of Superiors?*

1. A. 1. They ought to procure as much as in them lies, for those which are their subjects, that they may lead a quiet and peaceable life in all godliness and honesty, *1 Tim 2:2*. The reason is, because he which is superior in power, is the Minister of God for good to others, *Rom 13:4*, Therefore he ought first to direct all his power, that God, whose Minister he is, may be honored by it: and then, that from the same power the greatest good may come to the subject.

2. 2. Hence, they ought as much as in them is, 1. To procure for their subjects all means of living well. For the foundation and chief act of supreme power amongst men, is the communication of good, in respect of which, those, to whom it is communicated, depend on him that did bestow it, and we subject to him.

Secondly, to free them from danger or fear in doing well, for this is protection, which is the conservation of the good they have; and therefore it is a kind, at least according to the continuation of it, of communicating good.

Thirdly, to stir them up to good by all just means, and draw them from evil; for that is the end of the means of their support and conservation

Question 2. *What is the duty of subjects towards those which are Superiors in power?*

3. A. 1. They owe to them that special reverence, which not only respects eminency in degree (for such is due to our Superiors either in age, or gifts) but also original eminency, on which they do depend according to their well being, in some way as on its cause.

4. 2. They owe to them subjection, by which they so acknowledge their power and authority, that they study to preserve it unhurt. For the power and authority of the Superior, can no more actually subsist, without this subjection, than one relative without its correlative. To this subjection, not only all violent insurrections, but contempt also, and dis-esteem is

repugnant. For although this subjection towards men, is not properly of the soul itself, yet ought to proceed from the soul; *Eph 6:6,7; Col 3:23*.

5. 3. They owe to them obedience, by which they are ready to perform those things which are appointed by them. This obedience is distinguished from subjection, as the special from the general. For subjection in common, respects the precept, or command which proceeds from the power.

6. 4. Hence, First, there may be subjection, where there is not obedience; as in the humble denying of obedience, when that which is commanded by the Superior, is manifestly unlawful.

7. 5. Hence also, Secondly, the rule, of obedience and reason, why it is not to be performed, in unlawful things, floweth; because no man is bound to obey any one; but as far as he is subject to him, but God will not, that men should be subject to men, either to do unlawful things, or to sin.

8. 6. They owe to them an humble gratitude, by which they must study according to their ability to recompense those benefits, of which they are made partakers by their power.

Chapter 21

Of the mutual obligation between Man and Wife

Question 1. *How the Husband ought to bear himself towards his Wife?*

1. Ans. 1. He ought to reckon of his Wife in all things, as his nearest Companion, and as part of himself, or of the same Whole, in a certain parity of honor, *Eph 5:28,29*.

And hence first, there ought to be a most sociable and intimate affection between Man and Wife.

Secondly, a cruel, offensive, or contumelious usage of Wife, is altogether different from the true nature of wedlock, *Col 3:19*.

Thirdly, There is a singular Honor in a practical way due from the Man to his Wife, *1 Pet 3:7*.

2. 2. Nevertheless, he ought in all things to bear himself, as the head of his Wife; *1 Cor 11:3*.

And hence first, He ought to excel in knowledge and prudence, that so he may rightly give example, govern, and direct the Wife depending upon him; *1 Pet 3:7*.

3. 3. He ought to provide for her all things necessary, according as his estate and condition give leave, *1 Tim 5:8*. He ought to govern her in those things, which belong to good manners, and household affairs, *Numb 30:14*.

Question 2. *In what sort ought the woman to bear herself to her Husband?*

4. Ans. 1. Besides the Common duty of sociable and intimate affection, She ought in the first place to submit herself to him as her head, *1 Cor 11:3; Eph 5:22; Col 3:18; 1 Pet 3:6*.

5. 2. She ought so to carry herself, that she may bring honor, (and if it may be) gain to her husband *Prov 12:4 and 14:1 and 31:10-12, etc.*

6. 3. She ought with fear and submiss reverence, have a care that she do not offend her Husband, *Eph 5:33; 1 Pet 3:2.*

7. 4. She ought in all things so to behave herself, that her Husband may content himself in her, as in another himself, *Ps 45:11, 12.*

Chapter 22

Of the Mutual obligation between Parents and Children

Question 1. *What ought Parents to do for their Children?*

1. Ans. 1. They are first bound to nourish their Children, till they are fit to help themselves; *1 Tim 5:8*, And this duty ariseth out of the very propension of Nature, which is common to Man and Beast. For even wild Beasts do nourish their young, till such time as they grow somewhat big. And out of this reason, it must needs follow, that it is a sin in that Mother, that without some just cause hindering, doth not nurse her Children with her own breasts.

2. 2. They are bound either by themselves, or others, to bring them up in the Discipline, and fear of the Lord; *Eph 6:4*. And the reason is, because Parents ought not only to provide that their Children may live, but that, (as far as in them lieth) they live well to God.

Hence, first ought (they according to their apprehensions) instruct them in the Principles of Religion, that they may from their tender years conceive the seeds of conscience, religion, and good manners, *1 Tim 3:15; 1 Reg 18:12; Prov 4:3,4 and 31:1,2*.

Secondly, They ought by all fit means to deter them from evil, and incite them to good; *1 Sam 3:13*. And for this reason, not only verbal, but a real correction is in its place requisite, *Prov 13:24 and 19:18 and 23:13*. But yet such a moderation this here to be observed, that the Children be not provoked to wrath, *Eph 6:4; Col 3:21*.

3. 3. They are bound so to exercise their paternal authority, that it may redound to the greatest benefit of their Children, not only while they are in the Nonage but afterwards also. And to this place, two things chiefly have respect:

First, That they provide for them some honest, and fit course of life, *Prov 22:6*.

Secondly, That when it shall be needful, they provide for them an honest and fit marriage, *1 Cor 7:3,8*.

Question 2. *What, and of what kind is the power of Parents?*

4. Ans. 1. The power of Parents, is the title, that they have over their Children by reason of the generation, and education of them. And hence, all Paternal authority, is terminated in the good of their Children, by governing and restraining them, nor may it be exercised to the power of life and death.

5. 2. The chiefest power of Parents over their Children, is then, when they are destitute of the use of right reason: for so long, all the actions of the Children are subject to the command of the Parents, because, because they are not able to govern themselves.

6. 3. When they are arrived at the perfect use of reason, the power of the Parents doth chiefly consist in those things, which seem to be of moment for the government of the Common family. In respect of other things, the authority is less in the Parents, but the bond of obedience, seems to be stronger upon the Children, because then they do more understand what they are to their Parents.

7. 4. After, that by the explicit or implicit consent of their Parents, they are seated in their own power: then doth the authority of Parents (as it is properly so called) cease, though on the Children's part, the duty of gratitude, observance, and filial piety, may never have an end.

Question 3. *What are Children bound to do for their Parents?*

8. Ans. 1. They owe to their Parents, as their Parents also to them a singular love, the want, of which natural affection, is reckoned among the most odious vices, *Rom 1:31*.

9. 2. They owe a singular reverence and honor, as the words of the fifth Commandment intimate, to which contempt, mocking and scoffing them, are opposed s most abominable sins, *Lev 20:9; Deut 27:16; Prov 20:20; Prov 15:5 and 30:17*.

10. 3. They owe them subjection and obedience, *1 Tim 3:4; Tit 1:6; Eph 6:1; Col 3:20*.

11. 4. They ought to have a singular patience, in hiding and bearing with the infirmities of their Parents, *Prov 23:22; Gen 9:22*.

12. 5. They ought to fear them, *Lev 19:3*.

13. 6. They ought with all gratitude to repay their love and care in doing good to them as occasion shall serve, *1 Tim 5:4; Matt 15:4-6; Mark 7:12*.

14. 7. All these duties ought so to be performed by the Children, that they may bear the name of piety, *1 Tim 5:4*; Because the Parents in regard to their Children, do bear a singular image of God, as he is the Creator, Sustainer, and Governor.

Chapter 23**Of the mutual obligation between Masters and Servants,
what, and of what kind it is**

1. A. 1. Servitude is much different from the state of a child.

First, In respect, it is not from nature, as that of a child, but either undertaken by voluntary consent, or else imposed by way of punishment.

Secondly, In that the condition of a Son tendeth chiefly to his own proper good, not of his Father; but servitude doth aim directly at the good of the Master, and not of the Servant.

Thirdly, In that Children are not ordinarily enjoined and work, but what is ingenuous, but Servants are bound to do all kind of work.

Fourthly, In that the subjection of Children is not always in the same proportion and equality, but Servants owe their perpetual endeavors without all distinction of time.

Fifthly, That in all things, Children are more tenderly and favorably to be used than Servants, *Prov 29:21*.

2. 2. Perfect servitude, so it be voluntary, is on the patient's part often lawful between Christian and Christian, because indeed it is necessary: but on the Master's part who is the agent, in procuring and exercising the authority, it is scarce lawful; in respect, it thwarts that general Canon, *What you would have men do unto you, even so do unto them; Matt 17:12*.

3. 3. Perfect servitude, by way of punishment, can have no place by right, unless for some heinous offence, which might deserve the severest punishment, to wit, death: because our liberty in the natural account, is the very next thing to life itself, yea by many is preferred before it.

4. 4. The condition of those men, who are forever bound and enslaved to some certain kinds of work: And of other Servants, who hire themselves out for a time at such or such a price, is not perfect servitude.

5. 5. Servants owe to their Masters subjection as well as honor; And therefore, they ought not to run away from their Masters: because this were the same, as to take away another man's proper goods, and so no less unlawful than very Theft, *Ep. Ad Philem.*
6. 6. They ought to obey their Masters in the Lord, in all things, wherein they are subject. And this obedience, should not guide itself with an eye upon the knowledge of Men, but of God; nor should it aim chiefly at the reward to be received from Men, but from God; *Col 3:22-24; Eph 6:5,6.*
7. 7. They do not only owe this subjection and obedience to good and mild Masters, but also to the bad and harsh, *1 Pet 2:18.* And the reason is, because the primary ground of this duty is not the merit of the Masters, but the ordinance of God, *Rom 13:3.* But those Servants, which have faithful, and good Masters, ought not thence take any occasion to be slack in their subjection and obedience, but rather so much the more increase it. Because both their own charity and their Masters merit it. Gratitude is hence augmented: and so where the Masters deserve more, and the Servants are more engaged, the servile duties ought not there to be slackened, but the rather encouraged, *1 Tim 6:2.*
8. 8. It is the general duty of Masters, that they do not exercise an absolute Dominion over their Servants; nor imagine, they are granted any such jurisdiction, but a limited Dominion, whereof they are to give account to God, as the common Master of them, as well as their Servants, *Eph 6:9; Col 4:1.*
9. 9. They ought to give their Servants what is their due, *Col 4:1,* (that is,) all things that are due to them for their labor, *James 5:4;* that is, all maintenance agreeable to their service and attendance, such as is diet, clothes, and lodging, *Prov 31:15.*
10. 10. They ought also to do them what is fit *as well as just; Col 4:1* (that is) such things, which though they cannot be exacted by the Servants, as of right their due, yet ought of right reason to be allowed; such offices are to show some special favors to a Servant, that is, singularly trusty and discreet, *Prov 14:35,* and to promote him as much as is fit, *Prov 14:35,* and to forsake and cast off a Servant in his sickness, *Matt 8:6.*

11. 11. Moreover they ought to have a care that their Servants be instructed in the Doctrine of Religion, and to see that they frequent holy exercises, and also to lead them in the right way, and to turn them out of the way of sin, as appeareth in the fourth Commandment, *Prov 29:12*.

12. 12. They ought to bear themselves toward their Servants with humanity, and meekness; not imperiously, and domineering, dealing with them as if they were beasts rather than men, *Eph 6:9*.

13. 13. They ought to correct saucy Servants, *Prov 29:19*; or if they be incorrigible, to turn them out of doors, *Psal 101:6*.

Chapter 24***Of the mutual obligation between Ministers and their Flock***

Quest. 1. *What is the duty of the Ministers?*

1. Ans. 1. They ought so to behave themselves towards the Congregation as Servants, and not as Lords; *1 Pet 5:3; 2 Cor 4:5*. Now they are Servants of God as their proper Lords; *Acts 20:19*; And the of the Congregation as the object, whereupon their pains and service is bestowed. And hence it is, that being considered, as they are Christ's delegates, bringing and executing his Commands by special commission, they do all things with authority; *Tit 2:15*. Although considered in themselves in their manner of working, which concerns their persons, they are the Servants of all men; *1 Cor 9:19*.

2. 2. They ought by all means to endeavor, to fulfill their ministry, *Col 4:17*. As well intensively in being zealous and instant in doing their duty, as extensively in looking to every part of their duty; *2 Tim 4:2*. And all this constantly without thought of looking back, *Luke 9:62*.

3. 3. They ought in all duties of piety to behave themselves exemplarily toward their Flock; *1 Tim 4:12; 1 Pet 5:3*.

4. 4. They ought to put some difference between those, that are more, and these, that are less perfect among those that are good. And accordingly accommodate and apply themselves in all things; *1 Cor 3:1,2*.

6. 6. They ought to perform all these things with singular diligence as soldiers; *2 Tim 2:4*, as Husbandmen, *1 Cor 3:9*, as Shepherds and Watchmen ready to give an exact account of things to God, *Heb 13:7*.

7. 7. They ought to do all these things so, that they may appear not to respect themselves, but only the glory of God, and the edifying of his Church.

Quest. 2. *What is the duty of the people towards their Ministers?*

8. Ans. 1. They ought to show them singular reverence for the dignity of their place, in which Christ hath seated them as his vicegerents; *Isa 52:7; Rom 10:15*. And this reverence though properly it be but civil, yet in respect it is not only enjoined by the Religious worship of God himself, but is directly and immediately derived from it, and hath an individual connection with the same, it is therefore of a singular nature by itself, (that is,) participatively Religious.

9. 2. They ought to have them above measure dear; *1 Thess 5:13; Gal 4:14,15*. For they who are made Partakers of a great benefit, cannot choose, but extremely love those, by whom as by instruments, it was conveyed to them.

10. 3. They ought to be obedient to them, *Heb 13:17*. And this obedience, as it looketh upon the will of God, manifested by them to us, ought to be spiritual in purely internal acts. It is also requisite, that obedience be yielded unto them in other things, which belong to their office, so there be not in such things any show of sin, scandal, or any notable inconvenience.

11. 4. They ought to provide, that they want nothing to maintain themselves decently, *1 Cor 9:11; Gal 6:6; Rom 15:27; 1 Tim 5:17*. Nor is this any free or charitable donation, but a just and exactable debt, *Ibid 18*.

12. 5. All these ought so to be performed, that it may add cheerfulness to the Ministers in the performance of their duties; *Heb 13:17*.

13. 6. But because, these things are not due for the title's sake, but for the Divine ordination and the work's sake; *1 Thess 5:12,13*. They are not therefore to be observed to Men servers, nor to be absolutely unworthy.

Chapter 25**Of the Mutual obligation between Magistrates and Subjects**

Question 1. *What kind of power is that of Magistrates?*

1. Ans. 1. It is the greatest of human powers, because it is above all other, and ruleth them, *Rom 13:1*.

2. 2. It is the institution of God; that in general, there should be Magistrates and public Governors, *Rom 3:1, 2:4*. But that in special, it should be in this, or that form, is the device of men, *1 Pet 2:13*.

3. 3. Hence, this power is not absolute, but carries a double limitation, one from the will of God, whose Minister every Magistrate is, *Deut 17:18*.
2. Another from that will of man, which is included in those conditions and Laws, in which the power of rule is founded.

4. 4. The right of Kings, *1 Sam 1:8,9,11*, which is quoted by some (as it is in the old translation,) to prove the unbounded power of their rule, doth no more prove any such power, than the same word doth approve and allow of the iniquity of the Priests, *1 Sam 2:13*.

5. 5. It is not to be denied, but that some people compelled by necessity, may so sell themselves over to the King, that they may be all justly his slaves, *Gen 47:23*. But we must not presume this, because it is not evident; because it is against custom, & against all natural inclinations: neither can it lawfully or justly be aimed at by any Prince: because it is his duty chiefly to have an eye upon the common advantage of his subjects: Neither would such a government constitute a City or Body Politic, but rather a Lordly Domineering, and a monstrous slavery.

Question 2. *What is the office of a Magistrate?*

6. Ans. 1. He oweth to his subject an eminent protection whereby they may stand safe from all perturbation, fear, or impediment in their honest course of life, *1 Tim 2:2; Isa 32:2*, and hitherto belongeth the curbing and repression of the wicked, *Ps 101:8*.

7. 2. He oweth to them eminent direction, by providing so for them, that they want no means, whereby they may be advantaged in living well, *Ps 72:6,7*.

8. 3. The chief care of the Magistrate ought to be, that he promote true Religion, and repress impiety, *Isa 49:23; Ps 2:11*. Examples of this care are commended in *David, Solomon, Josaphat, Hezekiah, Josiah, etc.* The business of the Lord, and the business of the King, are not so disproportionate, (as you may see in the *2 Chron 19:11*) but that the care and knowledge of the things which are God's, may well belong to the King: But they are thus truly distinguished, that in the managing of affairs, the King play his part politicly, and the Priest his Ecclesiastically.

9. 4. The Magistrate ought to further and promote the external happiness of his subjects, and not disturb and overthrow their fortunes by unjust exactions, *Prov 28:15,16*.

10. 5. And to this end, there lieth upon the Magistrate a singular care of the Laws and Judgments, that they be as well executed as constituted with all Justice and equity; *Isa 10:1; Jer 5:1; Deut 1:16,17; 1 Chron 19*.

11. 6. He ought to show his subject a good example, and that by reason of his place, in an eminent manner, *Ps 101:1*.

12. 7. In his manners, he ought to show himself as a Brother to the rest, and in his function as a Father; *Deut 17:20; Isa 12:21*.

Quest. 3. *What is the duty of Subjects towards their Magistrates?*

13. Ans. 1. They ought specially to pray for them, and that all manner of prayer; *1 Tim 2:1,2; Ps 20*. And this duty is to be performed, not only in respect the good of the subject, is included in the good of the Magistrate, *Jer 29:7; 1 Tim 2,3*. But because indeed, a singular part of the honor of God, depends upon their power and administration, *1 Pet 2:17*.

14. 2. They owe to them singular honor, *Prov 24:21; Rom 13:7*. And there is a double ground for this: First, The ordination, and very image of God, which shineth in their eminence, *Rom 13*.

Secondly, Those blessings, which are derived to the Subjects by them, as instruments of God, *Ps 72*.

15. 3. They ought out of singular reverence have a care, lest they pass any rash censure upon their government, *Exod 21:18; Eccl 10:20; 2 Pet 2:10; Judg 8*. And the ground of this caution is:

First, That Candor which as it is due towards all men, so especially towards Superiors.

Secondly, The difficulty of searching the originals, and causes of public business.

Thirdly, That moderation, by which we ought to tolerate light infirmities and offences, and pardon them for public quietness' sake.

16. 4. They owe to them subjection and obedience, *Rom 13:2,5; Tit 3:1*. And the ground of this is:

First, That supereminency of power, which Magistrates have received for the direction of subjects, which cannot by any means attain its end without the obedience of those subjects, *Rom 13:1*.

Secondly, That common good, which floweth from this order of rule and subjection.

Thirdly, Fear.

Fourthly, Conscience towards God, *Ibid. vs. 5*.

17. 5. They ought to perform all duties toward them, and pay tributes, and the ground is:

First, the due care of the common good.

Secondly, The debt of gratitude, for those benefits which are derived to all through that public administration.

Thirdly, The debt of gratitude, for those benefits which are derived to all through that public administration.

Thirdly, The debt of Justice, for the public pains discharged my the Magistrates.

Question 4. *Whether or no, and how far human Laws bind the conscience?*

18. Ans. 1. Nothing but the law of God doth properly, directly, immediately, and by itself bind the conscience:

First, Because the Conscience or Soul of man, is not properly subject to any, but God alone.

Secondly, Because the only rule of our conscience, is the Law of God written in our hearts, *Rom 2:15*.

Thirdly, Because man cannot indeed judge of the conscience.

Fourthly, Because they cannot inflict any spiritual punishment upon the conscience.

19. 2. Yet nevertheless, human Laws are to be observed out of conscience towards God, *Rom 13*.

Fifthly, Because the Law of God, hath constituted this power and order, and hath enjoined us to yield obedience and subjection to the same, *Ibid*.

20. 3. Now, because the Law of God, doth directly and immediately enjoin subjection to such supereminent power, therefore in all human Laws, the subjects are bound not to oppose them out of contempt of authority, and the offence thereby given to others, is by itself a sin against the Law of God.

21. 4. Those human Laws, which do either urge or declare the Divine, or do directly further the conservation thereof, do bind even the conscience, and the reason is because such Laws, in that respect do partake the nature, and force of the Divine Law.

22. 5. Other human Laws, because they may be either just, or unjust, or partly unjust, and that by reason of the efficient matter, former or end, or in respect of this or that subject, or adjunct, therefore they do not so absolutely bind, as that every violation of any of them should infer a

mortal sin. For if it were so, then as many Laws as there were, so many snares for souls there were, and they that live under Laws, should be subject to many more sins, than they who live among barbarous people, either quite without Laws or but a few.

23. 6. The violation then of such or such a Law, which is purely human, is not any special kind of sin, in respect of the matter of Law, but is only so far forth a sin, as it breaks the Law of general obedience; insomuch that all transgressions of such Laws, may be reduced to one kind of sin.

24. 7. The obligation of the Law, must not be stretched beyond the just intention and mind of the Lawgiver. But it is to be presumed, that no man would oblige his subjects to a mortal guilt and utter damnation, for every neglect of his will and pleasure, Nay if in some case, the Law cannot possibly be observed, but some great damage, scandal, or inconvenience must needs follow, it is to be presumed, that the Lawgiver never intended, that the Law in such a case should be observed.

25. 8. If the intention of the Lawgiver should be unjust; nevertheless, the intention and end of the Law itself, if it (at least) be lawful, is always just, right and the common good.

26. 9. The intention and obligation of a Law, ought not to be stretched beyond the cause and ground of that Law; so that the ground or cause ceasing, the obligation of the Law is to cease too.

27. 10. The obligation of a Law ceaseth, when either through dis-custom; or some contrary custom, out of silent consent, or the connivency of the Magistrates, it is esteemed as abrogated. Now Magistrates may be said to consent (at least interpretatively,) to the abrogation of any of their positive Laws, when for a long time, and publicly, they know them to be neglected, and yet they do not reclaim them.

28. 11. Many Laws are purely penal, so that they are well enough observed, if the penalty due to the breach be undergone.

The reason is, First, Because the end of the Law is to deter men from the common, or frequent use of such or such a thing, to which end, the constitution of some penalty may suffice.

Secondly, Besides in all such Laws, there is a tacit compact and agreement, that the penalty only bee undergone upon breach of them.

Thirdly, Understanding men never make any scruple of conscience in such Laws, if there be neither contempt, scandal, nor any great damage in the offence. Such are the Laws against hunting, and fishing, and against the taking of fowls or fish, and against the use of this or that kind, of habit or meats, etc.

29. 12. Nor doth this penal law bind a man to undergo the penalty, unless the Judge determine it so, that the penalty be suffered, and for the most part too, not unless the sentence be put in execution. For the penal Law binds only in order as the punishment must be inflicted, the delinquent not being of his own accord to undergo or demand it, which were ridiculous.

30. 13. In all doubtful cases, we must presume upon the justice and equity of the Law, and the moderate intention thereof, or else upon the obliging force it beareth.

Chapter 26***Of the Equity of the Mosaical Laws, which are appendixes to the fifth Commandment***

Question 1. *Whether it be just, that he, who strikes or curses his Parent, according to Law should be punished with death? Exod 21:15,17; Lev 20:9.*

1. Ans. 1. The equity of this Law, seems to be approved by the Lord under the new Testament, *Matt 15:4; Mark 7:10.*

2. 2. Patricide of all sins against men is the most horrid; Now to strike or curse one's Parent, is a certain degree of patricide.

3. 3. Those sins which are against nature, or against the Law of nature are most heinous: because that Law which is more written in our hearts, hath more of Law in it, in respect of the more clear manifestation and concomitant conviction, whereby the contumacy of that man is more condemned, that shall violate such a Law, *Rom 1:26,27; 1 Tim 5:8.* It is right therefore, that the most grievous punishment may be appointed for such, who are not afraid to commit such kind of faults.

4. 4. In such sins, there is a complication of many sins.

For first, The chiefest duty of charity is heinously violated in its prime object.

Secondly, The crime of greatest ingratitude is incurred.

Thirdly, There is an open disclaiming of all reverence whatsoever.

Fifthly, The Image of God is foully violated.

5. 5. Besides in that kind of sin, are contained the seeds of many other sins.

For first, The bonds of domestic Discipline, being quite rent asunder, there is open way made to all licentious manner of sinning.

Secondly, By such courses, there is contracted a disposition and habit of contumacy and rebellion towards all rebellion, and even towards God himself.

Thirdly, The love of Parents, and the care necessary for their children is extinguished.

6. 6. There are many conveniences do arise from the constitution of so heavy punishment for this crime.

For first, Children will contain themselves in dutiful carriage towards their Parents.

Secondly, Parents will be the more careful and exact in the right education of their Children, lest by their fault, they perchance fall in that capital offence.

Thirdly, Youth will be exercised in the reverence due to all their Superiors, and to God himself, and also in the right estimation of the nature of the sin.

Question 2. *Whether or no, is that Law in Deut 21:18 just, which appoints death to the rebellious child?*

7. 7. Ans. 1. The Equity of this Law, doth appear by the causes of it.

For first, such a Child is here meant, who with rioting and drinkings, disturbs and destroys the peace of the family and estate of his Parents, vs. 20; Prov 19:26 and 28:7,24 and 29:3. Now in such a Child, the crime of theft and robbery is eminent, and that too, with a singular aggravation in respect of the parties, against whom it is committed.

8. 2. An incorrigible child is here meant, vs. 18. Now such a Child to his obstinate disobedience, hath annexed an absolute despair of his conversion, insomuch, that nothing be suffered to live; but that he will be hereafter, as pernicious to the Commonwealth, as formerly he hath been to the private family.

9. 3. Such a Son is here meant, as hath estranged from himself the affection of his Parents, and hath forced them to be his most severe

Accusers, vs. 19, *Prov 19:26*, which to some parents is worse than death; *2 Sam 18:32 and 19:1*.

10. 4. The like Equity appears from the conditions, requisite to this Law.

For first, The execution of this Law, is not the pleasure of the Magistrate immediately, but in the will of the Parents, who for the most part do rather offend by too much indulgence.

Secondly, This Law is enacted not as if it were an injunction commanded to the Parents, but as a power granted to them, to exercise if they please.

Thirdly, This power too, is not granted to all Parents, but only to such, as those, who have discharged their duties in the private education and due correction of their Children. It is not permitted to others, to complain public of that untowardness and dissoluteness of their Children, which they may thank themselves for, and they must bear those inconveniences, which they have brought upon themselves, as just judgments by God inflicted upon them.

11. 5. Moreover, by the event it appeareth, that the Law was not unjust, for although, it cannot be doubted, but Children in a family, were by this mean better kept within the limits of their duty, yet we meet not with any example in the whole old Testament of any Child, that for this cause suffered death after this manner.

Question 3. *Whetehr or no, that Law be just, Deut 17:12 that the man should suffer death, that hearkeneth not to the Priest or Judge.*

12. Ans. 1. The Equity of that Law, will easily appear, if we observe,

First, That it is not there meant of simple disobedience, but such a disobedience as carrieth with it petulancy, arrogancy, and sedition.

Secondly, 'Tis a disobedience in those things, which are manifestly and plainly determined by the Law of God.

Thirdly, It is meant of the disobedience of those, who by a special compact, have promised obedience.

13. 2. Nevertheless, in respect, this Law did partly depend on the peculiar state of that people, it cannot be in its rigor extended to all people.

Chapter 27

Of Meekness, Patience, Long-suffering, and Placability

Question 1. *What be the grounds of these virtues?*

1. Ans. 1. That Meekness towards God, whereby we receive his word with quiet and composed affection, *James 1:21,22*, and submit ourselves unto his yoke, *Matt 11:30*.

2. 2. That Charity towards our brethren, whereby we wish unto them all good, and pity their affections, *Gal 3:22,23; Eph 4:2; Tit 3:2*.

3. 3. Humility, whereby we are ready to submit to our brethren for their good, *Eph 4:2; Col 3:12, 1 Pet 5:5; Phil 2:3*.

Question 2. *By what means are these virtues discernable from other dispositions, which bear some resemblance with those, and usually the names?*

4. Ans. 1. These Virtues do show themselves in quite different ways, as reason persuades, and as cause doth require, *Gal 4:20; Judges 22:23*. For it is not indeed, Meekness or Patience, but mere stolidity rather, which doth not conceive the causes and reasons of things, and rightly weigh and ponder them.

5. 2. These Virtues cause men, willingly to part with many things, which are properly their own, but by no means will they suffer anything of God's right to be bated, *Gal 4:12*. For it is not Christian patience or meekness, but a mere stupid dullness, which doth not, with zeal oppose itself against all sin, *1 Sam 12:13*.

6. 3. These Virtues do dispose a man, that they do not at all hinder him, but help him, in seeking the amendment of his brother that sinneth, *Gal 6:1*. For it is too fond a tenderness, and not meekness, which doth so much respect peace, that it neglects the care of its duty.

7. 4. So that these kind of Virtues, though they should never be altogether wanting in a Christian man, yet sometimes, in respect of the exercise of them, they ought to be intermitted, *1 Cor 4:21*.

Question 3. *By what motives is the mind of man, stirred up to the study of these Virtues?*

8. Ans. 1. If we consider the meekness, patience, and longsuffering, which God showeth towards us; *Eph 4:32; Col 3:13*.

9. 2. If we but consider ourselves, what we have been, *Tit 3:3*, and what we still are, *Gal 6:1*.

10. 3. If we consider, how God can, and usually doth, dispense his grace, *2 Tim 2:25*.

Chapter 28**Of Slowness to wrath, and of Wrath**

Question 1. *What kind of fault is Slowness to wrath?*

1. Ans. 1. It is a fault arising from defect of anger, by which duty of justice, or charity, whereby a man is bound to admonish, chide, and punish an offender is intermitted.

2. 2. It hath indeed some resemblance with meekness, but such a one as boldness hath with fortitude, and obstinacy with constancy.

3. 3. It hath some show of longsuffering, or that slowness to wrath, which is virtue. But here is the difference, that the longsuffering man is slow to wrath out of understanding, and that not human but heavenly, *James 3:17*. But this is either out of dullness of nature, or of human and carnal wisdom.

4. 4. The proper evil therefore, in this slowness to wrath, (of which we speak,) is when it is the cause of the omission of some duty to be done, *1 Cor 5 with 2 Cor 7:11*.

Question 2. *What kind of sin is Wrath?*

5. Ans. 1. It is a sin in excess of anger, because it observeth not the due mean.

6. 2. Now it is a sin, First, in respect of the impulsive cause, when without just occasion one is moved to anger; *Matt 5:22*.

7. 3. Secondly, In respect of the degree or measure, though in a just cause, *Gen 49:7*.

8. 4. In the respect of the end, when it is not directed to the glory of God, and repressing of sin, but is raised either for our credit sake, or our pride, or our profit, *Prov 13:14 and 21:24 and 28:25*.

9. 5. In regard of the direct effects, as when it breaks out into execrations and cursings, *Ps 106:33*.

10. 6. In regard of the indirect effects as when it bereaves a man of his understanding; *Prov 16:32; Luke 21:19*. Or renders him unfit to execute God's Justice, (*id est*,) to perform those duties which God hath prescribed and doth require.

11. 7. In regard of the tim it lasteth, when in due time it is not appeased; *Eph 4:26*.

Chapter 29**Of Concord and Goodwill**

Question 1. *In what thing consisteth Concord?*

1. A. 1. Concord is commendable in that which is good, but not that, which is naught. For otherwise be the design known to be naught, which they conspire about it is faction not Concord; but if that which is naught seem to be good it is an apparent Concord only, and not a true one; *Phil 1:27 and 2:2 and 4:2*.

2. A. 2. Hence true Concord is not properly among any but the good, because it is versed about that, which is good, which is not indeed any way sought for but by those, which are good themselves, Insomuch, that there is never any solid Concord among the wicked: because the object and ground of true Concord is still wanting.

3. A. 3. Concord is an agreement of Hearts or Wills about some desirable good: for that although in many things it may seem little different from peace, yet it contains within it somewhat more; for we may have peace with the wicked; *Rom 12:18*; but no Concord.

4. A. 4. Now because the Wills of men, may be united in some one good, and yet have not a perfect harmony of opinions about those things, which belong to that good; therefore a difference of opinions about those things, which are not absolutely necessary, although it somewhat take from the perfection of Concord, yet it is not repugnant to Concord itself; *Phil 3:15, 16*.

Question 2. *Whether or no Concord be a distinct virtue and necessary?*

5. Ans. 1. Concord as it implies an effect of union between diverse parties, is not itself a virtue, but somewhat flowing from the virtue of those diverse. But the love of Concord is an act of virtue. But the inclination and disposition to this love, is only rationally distinguished from Charity.

6. A. 2. The desire of Concord is necessary; First, In respect of Charity from whence it flows, and which it cherisheth, promoteth, and completeth.

Secondly, In regard of Justice, whose impediments it removeth.

Thirdly, In regard both of public and private felicity, which is more easily always procured by the untied forces of agreeing good men.

Question 3. *In what thing consisteth good Will?*

7. Ans. 1. It properly consisteth in that desire, whereby we wish well to other men: But, First, The true and principal good things are to be wished both to others and to ourselves; I mean Spiritual good things, and other things only, as they may further these, 3 *John* 2.

Secondly, No good is to be wished to one man, which may by any means be prejudicial to another. Therefore we may not wish, that those may thrive either in wealth or honor, who plot mischief against others.

Chapter 30

Of Equanimity

Question 1. *What is Equanimity?*

1. Ans. 1. Equanimity is that, Moderation in conversation, with men, whereby Concord good will and peace is maintained; *Phil 4:5*. A. 2. Now this Moderation consisteth properly in a relaxation of the strict and rigid Law, as reason shall think it fit; all circumstances being rightly considered.

3. A. 3. But this Relaxation that may partake the nature of a virtue, is to carry an even temper between two extremes; so that it do not without discretion relax or pardon, either all things or nothing.

4. A. 4. This moderation in the first place is to be observed in our speech, so that we do not arrogate so much to ourselves by our words as our due is; *Phile 18:19*.

5. A. 5. It must be observed too in our deeds, that we do not always indeed challenge that right, which by our speech perhaps we maintain to be due; *1 Cor 9:15*.

6. A. 6. The like Moderation is to be observed in a gentle toleration of those infirmities in others, which we cannot by any means cure; *Rom 15:1*; *1 Thess 5:14*.

7. A. 7. This same Equanimity is to be exercised in the interpreting of other mens' words or deeds, so that we allow of all that is good, and entertain all doubtful things in the better sense as far as may be; and that we do not too much aggravate what is evil, *1 Cor 13:5*.

8. A. 8. It is to be exercised in passing by and pardoning manifest injuries, when thereby either God's glory, or the public or private good of any men may thence be probably expected, *1 Cor 13:7*.

Chapter 31

Of Manslaughter

Question 1. *What is Manslaughter?*

1. Ans. 1. By Manslaughter is meant any unlawful killing of a man, to which may be referred the maiming of a man as being an imperfect and inchoate killing. Hence it is no sin of Manslaughter, where a man is killed by Justice. But to this Justice, thy conditions must needs concur. First, That the cause be weighty and just. Secondly, That it be done orderly and by just means. Fourthly, That it be done out of right intention and zeal for Justice, not out of wrath, hatred, or desire of private revenge, or any other inordinate passion.

Question 2. *What is a just cause that a man should be killed?*

2. A. That only in conscience ought to be held a just cause, which God in his law hath set down for just, either in express words, or by clear consequence: the life of a man is not subject to the pleasure of any but of him, who is the Author and Lord of life. It is the part of all men to obey the Law which forbids murder, without any exception which is not allowed by the Author of the Law.

Question 3. *Whether it be not in some cases lawful to kill the innocent?*

3. A. Out of intention and design, it is by no means lawful in any case:

But first, It is sometimes lawful to deliver an innocent to some that will kill him. As in case, a Tyrant would quite destroy a City, were not some innocent man given to his rage: That innocent man is bound by the Law of nature of offer himself to die for the safety of the whole Commonwealth: Nay the Common-wealth cannot retain or defend him, but ought to urge him to the performance of his duty in this part.

Secondly, By accident an innocent many sometimes be killed. As if in case necessity require, that some one or more guilty should be killed, and they defend themselves by the interposition of one not guilty: Or in

case, any man flying for his life through a narrow passage, cannot choose but trample upon another.

Question 4. *Whether it be not lawful, to kill a man sometimes by private authority?*

4. A. 1. It is sometimes lawful to kill a man without giving any public notice thereof, but it is then only lawful, when the cause doth evidently require; that it should be done; and there is no possibility of making public complaint: for in such a case every private man becomes a Minister of public Justice, as well by God's allowance, as Man's consent.

5. A. 2. Hence it is no doubt, but a man lawfully sometimes in his own defence kill one that assaults or sets upon him.

6. A. 3. But that this may be lawful. It is, First Requisite that the assault be violent and properly so termed; For it is force only which must be repelled by force, and not every injury.

Secondly, That the proper and true defense be in the very act of the assault, at least in a *moral* sense if not in a *physical*, and not any prevention of the assault of subsequent vindication; for if the assault may with any possibility be avoided, no reason will allow that it should come to this.

Thirdly, That nothing be offered under show of defense which is not necessary to that end, for if it exceed measure or the moderation of a blameless safeguard, it is not properly a defense; but one assault opposite to another.

7. A. 4. The justification or recovery of a man's honor, whether it suffer by words or any reproachful signs, or by deeds, as by a blow, or any slanderous accusation; or by a provoking to fight, or the like, is by some reduced to this kind of defense, but very unjustly.

For first, This honor, which is so much stored upon, is for the most part a vain thing, depending on the opinion of vain men, and by no means comparable to the life of a man.

Secondly, True honor is rather advanced than impaired by the contempt of such kind of injuries.

Thirdly, Any man may defend his honor by some other means.

Fourthly, That impaired credit, cannot be made whole by the death of the Detractor.

Fifthly, If this were granted, the way were open to frequent Murders.

8. A. 1. Yet this defense is justly referred to the guarding of one's charity, because he that assaulteth another's chastity, doth offer the greatest violence that may be, and that with so heinous and irreparable an injury, that it may seem rightly to be equal to death itself.

9. A. 6. It is rightly too extended to the defense not only of ourselves, but of others that are innocent. For this is required of the Law, that we love our neighbor as ourselves.

10. A. 7. Now the person assaulting or some other circumstances may be such, that he that is assaulted, should rather suffer death than resist with any such defense.

Question 6. *Whether in no case it be lawful to kill one's self.*

11. A. 1. To kill one's self out of direct intention so to do, is one of the most heinous kinds of Murder.

First, It is a grievous sin against the authority of God, who is the sole Lord of life.

Secondly, It sinneth against the goodness of God, whose great benefit it condemneth.

Thirdly, Against the providence of God, whose order of things it endeavoreth to disturb.

Fourthly, It is a sin against charity, whereby a man is bound to defend his own life no less than his neighbor's.

Fifthly, against Justice, which doth not allow any man for his private pleasure to deprive the Common-wealth and other Societies, of which every man is part of any one member.

Sixthly, Against the Common inclination of nature, and so against the Law of nature.

12. A. 2. It doth not excuse this sin, though it be done for the avoidance of any great evils whatsoever, or for the getting any great good whatsoever: or for revenge upon ourselves for our sins past. For no man is a competent Judge to decree such a thing upon himself: Nor is evil to be done, that good may come thereof, or that other evils may not follow; and therefore in vain is that fact of *Saul* by some excused, who fell upon his sword, lest he should have been mocked by God and his Enemies; *1 Sam 31:4*; And such was the fact of *Razis*, *2 Mach 14*.[?]

13. A. 3. Nevertheless it is lawful and sometimes just, that a man suffer himself to be killed by another; and not forbidding him when it is in his power, whether it be for the satisfaction of Justice, or for the great good of others either public or private, for this is not to do evil, but only to suffer it.

14. A. 14. It is lawful too sometimes to expose one's self to such a danger, by which death must necessarily though indirectly follow. So a soldier may keep his Station, or obey any command of his Leader though he know he shall therein be killed. So *Sampson* (out of singular instinct) did *directly* intend to kill the *Philistines* and not himself, although he foresaw, that his own death must needs follow, *Judg 16:30*[?]. And somewhat like is the case of those, who with gun-powder blow-up the ship they are in, lest the enemy should possess her. For they do not directly intend to kill themselves, but disadvantage the Enemy.

Question 7. *Whether or no the casual killing of a man be a sin?*

15. A. 1. That is said to be done by chance, which is done beside the scope and intention of the Doer. And this may be done two manner of ways. For it is either absolutely beside intention both in itself and in its cause, or in itself only and not in its cause. If a man be slain the first way

it is not Manslaughter; but only *materially*, and so it is no sin, because it is by no means voluntary; *Exod 21:13; Numb 35:22,23; Deut 19:5.*

16. A. 2. If it be done the latter way, it is the sin of Manslaughter, but weightier or lighter, as it was more or less voluntary in the cause.

17. A. 3. And in such cases he sins most, who doth some unlawful act, whereupon immediately followeth the death of another: As if a man should unjustly strike another without any thought of killing him, and yet his death should follow upon the stroke.

18. A. 4. The next degree of sin, is when a man doth an unlawful act, whereupon the death of another followeth *mediately or by* another party: As if a man should cherish some Ruffian or notable Murderer, although he doth it not to that intent that he should kill anybody.

19. A. 5. He sinneth heavily in this kind, who being about some warrantable business, doth not take special care to avoid Manslaughter. As when any man dischargeth a Gun, or throws a dart or shooteth an arrow without any care, not regarding whether anybody be in the way or no.

20. A. 6. But seeing, some are by duty bound to have a more special care for the prevention of Murders, any negligence in such persons is joined with the greatest gift: as if the Ministers of public Justice do not do their duties in preventing Murders and all causes or occasions of them.

21. A. 7. Nor indeed can those be well excused, who neglect that duty, which out of Charity they are bound to perform, as in case one do not succor another in great danger, when he may.

Chapter 32

Of Duels

Question 1. *Whether or no Duels be lawful?*

1. Ans. By duels in this Question is not understood every single combat or fight betwixt two (for so the necessary defence of one's own life against an assaulter should be called in question;) but such a one only, which is directly and voluntarily undertaken, upon agreement and bargain, with danger of killing or maiming. And such kind of Duels are simply to be condemned, as well in him that receives the challenge, as him that provokes, though the fault be greater in him that provokes.

2. A. 2. There is no allowance of such a kind of fight in all the Scriptures, so that the Laws of dueling (as also of drinking) were never of God's writing, but of the Devil's tradition for the ruin of Mankind. The combat of *David* with *Goliath*, besides that it was with public authority and undertaken, and for the common good; and as it were a partial Battle, having no correspondence to a private duel agreed upon two, was also of out of a singular motion of the Holy Ghost, and so not ordinarily to be imitated.

3. A. 3. It is not a means apt, fit, or necessary to any good end. Not to the clearing of any doubtful truth, or the quitting one's self of any accusation, because seeing, God hath nowhere promised, that he will by this means give a testimony to truth, to advise with or call his extraordinary providence thereto, is nothing else, but by a Devilish invention to tempt God. Not to the defense of worldly honor, because that honor which is to be maintained this way, is vain, and only in credit with vain men, who out of a perverse abuse and barbarous custom have cherished such an opinion, which honor or reputation whosoever prefers before the honor of God, which must needs be violated by such sin, is not fit to be reckoned among Christians. Not to the defense of the honor of God, as if any man should challenge an infidel, or accept a challenge from him, that so upon the event the true faith should appear. Because so either the infallible truth of faith, should rely upon a fallible means, or

else a miracle must be presumptuously expected at God's hands, which cannot be without tempting of God. Not to the execution of any just revenge, because neither is there any revenge allowed to private men, neither in that equal condition which Duelers are in, is there that power which is requisite to the revenging of injuries.

4. A. 4. A Duel is a War betwixt two, which is no more lawful than betwixt many, and so is of the same nature as a Civil War, which willingly or by compact to undertake all men would account for a madness.

5. A. 5. In a Duel, every man is his own Judge in his proper cause, and that too being distempered by anger, rage, and desire of revenge, and subjects to himself to the same danger with his adversary, in either slight or weighty cause.

Chapter 33

Of War

Question 1. *Whether or no War be lawful for Christians?*

1. A. 1. It is called a War, when there is a strife by force, which is either privately undertaken of which we spoke before, or publicly, which is now the Question.

2. A. 1. War by itself, nakedly and entirely considered is a kind of evil.

For first, On one side at the least, there is the evil of guilt or sin: because there can be no War just on both sides.

Secondly, On both parts there is the evil of punishment, for the many inconveniences, which it always bringeth with it. Whence in the Scriptures it is reckoned among the heaviest of God's judgments.

3. A. 2. Hence it is a sign of a barbarous and cruel man, if anyone be given to war simply desiring it and delighting in it, *Psa 120:7*.

4. A. 3. Nevertheless by itself and intrinsically considered it is not always unlawful, but it may be warranted upon some condition: for had it been so unlawful then certainly it had never been allowed by God in the old Testament, which nobody can deny.

5. A. 4. *John* the *Baptist* the Forerunner of CHRIST in his Sermon of the Kingdom of God, or the Baptism of repentance to the forgiveness of sin, (*id est*,) Of the new Testament, *Luke 3:14*, being asked about the duty of Soldiers, persuadeth them not to cast away their arms, but to use them rightly. And the like is the reason of the Centurions and Soldiers, which were converted to CHRIST; *Luke 7; Acts 10; Acts 13:12*.

6. A. 5. CHRIST the Lord, *Matt 22*, teacheth us to give unto *Caesar* the things that are *Caesar's*, among which were payments for soldiers wages and costs of War, which it were unlawful to supply, if War simply were unlawful.

7. A. 6. The Apostle, *Rom 13*, doth openly witness, that a supereminent power doth bear the sword, as the Minister of God, and therefore that the public power of the sword is to such committed.

8. A. 7. In the Apocalypse are many Prophecies of Wars, which the Children of God should wage, and that with evident allowance.

9. A. 8. That highest power hath authority by the Law of nature (the Apostle in the 12 to the *Romans* approving it) to repel injuries and vindicate the subject from them: But it often falleth out, that that cannot be done without open War.

10. A. 9. Those thing which are contrarily objected out of *Matt 5* and the like places do not show, that all War is allowed.

Secondly, Those things which are there said, are said to private men, in that they give any way to their affections and perturbations; Not to public authority, which by God is constituted, a *Revenger to execute wrath upon him that doth evil; Rom 13:4*.

Thirdly, There the hatred of enmity and mere revenge, not the care of Justice is forbidden.

Fourthly, Some Hyperbolical speeches are there used, that we might be instructed how we should be prepared in our minds with the greatest patience where need requireth, and that we ought to strive that way, to which by our nature we are most averse.

Question 2. *What conditions are requisite to make a War lawful?*

11. A. 1. There is required a just cause, that we fall not into that fault which is so often with detestation recorded in the Psalms; *They persecute me without a cause*. Now every light and small injury is not to a just cause of War, because War being such a thing which punisheth men with the most grievous punishments, it is not a just cause of War, because War being such a thing which punisheth men with the most grievous punishments, it is not to be undertaken, but upon some injury, which is great or heinous, either in itself, or in the consequences. Nor doth a great a heinous injury warrant a War, unless after the trial of all means of peace, *Deut 20; Judges 20:11*.

12. A. 2. In the second place is required just authority. Now such an authority though in respect of a defensive War it is to be found in every Commonwealth although imperfect; because all men have authority by the Law of nature, to defend themselves and to repel force by force, yet in respect of an assaulting War, it is not, but in the power of a perfect Commonwealth, which doth not depend not hath any recourse to a superior, but is in all things sufficient itself and entire in every point, which is requisite to a due Government. For an aggressive or assaulting war, is the supreme act of vindictive Justice; *Jer 39:5 and 52:9*, which kind of act can belong to none, but to a supreme Judge, such a one as hath not any superior, to whom he is to have recourse, or by whom he may demand fit fatherly affection.

13. A. 3. Thirdly, A right intention is requisite: Not only such a right intention in general as aimeth at the glory of God, (which is the common condition of every good work) but such a special on as immediately concerneth the Justice of War, (*id est*,) that the War be not waged out of passion, or hatred, but out of zeal for Justice, that War may always tend to a fit peace and tranquility as to its proper end.

14. A. 4. Lastly, There is requisite a just manner of waging. In which that general rule of doing nothing contrary to the Law of God is as well to be observed, as that special rule that we do not hurt to others, which is not convenient and necessary for the compassing the end of the War: Nor may the received Law of Nations be violated.

Question 3. *It is here a Question about the first condition, how far those that wage War are to be acquainted with the Justice of their cause.*

15. A. 1. The Prince or Author of the War, and those Soldiers of the higher rank, who are admitted to Counsels of War, are bound most diligently to weigh with themselves, and enquire of other prudent and religious men, whether or no they have just cause to make War. For, he who maketh War, bears the place of a Judge in the highest matter. Now a Judge is bound to use all diligence in the examination of causes, that so he may give sentence out of right judgment. It doth not therefore suffice to the Justice of a War, that a Prince do believe he hath a just cause, but he must be very certain upon trial of knowledge. And hence,

the adverse parties' reasons, are always to be heard, if they will discuss about, what is fit and good.

16. A. 2. If after sufficient examination and deliberation, the Justice of the war do still retain doubtful, whether the one part be in possession or not, there be right to be no War made, because, he who wageth War in a doubtful cause.

First, Sinneth in that, what he doth, he doth it not out faith.

Secondly, He doth rashly expose himself and others, as well of sinning, as of enduring the miseries.

Thirdly, He giveth and executeth the sentence of vindictive Justice, without any manifest cause.

17. A. 3. Soldiers of the lower rank, which are subjects to the Prince, making War, although in a cause manifestly unjust, they ought not to assist him, yet if after such trial, as they may conveniently make, the cause do not appear unjust, they may fight for their Prince.

For first, Such are not bound, neither are they able exactly to ponder the causes of War; but are only the Executors of another sentence and instruments, which are not so much moved by their own Counsel or deliberation, as by the Counsel and deliberation of the principal cause.

Secondly, Because in a doubtful cause, the safer part is to be chosen. Now it is safer (where no injustice appears) to follow the command of the Prince, and provide for his own and his friends safety, than for another's.

18. A. 4. Nevertheless, such Soldiers as are not subject to the Prince making War, ought not to assist him in the War, if they doubt the Justice thereof, because in doubtful cases, the safer side is to be chosen; but Soldiers being, they are free men, if in such a case, they abstain from War do no man any wrong: and if they undertake such a War, they offer violence to their own consciences, and expose themselves to a great hazard of doing the greatest wrong that may be unto other men. And hence is it manifest, that those Soldiers who have saleable souls, and are ready to undertake any war where 'tis probable they may have more wages, do lead a most wicked life, and are in no wise excusable.

Question 4. *In the second condition, it is a Question whether it be lawful for a Christian Prince in a just War to accept the aid of Infidels, or to give them aid in such a War?*

19. A. 1. This thing considered absolutely, and by itself is not unlawful for even as it is lawful in a just War to use the help of beasts, as of Elephants, Horses, etc. So also is it lawful to use the aid of beastlike men. We have a warrantable example hereof in *Abraham*, who joined his forces with the forces of the King of *Sodom*; *Gen 14*.

20. A. 2. Nevertheless, by accident this falls out so often to be unlawful, that it ought not indeed to be tried without special heed.

First, Because it bears a kind of show of diffidence, and inclination to compass our ends either by right or wrong, and also of an unlawful union with the wicked.

Secondly, Because hence usually, do arise the greatest scandals both between Christians and Infidels.

Thirdly, Because Infidels usually keep not faith, and so their aid proves a loss.

21. A. 3. The *Israelites* did not only sin for those reasons, when they used the aid of Infidels, but also, because they had a singular protection from God promised to them, nor could they be vanquished, as long as they relied upon God, 2 *Chron 16:8,9 and 19:2,20,36*.

22. A. 4. Such a League of friendships as binds to a mutual assistance to any War, whatsoever absolutely and without exception of cause is scarcely, or rather not scarcely fit to be entered with any faithful Prince, much less Infidel. For this were to expose one's self to the hazard of a most heinous sin, and to suffer one's conscience to depend upon another's pleasure.

Question 5. *In the third condition, it is a Question what kind of sin is the Minister[?] intention of him, that makes War, as for hatred, envy, desire of honor, or riches?*

23. A. 1. A bad intention always vitiateth any moral action whatsoever, because the end which is intended and moveth the Will, hath the greatest power in producing the act. Now in waging of War, the sin of a bad intention is so much the more heinous, by how much the more unwillingly any War should be undertaken, for the cruelty of its nature, though with a good intention and not without a just and necessary cause.

24. A. 2. Nevertheless, the work itself (as it is a thing different from the action) is not changed either by a good or bad intention, for the intention is the cause only of the working, not of the thing wrought, it appertaineth to the manner of doing, not to the manner of the thing done, which ought always to be esteemed by its own internal nature.

25. A. 3. Hence in a War undertaken upon just and good authority it is not unlawful to use the help of those, who fight out of a bad intention, either out of hatred, violence, or ambition, or desire of prey.

26. A. 4. And hence also a bad intention for a bad intention in a War otherwise just, although it be a sin, yet it doth not infer any obligation of restitution, because in itself, it is not a sin against Justice, for even as a Judge, who punisheth a man out of hatred though deservedly, although he commit a sin thereby, yet he is not bound to retribution, even so not he, who out of hatred makes a just War.

27. A. 5. In an unjust War, the bad intention doth augment and aggravate the injustice thereof. For seeing the injustice of the cause, is sometimes qualified and excused by an invisible ignorance; a bad intention maketh, that such an ignorance cannot bear the force of an excuse.

28. A. 6. Besides, not only that intention which is in itself bad, but also any vain or frivolous intention, (as the ostentation of forces,) is not a fit cause for any man to make a War: because it is against right reason, to choose a dangerous and dreadful means to compass a vain end.

29. A. 7. Moreover such a lawful intention, as the exercise of Military forces and the gaining of experience, or the expectation of reward, though it be in a just War, if they are principal motives to it, and not the right itself, cannot choose but vitiate the whole action.

Question 6. *It is a Question in the fourth condition. First, What persons are they that we may lawfully damage by War, and how far may we damage them.*

30. A. 1. Every just War is waged properly and directly against the Offenders and those, whose cause and fault it is, that the War was begun. Therefore those only in true vindictive justice ought directly and of purpose be punished. For without some preceding crime, no punishment can be justly inflicted upon any man. So that the *Israelites* seem to have sinned grievously, by slaying the Sons of *Benjamin* without choice, *Judges 20*.

31. A. 2. Among the guilty, neither Children nor ordinarily women, nor indeed any other quiet men, who disagreeing are forced to stay with the enemies, ought to be numbered.

32. A. 3. Those that are guilty, are not to be hurt any further than the compassing the just end of the War doth require, that is so far, that they make a fair restitution of the thing taken away, or that the injury be sufficiently revenged, or a peace established.

33. A. 4. Those that are innocent may be hurt, besides the intention of him that hurteth them, or by accident as it falls out in any lawful assault of a City or Ship, in which perhaps, there are sundry persons that are innocent; so in the spoil of the goods, by which the enemy was some way more encouraged to a War: Because by such a conjunction, these innocents are reckoned with the guilty; and all the injury which is offered them, is indeed caused by those guilty men; who detain them in their power, and from them restitution is due: Nevertheless Charity and Equity doth require, that the War be so managed as the innocent may be as little damnified as is possible.

34. A. 5. And hence the leave given to Soldiers to spoil any City, as they shall please themselves cannot lawfully be maintained, because among many other horrid things, which then follow in such a pillage, there is no distinction set between the guilty and the innocent.

35. A. 6. Hence too it is rather to be thought robbery than a just War, where the oppression of innocent husbandmen is intended, and such a

kind of War is that, which *Ferdinand* the Emporer now wageth in *Germany*.

Question 7. *In what things may we damnify Enemies?*

36. Ans. In those things, which belong either to their just punishment or our necessary security, as in depriving them of life, outward, goods, and liberty. In which things too, such a moderation is to be observed as the rule of Justice and necessity of the security do persuade. But there can be no violence offered to chastity, or be permitted without the guilt of a grievous sin. For such things do neither belong to Justice, nor security, nor indeed can the sin of the agent be here separated from the punishment of the patient.

Question 8. *Whether or no it be Lawful to use deceits and stratagems in a just War?*

37. A. 1. God himself the Author of Justice, did by his own mandate approve of deceits and Military stratagems in his people, *Josh 8:2*, as it is in many other examples; *Judges 7:16, etc. and 20:29*.

38. A. 2. But now we must not reckon lies among lawful stratagems, because either to give an unlawful promise, or break a lawful one, is always unjust.

39. A. 3. Nevertheless, in stratagems 'tis lawful, not only to conceal your Counsels and intents, but also by some deeds and other signs to make a show of somewhat you do not intend. For although directly in words to express anything that is false, is an unjustifiable lie, nevertheless, to express either by gestures or deeds some such thing, (*id est*,) to do that, which probably may induce the adversary to guess wrong, is no lie at all: Because those deeds which do not of their own nature, nor by any institution or mutual agreement signify this or that business, are not of the same nature or speech, and so have not any proportion to a lie, although they be in a wrong sense taken by the Spectators, and we did foresee and desire, they would be so interpreted.

Chapter 34**Of the Equity of some certain Mosaical Laws, which belong to the 6th Commandment**

Question 1. *What right was there in that, he which presumed to kill his Neighbor, should suffer death himself? Exod 21:14.*

1. Ans. 1. The sense is, and that most just, that the intent of killing a man, or the plotting another's death, should be punished with death.

2. A. 2. But this is to be understood, not of every kind of desire to kill another, though in words expressed, but of such an intent so followed, that the Murder is in doing, (that is,) begun to be put into act, insomuch, that the Murder may follow, as far as was in his power, that desired it.

3. A. 3. Now such an intent, is to be punished as the deed, because such a man, hath done all that in him lieth to kill the other, and so hath actively murdered him, though the passive design did not perhaps follow. And so he that wittingly and willingly did his endeavor to have the innocent condemned, is to be punished as a Murderer, *Deut 19:19*.

4. A. 4. And such is the reason, in case a man by weapon or poison attempt to kill another, or if on purpose, he set a house on fire, in such cases not so much the deed as the intent, not so much the event as the Will and Counsel is to be considered.

Question 2. *What right is there in that Law, of giving less satisfaction for the killing or hurting of a Servant, than of a Freeman? Exod 21:21,26.*

5. A. 1. There is some difference between Servants and Free-people, for matter of striking, which comes hence; in that, Servants and Slaves, are by their condition obnoxious to blows and stripes, and are compelled to answer their faults by the pain of their bodies; *Luke 12:47,48*. But the condition of Ingenuous and Freeman, exempts them from all such kind of violence.

6. A. 2. Nevertheless, the Servant is not subject to his Master as far as his life; but only to the utmost of his endeavor, and in all things tending thereto. For God only the Giver of life, is Lord thereof, nor can any but God, or he that bears the authority of God, as a Judge lawfully take it away.

7. A. 3. The Master therefore is not to be executed, if he strike his Servant with a weapon or instrument of slaughter, but if it be with an instrument of correction, he is, *Exod 21:20*.

8. A. 4. He that striketh his Servant with a rod, is not presumed to have done it with any intent to kill him, unless such force and cruelty were used that the Servant die under his hand, or immediately after the blow.

9. A. 5. That reason, which is given in the 21 of *Exod*, vs 21 (*For he is his money*) Doth not excuse a man in the Court of conscience, as if his money had procured him a title over the death of his Servant, not indeed in the outward Court, but only as far as it is presumed, he had no intent to kill him, but only intended to chastise, and give him correction; inasmuch, as he had lost the money, he bought him for.

Question 3. *What Equity is there in that Law of the Beast, that killeth a Man?*

10. A. Unreasonable Creatures are punishable for the killing a Man, not a if they had thereby contracted any sin to themselves; (for they are not capable of any guilt:)

But first, That the Owners of such Beasts, might thereby be punished, because they had not with diligence and care enough kept them in.

Secondly, That by this means, the life of man, might be more tenderly esteemed, and all things that make against it, might be had in the more detestation.

Thirdly, That beastly minded men by the death of such Beasts, might the more be deterred from Murders.

Question 4. *What Equity was there in that law which forbade men to kill some certain Beasts? Deut 22:6, etc.*

11. Ans. Diverse things of this kind are forbidden, not as if they were Murders or sins properly against Justice;

But first, Because in such things, the cruelty and savageness of some mens' natures, appeareth, and is exercised and increased thereby, whence Murders oftentimes spring, *Prov 12:10*.

Secondly, Because by such rudiments men, are taught to abhor cruelty.

Thirdly, Because God would accustom his people, to keep themselves from such kind of sins, nay from the very show of them. For God would have his Law guarded with such kind of injunctions as with bounds to keep men off from more heinous sins. Now as the bounds and wall which defended the house was reckoned as one with the house, so these appendixes to the Commandments, make but one Decalogue. Like to this, is the reason that forbiddeth to boil a kid in the Dam's milk, *Exod 23:19 and 34:26; Deut 14:22, etc.*

Question 5. *What right is there in forbidding to eat blood? Lev 7:27 and 17:10 and 19:26; Deut 12:16,23.*

12. A. This law partly aims at the further detestation of cruelty; in which respect, it is joined with that severe prohibition of Murder, *Gen 9:4,5*, and partly for a Religious and Typical observation: in which respect, it is joined with the Law of sacrificing; *Lev 17:10,11*.

Question 6. *What Equity was there in the constitution of places of refuge by the Law? Exod 21:13; Num 35:22; Deut 19:4.*

13. A. 1. They were not properly places of banishment, but of refuge; for banishment is a punishment, but refuge tendeth to an immunity from punishment. Not indeed is there anything in the Law read of such a punishment as banishment; all punishments being either by death, mulct, stripes, or servitude.

14. A. 2. This refuge was provided for those only, who had unawares killed any man, as by the instrument and manner is described, *Num 35*, and is illustrated by an example, *Deut 19*. But to willful Murderers, all such refuge, is severely denied, *Exod 21:13*; of which we have an example in the *1 Kings 1 and 2*.

15. A. 3. This refuge was provided for the innocent to defend them from the heedless and rash fury of the friends of him that was so killed, not to take them out of the Magistrate's jurisdiction.

16. A. 4. The ordinary places of refuge, were some certain Cities of the *Levites*, not only that those that fled thither, might remain in more security by the reverence, which all gave to the *Levites*, but also, that by their examples and advice, they might the better be instructed, both to a religious bearing of themselves under their condition, and to the careful execution of other parts of their duty.

17. A. 5. The extraordinary places of refuge, were the Temple and the Altar of God, *Exod 21:14*. Because the reverence of God, which was moved in all men at sight of that place, did repress all violence.

18. A. 6. In ordinary places of refuge, the Manslayer might stay, till such time as the anger, grief, and trouble which the deceased parties' friends had conceived were over: Now that time did depend upon the life of the high Priest, partly that by God's consent, he might be restored and partly that an opportunity of reconciliation, might be taken from the joy of that new succession.

19. A. 7. If before that time, the Man-slayer was taken out of the City of refuge, it was indulged to the grief of the dead's friends, that they might unquestioned kill him.

20. A. 8. The Equity of such places, was; First, In that Man-slayers were not to be punished before the cause was heard.

Secondly, In that it was fit, such should be succored who either against or beside their intent had done some mischief.

Thirdly, That there was an account to be made of the natural grief of men.

Fourthly, That there was a singular reverence due to holy places, but yet that there was not any impunity granted to wicked men for their sakes.

Chapter 35

Of Wedlock

Question 1. *Which is the more excellent state, Marriage or single Life?*

1. A. 1. If they are simply and by themselves considered, there is neither virtue nor vice, nor any work morally good or bad included in either, because they are natural forms of living, neither of which is either enjoined or forbidden, *1 Cor 7:25*. Seeing then, that neither state is morally good but indifferent, it cannot be properly said of either, that it is better than the other.

2. A. 2. Now because among those things, which are of a middle nature, and neither good nor bad, some are greater furtherers of virtue and good works, and some less; (as knowledge doth more help piety than strength of body, or riches;) they are therefore to be esteemed or neglected according to the power they have that way. And in this sense is the present question of the comparison of Wedlock, and a single life to be understood.

3. A. 3. Now in this very comparison, if the things be absolutely considered, the state of Wedlock seemeth more excellent.

First, Because in the beginning, it was ordained by God, for the bettering man's condition, *Gen 2:18*.

Secondly, Because, that since the fall, it hath that end, and use that it directly makes for the avoiding of sins and temptations; *1 Cor 7:2,5,9*. And by that means for the conservation and promotion of virtue.

4. A. 4. But if the comparison be made in respect of this or that person, judgment must then be given partly from the gift he hath, and partly from those circumstances which *Paul* comprehendeth under the name of present necessity, *1 Cor 7:7*. And if any man according to this consideration hath the gift or power, that other conditions concurring, he findeth himself better able decently and fitly to serve God in his single life, it is better for him to remain so, vs. 26. But if any after diligent

examination, see that he cannot do his business so holily and conveniently in single life as in Wedlock, to such a one, the state of Marriage, is better than single life.

5. A. 5. This is the sum of the Apostle's advice, that he, who by temperance, and diligent wariness and prayer, cannot avoid burning, (*id est,*) such a burning of concupiscence which disturbeth the peace of conscience, should choose Wedlock: But as long as by such means, a man may avoid burning all things being equally considered, it is better for a man to continue single, especially in time of persecution or the like.

Question 2. *Whether or no, and for what reason Polygamy is unlawful?*

6. Ans. 1. Polygamy is a sin against the first institution and law of Marriage, *Gen 2*.

For first, God made one Man and one Woman, and joined them together: insomuch, that what is superadded, must needs be monstrous, *Mal 2:15*.

Secondly, By an edict from God, it is ratified that two only, not three or more should be one flesh, and that the Husband should cleave unto his Wife not to his Wives, *Matt 19:5*.

7. A. 2. Moreover, it is a sin against the law of nature and right reason.

For first, it is against that instinct, which is inbred in man by nature.

Secondly, It is contrary to the nature of conjugal affection, which is so singular and proper to one, that it cannot admit any third person to the communion of the same thing, as experience sheweth us in conjugal jealousies.

8. A. 3. It is against the nature of the Matrimonial contract, whereby it comes to pass, that the Married party hath not his body in his own power, *2 Cor 7:4*. Whence he that joineth himself to another Wife, is said, to deal *treacherously and justly*, *Mal 2:14, 15*.

9. A. 4. It is against that united care, which should be had of the progeny, and which the end of Wedlock requireth.

10. A. 5. It is contrary to that perfection, which is found in some brute beasts. For many fowls are observed not to couple but with one only, taught merely by the instinct of nature: and reason doth dictate, that man should have greater continence, than any fowl whatsoever.

11. A. 6. It is against that natural principle, *Do not that to another, which you would not have another do unto you.*

12. A. 7. It destroyeth the peace of the family, as experience teacheth, *Gen 4:23 and 30:1; 1 Sam 1:6; Lev 18:18.*

13. A. 8. Those ancient Fathers, who married more Wives than one, cannot be excused, unless they some singular dispensation. But because there is nothing in Scripture manifested unto us of any such dispensation, we cannot affirm anything for certain, than that God tolerated some such things in them, and converted them to good.

Question 3. *Whether or no, and how far too nigh an affinity hindereth Marriage?*

14. A. 1. That affinity which is contracted by carnal propagation from the same immediate stock and is called kindred of blood is a natural impediment of Marriage.

First, Because such kinsfolk are from the beginning one flesh, and therefore are not so fit to be made one of two, which the nature of Wedlock.

Secondly, Because nature teacheth us to pay a peculiar observance and reverence to our Parents, and the next of our kin, which reverence and observance cannot agree with the use of the conjugal state.

Thirdly, Because the increase of nearness and friendship, (which is one of the fruits of Wedlock;) in such a marriage of kinsfolk would be lost.

Fourthly, Because the familiarity and acquaintance of kindred, would give an occasion of many inconveniences, if they had power of contracting Wedlock.

15. A. 2. That Spiritual affinity, which by the Papists is feigned to be contracted in the taking of Baptism or Confirmation, or that Legal affinity

which is made by adoption, as in case, a man take another's child and make him his own, hath not any force to hinder marriage, either from the word of God, nor the Law of nature.

16. A. 3. Those degrees of consanguinity and affinity within which it is unlawful to contract Matrimony, cannot sagely be defined to the direction of the conscience, but only by the Law of God delivered by *Moses*, 18 *Leviticus*, wherein is unfolded the Law of nature.

17. A. 4. Those persons are to be reckoned among those degrees which have the same reason to be reckoned there as those which are, though they be not expressly named, as because in the Law, the Nephew is forbidden to marry with his Father's or Mother's sister, it follows, that the marriage of the Uncle, which his Brother or Sister's Daughter is also prohibited.

18. A. 5. Moreover, it is more safe for honesty sake, and to avoid all show of evil to obtain from marriage with all such persons, as may but seem to have the same reason of prohibition, as it is in next Cousins.

19. A. 6. Those degrees that are generally prohibited, may in case of necessity admit such exceptions as in Scripture are allowed.

20. A. 7. Besides those degrees prohibited by Divine right, the Civil Magistrate may prohibit a Matrimonial contract to some persons for politic reasons. And so it is well in some places provided, that the Guardian marry not with his Ward.

Question 4. *What, and what kind of consent, is requisite to lawful marriage?*

21. A. 1. A mutual consent of the parties, is necessarily required to the essence of a conjugal state. Because in Wedlock, there is a mutual surrender of bodies, and of power, and right over their mutual bodies. Now there can be no lawful surrender of that thing which is another's without his consent, as in all contracts doth appear. And hence it is, that such a consent, is the immediate efficient cause of Matrimonial conjunction, insomuch, that it is not in the authority or any human power to join any in marriage without both their consents.

22. A. 2. This consent ought to be so declared by external signs, that inward and hearty consent do manifestly appear by them, (as far, as morally one may guess from them). For although ordinarily those signs are no other but words, expressing the sense of the mind, yet other tokens may be equivalent to words, if they make an undoubted consent appear.

23. A. 3. The consent of both, ought to go together, as in other contracts. Yet it is not necessarily, that their consents be both at one time, but it is sufficient, if one party consent first, and that consent is thought still to be in force, for then in a moral sense, they are said to consent together.

24. A. 4. This consent must be voluntary and free, else it is not esteemed a humane consent.

25. A. 5. And hence, the consent of such as have not the use of reason, is of no force to such contract.

26. A. 6. A compelled consent, such a one, as is forced by great and violent fear for that purpose raised, doth nullify the contract, unless it be renewed or strengthened by a subsequent free consent. Now that fear, which in respect of some, may be thought light, in respect of weaker people may be counted great. For a great fear, which is not violent, but reverential, (that is,) such a fear as proceeds from a reverence towards Parents, doth not nullify the consent: because such a fear, doth not extort a consent, but softly enticeth and persuadeth it.

27. A. 7. Such a consent as doth so proceed of error, as that the error was cause of the consent (whether it be mistake of the person, as it was in *Jacob* about *Leah*, *Gen* 29; or of the condition or quality, which is essential to Wedlock, such as is the error treated of in the 22 *Deut* 20 and as *Joseph* suspected the blessed Virgin, *Matt* 1:18) such a one I say, is not to be esteemed a consent.

28. A. 8. But if the mistake be but in some condition or quality, which is only extrinsical and accidental, and nothing essential to the nature of marriage, then is the marriage no more to be nullified than the oath, which the *Israelites* made to the *Gibeonites* upon mistake, *Josh* 9.

29. A. 9. Moreover, the consent of Parents, and of such as bear their authority, in whose power the parties consenting at, is requisite. Now that such a consent of Parents, is requisite for the fairness of the marriage no man doubteth; but that is requisite out of necessity, the Papists do not only deny, but also anathematize all such as affirmed it; *Concil, Trid.*

Sess. 24. But if this Question be rightly and civilly understood: so that by the name of Parents be understood Father and Mother, but especially, the Father (for in Tutors and the Mother too properly, it is only the Father's power a little diminished;) and the consent or dissent of them be removed from all injury, and be grounded on good reasons, the affirmative part is more consonant to the Word of God and reason itself, and that for these reasons.

30. A. 10. It is always in Scripture attributed to the Father, that he should be the efficient cause of the marriage of his children; *Deut 7:3; Jer 29:6, etc.*

31. A. 11. The most allowed examples in Scripture show always this, that the beginning and ground of Matrimonial contract, is from the consent of the Parent, *Gen 24:3,4 and 28:1,2, etc.*

32. A. 12. Nay after the consent of the parties, it is left in the choice of the Father, whether he will give his Daughter or no to him that hath lain with her; *Exod 22:16,17.*

33. A. 13. Nor is *Bellarmino's* answer satisfactory here, alleging, That the *business here was not about any Matrimony already contracted, but about a future marriage enjoined for punishment of the preceeding fornication.* For it is absolutely showed, that the dissent of the Father, is a just cause to hinder Wedlock, whatsoever the Man and the Maid have bargained, or shall hereafter bargain together. A vow made by a child unto God, (which often-times the Father hath less to do with than the marriage of his children, and which in its nature containeth the most strict obligation) is not ratified without the explicit, or at least the implicit consent of the Father, *Num 30:4,5.*

34. A. 14. And that is a mere evasion, which *Bellarmino* here useth: *That this law only concerned Daughters, not yet come to mature age.* For the business is about every Daughter, which is the house or power of

the Father, about every Daughter which is unmarried, being not a widow nor divorced, vss. 6,9.

35. A. 15. The Son cannot alienate or give anything away of his Father's, without his Father's consent, and consequently not himself, for he is his Father's.

36. A. 16. The Civil Laws out of the principles of the Law of nature have provided, that the marriage of Daughters without the consent of Parents should not be ratified, and the Primitive Church both by Doctrine and practice, did in this part approve of those Laws. For the punishment appointed for such marriages was, that, neither Husband or Wife, nor marriage, nor dowry should be acknowledged, and that the Children which should be born, should be esteemed as Bastards, *Instit. De nupt.* [...?...]

Chapter 36

Of the Solemnities of Matrimony

Question 1. *What right is there in Contracts?*

1. A. 1. Contracts (as they are distinguished from perfect Matrimony,) are lawful and mutual promise of future matrimony expressed by some sensible sign. They are often distinguished from matrimony (in respect of the external Court) by that difference of time which the words pronounced do ordinarily signify to those that rightly understand them. For if the words import a consent of present contract, they constitute matrimony, they make a bare betrothing.

2. A. 2. Although such kinds of contracts, are not absolutely necessary, (because all contracts, which may be lawfully promised for the future, may be at the same present time wholly permitted[?],) yet ordinarily, they make for the fairness of the marriage. First, Because so there is a fair proceeding by just degrees from the beginning to the ends, (as in so weighty a business is fit.) Secondly, Because so the whole act is rendered more free from suspicion of rashness, and appeareth the more grave and deliberate.

Thirdly, Because by this means, the minds of the betrothed, are prepared and disposed to those affections, which in matrimony are requisite.

3. A. 3. Although lawful contracts thus far agree with matrimony, that any unjust violation of them, is all one as a violation of matrimony, *Deut* 22,23,24. Nevertheless, for many causes contracts may be broken, for which matrimony may not.

As first, if there be some honest condition joined to the contract, which is not performed.

Secondly, If there be any certain time appointed for marriage, and then one party is wanting, the other seems to be absolved of the promise, in respect, the condition was not performed.

Thirdly, If anything fall out after the contract, which would have hindered the contract, if it had fallen out before, and doth reasonably alter the mind of one party.

Fourthly, If either party free the other of the promise made.

Question 2. *What is to be thought of Clandestine marriage?*

4. A. 1. Clandestine marriage is such, as is secretly done, which two ways is to be understood, either when it is without meet witnesses, or without public celebration.

5. A. 2. It may be (setting aside positive laws to the contrary,) that some such marriage may be just and ratified in the Court of conscience, because all things essential to the nature of matrimony, may be done in secret.

6. A. 3. Nevertheless, because most heavy inconveniences follow such kind of marriages; as unlawful conjunctions, discords, and dissolutions of matrimonies contracted, etc. Therefore in the external Court, a marriage wholly Clantestine, is rightly esteemed as none at all.

7. A. 4. The usual conjurations, which are made in the inquiry of impediments, although they be not of the essence, but only the solemnity of marriage, yet in respect of many inconveniences which may follow, their omission, they ought ordinarily to be promised.

8. A. 5. Public celebration is necessary, not so much in respect of them that are to be married, as in respect of the community, to which they are subject, and whose part it is to see, that marriage be rightly performed.

9. A. 6. This celebration, though it may be done by a Civil Magistrate, *Ruth 4:1*. Yet it is most fit, that in a Church it be done by an Ecclesiastical Minister.

First, Because that ratification which is made in the name of God, by a Minister of God, before the Church of god is more weighty.

Secondly, Because a more powerful benediction and sanctification is thence expected.

Fourthly, It appeareth by *Tertullian*, that it was a most excellent institution of Christians, that marriages should be publicly solemnized and consecrated by the prayers of the Congregation; and Ministers, who writeth thus in his second book; *How shall I be able to tell the happiness of that marriage, which the Church maketh, which the oblation confirmeth, and the Angels acknowledge sealed, and the Father ratified?*

Chapter 37

Of the mutual duties of Man and Wife

Question 1. *What are the duties which are mutually due between Man and Wife?*

1. Ans. 1. The first duty, is a special love, and such a one as is proper to Man and Wife, which therefore may be termed conjugal, *Eph 5:28,29; Gen 2:24*.

2. A. 2. The second, is a special or conjugal honor, *1 Pet 3:7*.

3. A. 3. The third, is living together, *1 Cor 7:10*. Now this living together containeth under it the ordinary use of the same house, table, and bed.

4. A. 4. The fourth is, a mutual communication of bodies, according to the right end and limits of Wedlock with modesty and sobriety, *1 Thess 4:4*.

5. A. 5. The fifth, is a communication of estates, and outward goods at least, as far, as to the use of them, *Eph 5:20*.

6. A. 6. The sixth, is a Communion in the ordinary worship of God, *1 Pet 3:7*.

Question 2. *Whether or no there is the same reason of these duties in the Man as in the Woman.*

7. A. 1. In respect of the essence of the duty and obligation, there is the same reason in both. But yet for the manner of the performance there is this difference, that the man always so behave himself, that he be acknowledged by his Wife as her Head, *1 Cor 11:3*.

8. A. 2. Hence it is the Husband's part to cherish and keep his Wife, and provide for her in all necessities, *Eph 5:29; 1 Tim 3:4*.

Secondly, To go before his Wife in knowledge, and every way declaring the same, *1 Pet 3:7; 1 Cor 14:35*.

Thirdly, In the governing the life and actions of his Wife, *1 Tim 3:4; 1 Cor 11:3*.

9. A. 3. And hence, it is the duty of the Wife, First, To acknowledge herself subject to her Husband, *Eph 5:22*. Secondly, To reverence her Husband, *Eph 5 ult*. Thirdly, To learn of her Husband, *1 Cor 14:35*. Fourthly, To obey her Husband in the Lord as it becometh her; *1 Pet 3:5,6*.

Question 3. *Upon what causes may the Man and Wife live asunder?*

10. A. 1. They may live asunder for awhile by mutual consent, *1 Cor 7:5*.

11. A. 2. Absence too, may be lawful for a time upon some great cause, which cannot consist with a mutual presence, *2 Sam 11:9,10*.

12. A. 3. If the Husband remove his dwelling upon any warrantable cause for a long time, and have a mind to carry his Wife with him, she is bound to follow him, unless some great danger of body or soul, is then manifestly like to follow. For the Husband being the head of his Wife, amy appoint both the place and manner of their habitation, *1 Cor 9:5; Gen 12:11,etc*.

Question 4. *Whether or no may the Wife give anything without her Husband's consent?*

13. A. 1. In some case she may, As first, If she have free administration and power in some goods, which in many place is granted to Women, over such goods as they bring more than their dowry, and such as they have gotten by their own industry.

Secondly, If she make presents, and give alms, as other Women use of her rank.

Thirdly, If it be not any notable, but slight quantity for the proportion of goods, which she and her Husband have in condition.

Fourthly, If it be done out of presumption of some damage otherwise likely to befall her Husband, *1 Sam 25:18*.

Fifthly, If in case it be done out of presumption of the intent and consent of her Husband.

Sixthly, If her Husband be either absent, or mad, or a lavish spender of his goods.

Question 5. *Whether or no, and how far it is lawful for a Man to reprove his Wife being faulty?*

14. A. He may and ought to restrain her by such means as are not repugnant to conjugal society, as by admonitions, reprehensions, and the denial of some privileges which are due to a godly and obedient Wife. But it is by no means the part of any Husband, to correct his Wife with blows:

Because first, It proceedeth from an unwarranted bitterness and cruelty.

Secondly, It is repugnant to the ingenuous, quiet and peaceable society of Wedlock.

Thirdly, It destroyeth conjugal affection, as well in the Husband, while he useth his Wife as his Servant, as in the Wife while she seeth herself contemned and tyrannically dealt with.

Fourthly, Experience teacheth, that this is not the way, either to the amending of the Wife, or the peace of the Family.

Fifthly, It is not allowed by any law, nor practiced by any, by furious or drunken men.

Chapter 38

Of the dissolution of Marriage

Question 1. *Whether or no, and how Marriage may be dissolved?*

1. A. 1. Matrimony cannot by any at his pleasure be dissolved, and for that cause, simply and absolutely considered is rightly termed indissoluble, *Matt 19:9; Rom 7:1*.

2. A. 2. Now Matrimony, whether consummate, or only by contract ratified, hath this privilege above other contracts, not only from CHRIST'S institution, but also from the Law of Nature, *Matt 19. From the beginning it was not so*. The reason is, because Matrimony is not only a Civil, but a Divine conjunction, whose Institutor and Ordainer is God himself; *Matt 19. Whom God hath joined, etc*. And is of that nature, that it cannot possibly be dissolved without the great inconvenience of both parties.

3. A. 3. Nevertheless, it is not so indissoluble, but that upon such cause, as God approveth to be just it may be dissolved. For that indissolubility was not instituted for the punishment, but the comfort of the innocent and doth admit some exception, in which God ceaseth to join them, *Matt 19:6,9*.

4. A. 4. There is not any just cause of making, a divorce approved in Scriptures, besides adultery and the like horrid impurities, whereby it comes to pass, that two remain no longer one flesh but divided; and so the faith of Wedlock, is directly violated; *Matt 5:31 and 19:9*.

5. A. 5. Hence any contagious disease is not a just cause of dissolving a consummate Marriage, although it may hinder conjugal conversation. Therefore in such a case, God who enjoineth continence, will not deny it to such, as beg it by prayers, and seek to obtain it by the use of lawful means.

6. A. 6. An obstinate desertion, although in the party deserting, it containeth no just cause of making a divorce, yet it makes a fair cause for

the party deserted, after the trial of all other means in vain, to suffer a divorce, *1 Cor 7:15*.

7. A. 7. A voluntary and spontaneous absence, if it be beyond the time appointed and contained by deceit, is of the same nature, with a professed desertion.

8. A. 8. The great danger, which one party may be in by the cruelty of the other, or by any other manifest means of cohabitation, may be just cause of retiring for a time, so to provide for his own safety and security, but not for an absolute desertion, unless first he be deserted. For if one party drive away the other with great fierceness and cruelty, there is cause of desertion, and he is to be reputed the deserter. But if he obstinately neglect, that necessary departure of the other avoiding the eminent danger, he himself in that playeth the deserter.

Question 2. *Whether or no Adultery committed, do only nullify the use, or the bond too of Matrimony?*

9. A. 1. It is clear, that the bond itself is nullified.

First, Because the very essence of the contract, is directly violated: Now the contract ceasing, the bond grounded upon the contract doth necessarily cease.

Secondly, It is dissonant from all reason, that all Matrimonial duties should forever be taken away, and yet the bond or obligation to those duties should remain.

10. A. 2. The words of the Lord, in *Matt 5:32* and *19:9* have no distinction of limitation, of dismission, but do simply and absolutely approve of demission in the cause of Adultery: they do allow therefore, not only a partial dismission, and in respect of some particulars as from bed or board, but a total one.

11. A. 3. The exception of fornication, *Matt 19:9*, signifieth a diverse thing (as *Cajetane* [?] observeth) from other causes, and that diverse thing is nothing else but this, but that he, who putteth away his Wife for fornication and marrieth another, doth not commit adultery. The Confession of *Cajetane* upon that place is observable, *The Text speaketh*

thus in the plain literal sense: I understand therefore, that it is lawful by the law of our Lord JESUS CHRIST, for a Christian to put away his Wife for carnal fornication, and that he may marry another.

12. A. 4. The Apostle, *1 Cor 7:15*, doth in express terms pronounce the deserted party to be free. Now that he which is free, is free from the bond. But if in the cause of obstinate desertion without adultery the innocent party be released of the bond, much more sure is he, so in the cause of adultery. *I do not only wonder (saith Cajetanus,) but am amazed, that when CHRIST doth so clearly except the cause of fornication, that yet the whole torrent of Writers should nevertheless deny that liberty of Husband: And yet Paul not clearly saying it, they allow a solution of Wedlock out of his words in a distinct cause, from what CHRIST hath laid down and solely excepted.*

13. A. 5. But yet the bond of Matrimony, is not so broken by adultery, but that it may by the consent of the innocent party be continued and renewed, *1 Sam 3:14*. The reason is, because the divorce is allowed in favor of the innocent party, now he that is innocent may part with his own right. Neither is divorce enjoined as a Precept, but only permitted and allowed as a privilege: Therefore although, we ought not so to connive at this sin, that the amendment thereof be wholly neglected, for that were to encourage wickedness, yet no man is forbid to pardon the offence to the penitent so it be without scandal.

14. A. 6. There would be no Question about the offending party, if adulteries were always punished as they ought, and the Law of God requireth. Yet because usually one indulgence draweth on another, it seemeth reasonable, that they be not wholly deprived of their natural liberty.

15. A. 7. A commission of the same fault on both sides, seemeth to take away the right of divorce from either of them; for faults of an equal nature, are sometimes abolished by a compensation.

Chapter 39

Of immodest Luxury

Question 1. *What kind of sin is Luxury?*

1. A. 1. Luxury doth generally note any excess in the use of things, belonging to the decking of the body. For he, which liveth too delicately and soft is said to melt in Luxury. But taken strictly and properly, it doth signify a vice opposite to chastity by excess in the use of things, which pertain to generation. The reason is, because all excess in the decking of the body, doth tend to that uncleanness, as to the most full abuse of the body.

2. A. 2. It is a sin most grievous in its own nature:

For first, It destroyeth the soul, as it hath the nature of a burning, which doth consume, hinder, and oppress the piety of the heart; *1 Cor 7:9*. In which sense, such desires are said to fight against the soul, *1 Pet 1:12*.

Secondly, Because lust doth pollute defile the body more particularly, *1 Cor 6:18*.

Thirdly, Because it is a perverse misusing of the most weighty thing, which doth not only belong to private good, but also to the common good of mankind.

Fourthly, Because it especially overwhelmeth the whole man, so that he can hardly be freed from thence, by reason of the close inhering of this concupiscence, for its continual importunity, and unbridled impotency, *Hos 4:11; Prov 2:18*.

Fifthly, Because from this sin as from a fruitful root, do proceed many other, as idle talk, filthy, discourse, carnal disposition, and a total alienation from God.

Sixthly, Because it bringeth along most dangerous discommodities to the natural life.

Seventhly, Because it doth extinguish the light of nature, and so is both the sin, and the punishment of the sin, as also the cause of other most grievous punishments, *Rom 1:24, etc.*

Question 2. *What is the lust of the heart?*

3. A. 1. A voluntary thought of any immodest act, except be done with detestation, is the receiving of a dangerous temptation.

4. A. 2. Any delight from an immodest act, which is represented only by the imagination and thought, although there be no meaning of executing that act, is a sin of wantonness: because the delight is alway such, as the object from whence it is sprung, and about which it is conversant.

5. A. 3. Those thoughts and delights, are so much the more vicious, by how much they are more voluntary, and continued.

6. A. 4. A consent to an impure act, if occasion and power might be given, is accounted for the act itself, *Matt 5:28*.

7. A. 5. A libidinous habit, by which one is inflamed upon every occasion to such delights, with consent of the will, is a disease of the affection worse than any act of impurity, *1 Thess 4:5*.

Question 3. *What is the Luxury of Speech?*

8. A. 1. Obscene speeches are in themselves rotten, that is, no way convenient to the use of edification, but plainly repugnant to it, *Eph 4:29 and 5:4*.

9. A. 2. As they are commonly used, they are the manifest signs of an impure heart, from the abundance of which such words do proceed, *Luke 6:45*.

10. A. 3. They are not only opposite to the word of God, but to the order of nature: for those things, which in their own nature are to be hid with modesty, are impudently laid open by such words.

11. A. 4. They are temptations to the hearers, to whom by these means foul thoughts are suggested: but especially, when they are used to that end, that they might stir up, and kindle delights; *1 Cor 15:33*. *Ambrose*

sayeth rightly in the first book, Chap. 14 *de poenit.* *Lust is fed with banquets, nourished with delicates, kindled by wine, and enflamed by drunkenness. But the fomentations of words are more dangerous than these, which inebriate the mind with wine of the vine of Sodom.*

12. A. 5. Talk of beastly things, with a meaning to delight himself with the narration and proposal of such things to the fancy, as if they were present, is a verbal performance of that filthiness, of which the talk is.

13. A. 6. Obscene speeches out of a certain natural modesty, are not wont to be explained in down right words, but insinuated obliquely by Metaphorical phrases: whence it is, than upon occasion of the like words, or phrases, that godly discourse, meditations, and even prayers themselves are troubled, polluted, and hindered by such fancies intruding themselves. And for this reason, the frequent use of obscene speeches seemeth to be more hurtful to piety, than the simple act of fornication.

14. A. 7. Not only obscene songs, and verses ought to be reckoned among obscene speeches, but also some immodest gestures. For they are speeches expressed after another manner.

15. A. 8. Those also are in the compass of these sins, who willingly and without any detestation, or forbidding, hear beastly talk or read such things written. For they do either intend an unlawful delight, or at least expose themselves to the hazard of sinning so.

Question 4. *What is the lust of the eyes?*

16. A. 1. All beholding of that, which is in relation to unlawful delights, and carnal desires, is an exercise of the wantonness of the heart, *Matt 5:28; 2 Pet 2:14.*

17. A. 2. The like look, although it be not out of a foul intention, but only out of lightness, and curiosity, as far it is with the hazard of stirring up unlawful delights, doth participate of the same sin under the consideration of a medium tending to it, *Job 31:1.*

18. A. 3. The beholding of lascivious and beastly things, either in act, or in some real gesture, or in its representation, by an unbefitting picture, or

immodest imitation, as it is commonly used, cannot be excused from the note of wantonness, *Eph 5:3*.

19. A. 4. The beholding of a naked person, especially in a diverse sex, because to speak morally and according to practice, it giveth occasion of lustful commotions, is not to be allowed of without a necessary cause, *2 Sam 11:2*.

20. A. 5. To this kind of sin, is to be referred the lascivious trimming of the body, by which a lustful concupiscence is shown, or stirred up, or any danger given any ways to one's own or another's chastity, *Isa 3:17; 1 Tim 2:9; 1 Pet 3:2,3*.

Question 5. *What is the Luxury of touching?*

21. A. 1. Kisses, embraces, and lascivious touches which are done with an intention of stirring, or nourishing unlawful carnal desires, or for carnal delight betwixt those who are not man and wife, or with danger of inordinate commotion, are the forerunners of uncleanness: because in their own nature, they do tend to the joining of bodies, and is as it were an inchoation of the same, *Rom 13:13; Col 3:5*. The comical port showeth this sufficiently in those sentences: *Be always quick, the flame is next to smoke. He which would eat the kernel, must break the shell: and he that would lie with one, must begin with a kiss. Then I seek out a Whore, and first I ask a kiss of her.*

Question 6. What is to be thought of dancings?

23. A. 1. Common revellings, or sportly dancings mingled or joined between men and women, are altogether to be condemned.

First, Because (to speak according to practice,) they do express the insolency, and a certain madness of the mind. For, then men are more ready to begin the dance, when they are more frantic, either out of drunkenness, or a forward desire, *Exod 32:6; Mar 6:21*.

Secondly, Because they do openly represent in gestures, those things which by course of nature have modestly joined with them.

Thirdly, Because they are snares and scandals not only to the Dancers, but also to the beholders. For they do stir up and enflame the mind of man by their enticings to lust: which of itself is carried thither with so much forwardness, that it ought rather by all means to be represented.

Fourthly, Because there is a kind of defiling of that dignity, which ought to be kept by all Christians: and in that respect, they were used among the graver Ethnics by hired prostitutes, and musicians.

24. A. 2. Neither do those limitations and cautions, which being set, many do contend, that dancing may be admitted, avail anything:

As first, If there be a mean observed in them, and they are not too much frequented.

Secondly, If they be instituted only for delight, and not for levity, or lust's sake.

Thirdly, If they be done in the presence of honest persons.

For first, We do in vain seek after a mean insolvency, and madness, and the like, which do consist in the excess of a mean.

Secondly, Not only the end and intention of the doer, but also the end of the deed, and what doth usually follow upon it, ought to be weighed in our consciences, especially when the thing is no way necessary.

Thirdly, Scandal may be given to honest person, and if the persons be beyond the hazard of scandal, they are more worthy of reverence, which forbiddeth such light and mad toys to be practiced before them.

25. A. 3. That doth less avail which is objected by the patrons of these sports, that they are the Conciliators of good will, and affection betwixt young men, and maidens, and so of contracting marriage. For every occasion of marriage is not to be allowed of: but an honest occasion of impolluted marriage.

Question 7. What is to be thought of stage Plays?

26. A. Such stage plays as are now in use, are utterly to be condemned?

27. A. 1. They consist in the lively representation of vices and wickednesses. And if it be not lawful to name such vices without detestation, *Eph 5:3*, then certainly much less may it be allowed, that the same should be expressed to the life by gestures.

28. A. 2. In the representation of such wickednesses, the actors do not only put on the resemblances of them, (which all Christians ought to abstain from, *1 Thess 5:22*) But they compose themselves with great care, that they as well conceive them internally, as express themselves to it, they dispose themselves to the same vices, whence they become ready and prone to execute them without shame. For experience teacheth, that some by acting of plays, have put on such indecent habits and gestures, as they could not put them of again in a long time..

29. A. 3. Some vices are so represented as they are also really done, such are idle talk, ribaldry, vain cursings, execrations, and the like.

30. A. 4. Either Women are brought upon the stage to represent wantonness with impudency (who ought even in the Church to keep silence, *1 Cor 14:34*, or to be veiled, *1 Cor 11:10*) or men for to please, put on Women's apparel, face, and gesture; which is repugnant to the word of God, *Deut 23:5*, and is a great kindling of wantonness, as also it giveth occasion, and leadeth the right way to those beastlinesses which are against nature, *Rom 1:27*.

31. A. 5. Both Actors and Spectators seek delight in those things, of which they ought to be ashamed, *Rom 6:21*.

32. A. 6. They expose themselves to manifest hazard. For they which are most modest, can hardly avoid the tickling thoughts of unlawful things, and others learn to do that, which they were wont to hear and see without blushing. The wiser of the Ethnics themselves, did observe this; amongst whom *Seneca: Nothing is more dangerous to good manners, than to sit at a show: for then vices creep in more easily by pleasure.*

33. A. 7. If there by any of so hard a breast, that they are not moved with such sights, yet they give scandal to others, who by their example are drawn into dangers, and sins.

34. A. 8. Great cost is vainly, and with hurt bestowed. For with the charges that are laid out upon one stage play, many poor may be sustained some months.

35. A. 9. Stage-players by the Civil law are infamous. In the Primitive Church, they were excluded from the Ecclesiastical communion.

36. A. 10. In time past, it was a solemn vow of all that were baptized: *I renounce the Devil, his pomps, shows, and works*, from whence *Salvian, de provid. Lib 6.* doth thus discourse: *In all spectacles, there is a certain apostacy of the faith, and a deadly prevarication from the Symbols, and heavenly Sacraments of it. For what is the first confession of Christians in saving baptism? What else, but that they protest to renounce the Devil, his pomps, shows, and works? Therefore spectacles, and pomps, according to our profession, are the works of the Devil, his pomps, according to our profession, are the works of the Devil. How canst thou, O Christian after baptism follow shows, which thou confesses to be the works of the Devil? Thou hast once renounced the Devil, and his shows: and by this thou must necessarily know that when willingly, and upon knowledge, thou dost go again to plays, , thou returnest to the Devil. For thou hast renounced both together, and didst account one as both . If thou returnest to one, thou hast gone back to both. For thou sayest, I renounce the Devil, his pomps, shows, and works. And what then? I do believe (thou sayest,) in God the Father, etc. Therefore the Devil is first renounced, before God is believed in; because he which doth no renounce the Devil, doth not believe in God. And therefore the which returneth to the Devil, leaveth God. The Devil is in his shows and pomps: and by this, when we return to spectacles, we leave the faith of CHRIST.* So holy *Salvian* out of *Tertullian* (as it seemeth,) *de Spectac. Cap. 4. & de Idolat. Cap. 6.* Where the like sayings are found. Those objections and limitations, which are brought by some Divines in favor of these plays, are of no moment.

It is objected. First, That stage plays are someway necessary. For seeing that recreation is necessary to man, and nothing doth recreate and delight more than such kind of sports, it followeth that they are necessary.

37. 11. A. 1. Lawful recreations of sports, do consist in things only indifferent, which are neither appointed or forbidden by God. For we ought not to use forbidden things, and it is not lawful to rest with Precepts. But it hath been proved before that stage plays, do consist in things forbidden.

Secondly, Those delights which either spring from things unlawful, or which give an occasion to things unlawful, or which give an occasion to things unlawful, are vicious, and deadly.

Thirdly, The too much enticing to carnal pleasures, ought to be avoided as suspected, and dangerous, as if they were snares: because they make the flesh wanton, and infest, and press down the mind. And truly, there is no other cause, why common stage plays do so much tickle the multitude, than that they are bathed in all filthy pleasure by them, from the lively image of those lusts, which they love by any means to nourish, and stir up in themselves.

It is objected. Secondly, That then is a manifold profit of these sports: because they help the understanding and memory in the knowledge of things: they promote the flight of vice, and love of virtue, and render both speech and manners more neat and civilized.

38. 12. A. 1. If these were means which brought so much profit, without doubt they would have some approbation in the words of God. But others, and not these means are allowed of in the word of God, by the use of which those perfections ought to be attained.

Secondly, Such means are wont to be sanctified to Christians by the word and prayer, *1 Tim 4:5*. But it is altogether unheard of, and strange to the nature of these sports, that any one should prepare himself by prayer to the use of them.

Thirdly, Experience of all ages showeth, and the manner of stage players do proclaim it, that the understanding and memory are polluted by such sports, vices promoted, and virtues extinguished.

It is objected. Thirdly, That those sports may have an honest end, a laudable subject, as a history of the Bible, and honest actors, free from all lightness and scurrility.

39. 13. A. 1. When the end of the deed is dishonest, it cannot be made honest by the intention of the doer.

Secondly, If choice of the two were to be granted, it seemeth more sufferable that profane rather, than sacred stories should be acted by players. For the Majesty of the word of God, which ought to be heard, and thought on with fear and trembling, is debated, spoiled, and abused in an unworthy manner, if it be turned into a matter of sport.

Thirdly, If lightness and scurrility be taken from the scene; the common stage itself is likewise taken away: because it will be destitute of actors and spectators. The Heathen Philosopher observed this of old. *Tusc. Quest. l. 4. Poetry, the most famous Correctress of life, which thinks it fit, that the lover of vices, and author of levity, should be placed in the Counsel of the Gods. I speak of Comedy, which except, we did allow of these offences, would not be at all.*

Chapter 40

Of the Mosaical Laws, belonging to the 7th Commandment

1. There were some laws appendixes to this Commandment, which were permissive only, by which a deed was not plainly allowed off, or made indifferent, or lawful, but only left free from the legal punishment. Of this kind was the law of putting away a wife, which was not an adulteress, but was odious for some uncleanness, *Deut 24:1; Matt 19:7,8*. Of this kind was the law of searching out the truth in case of jealousy, *Numb 5:14*. To this kind also ought those laws, at least in part, to be referred, which suppose *Polygamy*: *Such was that which denied the transferring of the right of primogeniture from the Son of the hated wife, to the Son of the beloved, Deut 21:15*.
2. Some Laws were definitive, but yet proper to that people, and had partly a judicial, partly a ceremonial consideration.
3. Such was the Law of taking one's brother's wife, *Deut 25:5*, whether the brother of both sides to the deceased, and brother in Law to the Widow be understood, (yet with the exception of the Law, *Lev 19:16*) which is the most received opinion: or whether the next of kin, which could marry the Widow according to the law, which is *Calvin's* exposition, and not improbable.
4. Such was the Law concerning a Daughter which was an Heiress, who is commanded to marry in her Father's tribe, lest the [haeriditance] with her, should pass from one tribe to another, *Numb 36:8*.
5. Such was the Law of not taking a stranger to Wife, not that it was denied the people of God to take Wives which were Idolatresses, *Deut 7:3*; but because the marriages at least with some Nations then contracted, and consummated were disannulled, *Isa 9:1 and 10:10,11*. For the Apostle under the new Testament, teacheth the contrary, *1 Cor 7:2,3*.
6. Such was the law of the Priest's marriage, *Lev 21:13*, and of the burning alive the Daughter of a Priest for fornication, *Lev 21:9*.

7. The equity of such Laws, is only from particular and moral right.

8. But other Laws concerning marriage, which neither depend on the permission, or special condition of the Jews, but flows from the nature of the thing itself, according to their substance, are of the common and moral right.

9. Such is the law of adultery committed with another man's Wife, by killing both, *Deut 22:22*. There was no more derogated from this law, because CHRIST would not condemn the Adulteress, *John 8:11*, than was derogated from the justice and equity of parting the goods of the family, when CHRIST would not divide the inheritance betwixt the brothers, *Luke 12:14*.

Chapter 41

Of the Dominion of external things

Question 1. *Who are properly the Lords of things?*

1. A. 1. God is the only absolute Lord of all things, for whereas he is the Creator and Governor of all, he is the sole Lord of the nature of things, when man is Lord only of the use of them: and in the use itself, man is subjected to the will of God. When God useth all things as it pleaseth him.

2. A. 5. It seems, Angels have not the Dominion of bodily things: because we nowhere read, that power was given to Angels: neither is there any use of bodily things attributed to them, except Ministerially by Divine dispensation to execute the will of the Lord.

3. A. 3. Brute beasts have not properly Dominion over those things which they use: because that which is right and just is only metaphorically found in beasts, and not properly.

4. A. 4. Man hath the proper Dominion of those things, which are subjected to his power, *Gen 1; Ps 8*. Because he hath the ability, as far as God permits, to apply those things to his own use.

5. A. 5. Among men which live bodily lives, there is none, but hath power over his proper bodily things, in what age, state, or condition soever they be.

6. A. 6. Children, and mad men, although for want of reason, they have not the next actual power of using things, yet they have a radical power, because they are men, *Gal 4*.

7. A. 7. Infidels and wicked men, although by right, they are liable to be deprived of this power, being destitute of that more eminent title, which the faithful in CHRIST have obtained: yet, because the sentence of the law against them, is not commanded to be executed, and some Dominion of bodily things in this life, is due from God to human nature, being it is

annexed by the law and order of nature; therefore they have a lawful and free use of those temporal things.

Question 2. *Whether or no, and which way was the division of Dominions lawful?*

8. A. 1. The division of things was both just, and necessary: First, To avoid contentions, *Gen 13*. Secondly, That those things being in parts, should be more diligently employed. Thirdly, That they might more orderly be handled.

9. A. 2. That division is founded, not only on human, but also on natural and divine right. For although the law of nature doth not from the beginning immediately command this division, yet it dictates, that division to be necessary, by reason of the multiplication of mankind, and the prevailing of iniquity, to the more peaceful and quiet settling of things. And this was always in the Law of nature, which we observe at an ordinary table, or feast, that although the dishes be set in common, yet those pieces which others have cut, no man ought to take to himself without their leave, who first had them.

Question 3. *Whether true Dominion according to the Court of Conscience may be founded on the civil law alone, or the Divine law alone, or on both?*

10. A. 1. The Conscience in all things, ought to look back on the judgment of God. Unless therefore, the title of Dominion is manifest to be lawful, and true by the law published by God either in nature, or in his word, it cannot stand in the Court of Conscience.

11. A. 2. Properly it doth consider only the judgment of God, because it is not subject to a human Court. If therefore, it shall plainly appear, that the title is of force, either in the law of nature, or in the Divine law, it gives true Dominion according to the Court of Conscience, although it be disannulled in the Civil law.

12. A. 3. Hence it is, that he hath just and true Dominion, which possesseth anything by a contract, which otherwise is lawful, and right, but only for the want of some ceremony, or formality, which the civil law

prescribes to a contract, in the human Court is disannulled, or to be disannulled.

13. A. 4. So also Dominion is transferred in the Court of Conscience, by a will which is not formal; (*id est*) which wants a certain number of witnesses, the Notary, etc. This formality is therefore only prescribed in the Civil laws, to prevent deceit, and cousening, which are often used in such contracts: but when the intents of those that made these contracts doth manifestly appear, that reason ceaseth, as also the force of the Civil law doth cease; For when the cause is taken away, the effect also is taken away.

14. A. 5. The sentence of a Judge which disannuls such a contract, is founded on a presumption of deceit: but that false presumption takes no place in the Court of his Conscience, that knows the contrary.

15. A. 6. By the consent of all, the obligation of the law of nature is introduced by these contracts which are not formal, because they are made out of free will, upon deliberate Counsel. But the Civil law cannot abrogate the law of nature. *Ergo*,

16. A. 7. The intention of the Civil law, in disannulling such contracts, is only not to help them in the external Court, or give sentence on their sides, because of the Common good. Howsoever, all obligation which ariseth from the law of nature is left.

17. A. 8. The Civil law itself in some cases, (as in a Soldier's will, etc.) Doth admit of this natural obligation although it want those formalities. Therefore it doth acknowledge, that these contracts in themselves, are of force in the Court of Conscience.

18. A. 9. Therefore he, in whose favor the law disannuleth such a contract, cannot (with a safe Conscience) plead against it before a Judge, or require that it may be declared, nullified, or of no force, if he knows the truth of it.

19. A. 10. Hence also the possession of another's goods, the Lord thereof being unwilling, although it be continued so long as the laws require to prescription, doth not confer the Dominion to the possessor in the Court of Conscience.

20. A. 11. If the possession be by deceitful dealing, (*id est*) if the Possessor knows, or thinks the things possessed not to be his, but another's, it is a sin against the law of nature, and therefore cannot establish the right of Dominion. And those laws, which allow so much power to such kind of possessions, tend to the destruction of the Commonwealth, in that they nourish heavy sins in detaining other men's goods, only for delay of restitution, which is manifestly wicked.

21. A. 12. The possession of *boxaefidei*, by upright dealing hath nothing which is not in the possession *male fidei*, except it be the false opinion of the Possessor, that the thing is his own. But this opinion cannot in the Court of Conscience bring a just title of Dominion: especially after it is taken away by the manifestation of the truth, and the contrary knowledge hath place, by which he knows the thing, which he possessed was another's.

22. A. 13. No just cause can be brought, why prescription *bona fidei* should transfer Dominion. Three reasons are wont to be alleged:

First, That the Dominion of things should no be uncertain.

Secondly, That contention should not be infinite.

Thirdly, That the negligence and sloth of men in regaining their goods might be punished:

But first, All these reasons are as well for the possession *male fidei*, by deceitful dealing, as for that which *bona fidei*, hath upright dealing joined with it.

Secondly, The first and second reason do not only belong to the Court of Conscience, but to the external only, where perhaps for those reasons, the action may be denied to the true owner, when the time is run out which is set down by the law.

Thirdly, The third reason is not sufficient: because every negligence of the owner in re-obtaining his goods deserves not so great a punishment. Neither in truth is the law of Prescription properly penal, for then the former Master should not loose his Dominion, or the Prescriber get it

before the sentence is given. Neither can gross and supine negligence be easily proved, only by the space of time.

Fourthly, Affected ignorance and voluntary negligence in finding out the truth, which excludes upright dealing, is always presumed of him that detains another man's goods, especially if he were the author, taking it into his possession.

23. A. 14. Hence also the detaining of goods lost by shipwreck, doth not confer a just title of Dominion on the detainer.

For first, It is most cruel and savage injustice to spoil the spoiled, and to increase the misery of the miserable.

Secondly, It is most repugnant to charity, for where singular pity and relief is required, there to add affliction to the afflicted, is to go positively opposite against charity. And it is all one, as if a traveler, which hath fallen into the hands of robbers, and been rifled of all his goods, yet let go alive with his horse, and cloak (bound nevertheless,) should by the Lord of the Soil be kept bound, and by him be spoil of those goods which were left, his horse and clothes.

24. A. 15. The detaining of goods lost by shipwreck, hath no color of right of force enough for Dominion, except that which arises from the possession of goods forsaken, which become the first Possessor's. But goods which by shipwreck, are cast into the water, are not therefore to be accounted as forsaken. For things become forsaken either by the express act, of the former owner, or by equivalent conjectures, as when knowing and willingly he utterly neglects and permits those things, which were his to be seized on by others. But he which unwilling suffers shipwreck, doth no more abandon those goods which escape, either expressly or tacitly, than he, who by reason of fire or ruin, suffers his goods to be carried out of his house. Such goods are not out of the power of the owner *de jure*, but *de facto*. They do not want a Master, and therefore the Dominion of them cannot be acquired, by the bare finding, or detaining of them.

25. A. 16. The Civil laws themselves condemn this detention. For so *Constantine Cod. Lib. 2. Tit. 5. If at any time a ship is driven by wreck on*

the shore, or shall touch at any land, let it belong to the owners, my Exchequer shall not interpose; For what right hat the Exchequer in another's calamity, that it should seek advantage in so lamentable a mischance? And if the public Exchequer will not appropriate shipwrecked goods, much less ought it to be done by private men. *Cajetan* therefore says rightly in *sum. 5. Furtum. Shipwrecked goods, which according to the laws of some shores are confiscated, therefore, because they are shipwrecked, I know not by what justice are detained, except by that which adds affliction to the afflicted.* There is no reason, that anyone should gain by shipwrecks, unless it be that wages is due to those, by whose labor and industry the goods are delivered, and preserved.

Chapter 42

Of Contracts

Question 1. *What law is there of the efficient causes of contracts?*

1. A. 1. To a lawful Contract, first are required Persons fit to a Contract, (*id est*,) they which have the administration of their own goods, or power to oblige themselves in such things, *Acts 5:4*.

2. A. 2. Hence Infants, mad men, and prodigals are not fit to make a Contract: and under that title their Contracts by the Civil law, are deservedly accounted nullities.

3. A. 3. Those that are under age, and are come to the perfect use of reason, although they have not as yet overseers, if on mature counsel they do bargain, that Contract considered in itself, according to the Court of Conscience, seems to be of force. Whence the Lawyers teach, that those being under age, which Contract without the authority of their Guardians, although they are not obliged by the Civil law, yet by the natural they are.

4. A. 4. In the second place is required, either the formal, or virtual consent of the Contractors, and that with three conditions: That first, It be free, at least so far as one is bound freely to will and agree, although he will not in an illicit act. Secondly, Promissive, (*id est*,) with a mind to be obliged to those laws of that Contract which is made. Thirdly, Expressed by some outward sign.

5. A. 5. From the first condition it follows, that the consent which is wrested by extreme fear, is not sufficient to a firm Contract.

6. A. 6. Yet this must be so understood: First, That the fear is inferred to that end only that consent might be forced. For if it should be induced for another end, and he which is afraid to avoid that evil should make a contract, that contract will be of force: as if one being taken by a thief, should promise a sum of money to be freed, that fear was not the cause, but the occasion only of the contract.

Secondly, The fear must be brought on unjustly. For if one out of fear of punishment established by the laws, should bargain with him, to whom he hath done an injury, such a bargain cannot be disannulled.

7. A. 7. From the second condition it follows, that promise which is drawn out by guile, or given out of error, or is so imperfect, that it contains not an intention of obliging, doth not properly make a contract. Howsoever if one being deceived with another's words to his own loss, taking those for a promise, he is bound to perform what he promised in that way of speaking, lest he should be a cause of damage which would follow.

8. A. 8. From the third condition it follows, that an internal promise made to a man doth not bind; the reason for it is, because the internal acts, are not fit instruments of conveying our meanings and consents to others.

Question 2. *What law is the concerning the matter, about which contracts are versed?*

9. A. 1. Lawful contracts are not properly exercised, but about lawful things, the reason is:

First, Because in every contract, consent is given: but consent to an unlawful thing is sin.

Secondly, Contract in itself hath the force of promise: but it is not lawful to promise, what is not lawful to perform.

Thirdly, From a contract an obligation doth arise; but no obligation can be lawful which obligeth to sin, because under that very title it is repugnant to the obligation of the Divine law.

10. A. 2. Hence a contract or bargain for any dishonest thing, is also itself dishonest as a bargain for murder, or whoredom, etc. The reason is, because such bargains are ordained to dishonesty as their end, and therefore are of the same nature with the end itself, that is dishonest. But if it be asked, if after the dishonest action committed, the contract obligeth him which promised, or if it be lawful to receive the hire bargained for in consideration of the danger, labor, and loss, which was

joined with the dishonesty, it may be probably answered, that the promiser is obliged, but it will hardly stand with true repentance, if the other party do receive it, *Matt 27:3,4*.

11. A. 3. Contracts of buying, and selling, and those which are of the same nature, have no place in some things: not because they are not lawful or good in themselves, but because they are so good that they cannot be valued at a price.

12. A. 4. Hence it is a sin of Simony, to buy or sell, or any way change a holy and Spiritual, for a Temporal; the reason is,

First, Because holy things ought to be used as holy, not polluted, and profaned, which then they are, when they are brought down, as Wordly things, into Temporal contracts, being it is against the Religion and reverence, which is due to holy things.

Secondly, Because it is injustice to sell those things, which are to be bestowed on free cost, *Matt 10:8*.

13. A. 5. This sin is extended not only to supernatural gift, (which yet was the sin of *Simon Magus*, from whom it took its name;) But also first, To the causes of such gifts, as the Sacraments and the like. Secondly, To things annexed to such gifts, as they are such. Such are all those, which are so adjoined to the Spiritual function and office, either as they go before, accompany, or follow after it, that they can no ways be separated from it.

14. A. 6. Hence, not only those are guilty of *Simony*, which buy or sell those things which directly belong to the election, ordination, or vocation of Ecclesiastical Ministers, but all such, as in order to that calling, buy or sell those things, which are set apart for the maintaining of Ministers, which usually are called benefices.

15. A. 7. Such Simoniactal bargains, not only consists in money, but in all those things, which can be valued, and rated with money, or hath the like nature with it, in respect to spiritual things. Hence a Simoniactal gift is not absurdly divided, into a gift from the hand, a gift from the tongue, and a gift from observance. A gift from the hand is money, or that, which is of the same value with it. By the gift from the tongue are understood

prayers, praises, entreaties, flatteries, if they have the power of obtaining Spiritual things. By the gift from observance, is understood some Temporal deed, which induceth the bestowing of Spiritual, as payment of a debt, whether the bargain be expressed, or tacitly understood.

16. A. 8. To intend only such donations or receivings, although it consists in one party alone, yet it is a kind of degree of this sin, and so it is not ill called Mental Simony, and by some Confidential, as it is distinguished, from conventional, and real.

17. A. 9. That which is given to the sustentation of those, which are the helpers, and Ministers of Spiritual things, hath no kind of Simony in it. That also hath a place here which is said of the reward of Physicians, and Schoolmasters: *We do not pay them the price of the thing, but their work, because they serve, and being called from their own affairs, they attend ours. The do not receive the reward of their desert, but employment.*

18. A. 10. Neither is it properly Simony, when somewhat is given out of mere gratitude, not by any agreement tacit, or expressed, direct, or indirect. Neither if anything is given by him, which hath a certain and undoubted right to the Spiritual function, for the avoiding of unjust troubles. Howsoever in these we must beware of deceit, and the very appearance of evil is to be avoided.

19. A. 11. And although there is not in every respect a parity, yet there is some similitude, and proportion betwixt things sacred and public offices, which have the power of jurisdiction. For the sale of such offices, hath a dishonest corruptness, which thwarts the nature of them. For as it is repugnant to the act of jurisdiction, that it should be saleable, so is it also to the power of exercising that act. Neither indeed, hath the Prince himself Dominion over the offices of jurisdiction, but only administration. There are also so many evils which spring from this kind of traffic, that it is had in detestation with all ingenuous men.

Question 3. *What law is there concerning the form of Contracts?*

20. A. 1. The external form is not the same set and determinated by any law, either natural, divine, or civil. For it may consist in any declaration of

mutual consent whatsoever, whether it be done by words, or gestures, or writing, or the delivery of the thing itself. Therefore, although that form hath power of obliging, yet because it is not of force in itself, but as it hath relation to the internal Court, for that cause it doth the less belong to the internal Court of Conscience.

21. A. 2. The internal form of a lawful Contract, is upright dealing, by which one doth sincerely intend to oblige himself to the performance; of that which he possesseth, and afterwards to perform it as much, as in him lieth. The reason is, because a Contract includes a promissive consent. Now a promise is a testimony, by which one binds his faith to deal uprightly with another in the performance of this or that; and therefore the form doth require internal, and essential the upright dealing of the Contractor, to be true, and sincere.

22. A. 3. Hence that division of Contracts; by which some are said to be according to upright meaning, others to be according to the strictness of the law, is not accurate, and hath not place either in the Court of Conscience, or before God. For upright meaning is required in all Contracts, and because the chiefest part of the nature of Contracts doth consist in that, the judgement as far as it can appear, is to be given out of that, and according to it. Therefore in all Contracts, we should proceed according to right, and good, not the letters, or extreme rigor of the law, in which often time the most extreme injury is found.

23. A. 4. Sometimes not to stand to promises, is not repugnant to honest meaning; to wit, when the promise leaves off to bind:

As first, If the thing promised becomes unprofitable, unlawful, or impossible.

Secondly, If the state of the things and persons is so changed, that in the judgment of wisemen, the promise is thought, that he would not have comprehended such an event.

Thirdly, If the other party, in whose favor the thing was promised, should remit it.

Fourthly, If he which promised on the other side, will not fulfill his promise.

Fifthly, If anything be promised for that cause, which afterwards is found not to be in it.

24. A. 5. Repugnant to honest meaning is dissimulation; that is, craftiness, subtlety, fraud, cheating, plots or contrivements either in words, or deeds, applied to the deceiving or circumventing another's, *1 Thess 4:6; 1 Cor 6:8*. It is usually called evil craft, that it may be distinguished from an honest devise, by which one is willingly cheated into right reason.

25. A. 6. It is repugnant to honest meaning, inasmuch, as it takes away the clear intention of performing, that which was pretended, and seemed to be promised.

26. A. 7. This guile, if it be about the substance of a thing, as if one should sell glass for a pearl, the Contract in its own nature is made void, because in such a Contract the consent is wanting. For he which would buy a pearl, means not glass.

27. A. 8. Alike is the nature of evil guile, which yieldeth the chief cause to a Contract, although it meddles not with the substance of the thing, as if one should persuade his chapman to buy a pearl for that reason only that before it was his Father's, who otherwise would not have bought it. For such a Contract is made void or to be made void, because he which was brought in by guile to bargain, suffers injury in the Contract; and therefore is fully to be satisfied by the undoing of the Contract.

28. A. 9. When this guile lights only on the Contract, and is about its accidents: as if one should be deceived in the goodness of a thing, and is brought in by deceit, not that he should buy, but that he should buy for more than its value; it doth not make the Contract utterly void, or altogether to be made void: howsoever he which deceives is bound in Conscience, to recompense the other's damage according to equity.

29. A. 10. Of this kind is that deceit, when the seller conceals from the buyer some hidden fault of the thing sold, which bringeth damage or loss to the buyer.

30. A. 11. To this also belongs, if the seller knowing that in short time, there will be great store of such wares, by which occasion the price will

be diminished, and he shall suffer great loss which shall buy before at the current price, will neither foretell that to the buyer, or abate the price: or also if the buyer knows that in short time, there will be great store of buyers, and scarcity of wares, by which the prices of things will be increased, and the seller brought into poverty by selling at the usual rate. For in such cases we are bound, at least by the law of charity, to foresee for our neighbor's good, as long as it may be done without any great loss to us.

31. A. 12. Those Civil laws which confirm a Contract made by circumvention, so it be under half of the just price, are permissive only to diminish strifes, and do not justify the Contract, but leave it to be judged in the Court of Conscience, by the law of nature, and the Divine law.

32. A. 13. That fault also is opposed to honest dealing, which consists in the inconsiderate omission of that diligence, which might and should have been added to the fulfilling of the Contract. It differs from deceit, because deceit properly is used wittingly, and on set purpose: but this fault proceeds from not heeding, or inconsideration without set purpose or intent. It is repugnant to honest dealing, not because it doth simply exclude sincere intent, but because it doth show, that diligent and due care of performance was wanting. Therefore it is rightly called by the Apostle *lightness*, 2 Cor 1:17.

33. A. 14. This fault is divided into open, slight, and slightest. The open fault, is the omission of that diligence, which men in the like case ordinarily apply, as if one should leave a borrowed book in some open place from whence it may be taken away. A slight fault is the omission of that diligence, which diligent men of the like case commonly use, as if one should leave a thing entrusted of great value in an unlocked Chamber, from whence it may be taken away. The slightest fault, is the omission of that diligence, which the most diligent in the like case are wont to add, as if he should leave that thing entrusted, and think the door locked, and yet doth not certainly know.

34. A. 15. From the open fault, all Contractors are held guilty of the damage, which shall thence ensue. Because common diligence is contained in the obligation of every promise, and the omission of it, is

manifestly repugnant to honest dealing. Whence it is, that this open fault is wont to be ranked almost in the same place, and order, with evil guile.

35. A. 16. From the slight, or slightest fault, they are bound so far, as either the nature of the Contract, or the agreement of the parties require, or also so far as human laws out of equity have established.

Question 4. *What law is there concerning the end of Contracts?*

36. A. 1. The end of a Contract, ought always to be some good. For neither obligation, promise, or consent, ought to tend to evil.

37. A. 2. Contracts ought chiefly to be for the good of the parties. For they are employed about their goods, and not other men's. For no man can bargain about those goods, which are not in his own power.

38. A. 3. Some Contracts are for the good of the giver only, as a thing entrusted, a command. Others for the good of the receivers only as a gift, a free loan. Others for the good of both, as buying, letting out, partnership, pawns, exchange, etc. But this difference although it properly depends on the nature of the Contracts themselves, yet upon the agreement of the parties it may be changed, and many ends mixed together, as a thing entrusted may be sometimes for the good of him, which is entrusted, and a free loan for the good also of the lender.

39. A. 4. To seek one's own good only in that Contract, which in its nature tends to the good of another, or of both sides savors of fraud, and oftentimes is repugnant to justice, but always to Christian charity.

Question *What is the effect of Contracts?*

40. A. 1. The effect of every lawful Contract, is the bond of obligation to perform that, to which it hath consented.

First, Because everyone is bound to stand to that, which he hath lawfully promised.

Secondly, Because from promise, and the acceptation of it, the other party hath gained right and power of demanding the promise. Whence it is, that no Contract can be broken, the party to whom it is available being unwilling.

41. A. 2. This obligation, because it is not extended beyond upright meaning, doth therefore sometimes cease upon a mere chance, or an unthought of event which happens without the fault of the obliged, seeing it could not be hindered by human providence.

42. A. 3. But although, regularly and according to the nature of the thing itself, no man is bound by a casual chance, which comes between without his fault: yet he may be bound to such chance by some particular agreement, because such an obligation can be valued at a certain price.

Chapter 43**Of the proportion of prices in Contracts of selling, buying, letting out, hiring, and in those, which are of the same nature**

Question 1. *What rules are to be observed in setting a just price in such Contracts?*

1. A. 1. That rule is chiefest, which is delivered by the holy Ghost, *Prov 20:14*. That the buyer, to abate the price, should not deceitfully take anything away from the wares, which are to be bought: or the seller, to augment the price, should not amplify against his conscience the worth of his wares. For to be willing to buy cheap, and sell dear, is (as *Augustine* observes) common, but yet a common sin, except it is bounded within a certain measure and limits.

2. A. 2. The public authority is to be observed in those things, whose price is appointed by the Magistrate, which happens in many places concerning those things, which most necessarily belong to food. For that is always presumed just and equal in such things of common use, (except the contrary be manifest,) which is allowed of by the community. Yet here it is to be observed, that because in things necessary to life, the price is usually rated according to the bigness, for the buyer's sake, yet notwithstanding, the price may be brought lower, though, not augmented.

3. A. 3. The common rate of the marker, and of wise and good men is to be followed. For this rate hath the force of a tacit law, and excludes the danger of any deceit to the damage of another. In this sense may be admitted that rule, which is approved in the Civil law, and the manners of men: that that price is just, if the thing be sold for so much, as it can be sole for: or every saleable thing is worth so much, as it can be sold for: that is, as it can be sold for commonly, not out of any affection, or for the profit of this or that man.

4. A. 4. Where no public rating, or common value can have any place, there the price is to be set, (yet without fraud) according to the judgment

of understanding men, all circumstances being duly considered. For a more certain law in many things cannot be had to direct bargains.

5. A. 5. That difference is to be noted in the observing of these rules: that the lawful price which appointed by public authority, is indivisible, so that it cannot the least way be augmented by the seller: but the natural price which is set either by common valuation, or the agreement of parties, hath its latitude, within which upon occasion it may be altered. Hence a threefold just price useth to be assigned, one is called rigid, or the uttermost, according to the terms of parvity; And the third mean, or moderate, as it receeds from either extreme.

Question 2. *Whether there be any just causes of varying the just prices?*

Ans. There are many causes given.

6. A. 1. The first cause is fetched from the consideration of the office of a Merchant, for it is valuable at a price, that he spends his time, care, and thoughts in getting, preserving, and conveying things, and also that he hires servants: insomuch, that if Merchants were wanting, the Commonwealth must necessarily provide public Ministers to do those things. Hence the same thing is valued at a greater rate with Merchants, than with other private men. Yet Merchants must not reckon all their charges they have laid out: For it may oftentimes fall out, that so much labor is employed, and so great expenses bestowed in an unprofitable and unnecessary thing, and therefore the common rate is to be followed.

7. A. 2. Hence, those rules are deceitful, by which Merchants use to justify themselves, in exacting agreeable [?] price for their wares: to wit, that they bought those wares for so much, that they spent so much in procuring them. For it may happen, that a Merchant may sell cheaper than he bought, and yet sell unjustly: either because he bought it foolishly, or afterwards the rate of things is changed.

8. A. 3. The second cause is brought from the manner of selling: from whence manifold variety may follow in augmenting to diminishing the price.

9. A. 4. When the ware seeks out a chapman, it makes the just price of a thing to abate, according to the common proverb, proffered wares stink.

The reason used to be given is, because in that manner of selling, a scarcity of buyers is presumed, by which the common value is diminished: but that reason doth not seem sufficient in conscience for any notable diminution of the price, except that also happen, that the thing which is so sold, is little profitable to the buyer, or such, that he would not have bought it but upon such an occasion, or that he buys not so much for his own, as the seller's sake.

10. A. 5. From this rule it often happens, that goods which are at open sale, or by the voice of the public crier, bare less price, than otherwise they use.

11. A. 6. When Chapmen seek wares. For then the store of buyers augments the common value, and so is a just cause of augmenting the price.

12. A. 7. When one sells a great quantity of things together, and not by parcels: this manner of selling diminisheth the price, because it diminisheth the number of buyers, and also the power of detriment, or danger of loss, which might ensue upon occasion of selling it after.

13. A. 8. When one sells by parcels: this manner may justly augment the just price of things: because there is more labor in selling, and more carer in keeping, and dividing the wares.

14. A. 9. The third cause is, if the seller by selling, shall suffer some particular discommodity, although that discommodity consists only in the privation of some honor, or particular delight. For then the seller may exact somewhat more than the thing is worth in itself, and the price by accident will be just: because natural equity requires that the seller, being he is Lord of his own things, should keep himself harmless.

15. A. 10. But this is lawful only then, when the buyer solicits the seller, that he would sell that thing, which otherwise he was not about to sell. For if the seller freely offer himself to the buyer, then the buyer is not the cause, that he is deprived of his own commodity.

Chapter 44

Of Contracts by Usury

Question 1. *What is Usury?*

1. A. 1. Usury by lending (in this matter of Contracts,) is wont to be described, a gain sought from the loan of money by force of the loan itself.

2. A. 2. By gain is understood the acquisition of some commodity which is valuable with money, which was not mine. For is anyone seek only friendship or good will, it is not Usury; because they are not of the number of those things, which can be estimated at a price. If also one by lending should seek to receive that which is due by virtue of a former contract, and obligation, it is not Usury, for otherwise, he would not receive his own. But if one should not seek money, or wares, yet homage, or gifts, or the imposition of some burden, it is rightly called gain by Usury, because it is valuable at a price.

3. A. 3. It is said by the force of the loan itself, to exclude that gain which may be received by some other title, as for recompence of emergent loss, or the ceasing of gain. The gain of which kind is usually called *interest*, and is distinguished from Usury.

4. A. 4. This gain is said to be *sought*, not agreed upon: because not only *real* Usury, in which a Contract intercedes, but also *mutual*, which is in the intention of getting a gain from the loan as a debt, may be contained in this description.

Question 2. *Whether this kind of Usury is lawful?*

5. A. 1. Such Usury which is commonly practiced by Usurers, and Bankers, is deservedly condemned of all: because it is a catching art, and no regard of charity or equity being had, lays in wait for other men's goods.

6. A. 2. But it cannot be proved solidly by any natural reason, that any Usury whatsoever is generally, and absolutely unlawful.

7. A. 3. Not by their reason who say, all loans in their nature ought to be of good will: For it cannot be proved, that every loan with whatsoever circumstances it be cloathed, ought to be freely bestowed: and if this be granted, nothing else will follow, but that, if the loan be not *gratis*, it passeth into some Contract, either named or not named, simple or mixed.

8. A. 4. Not by theirs who allege, that in those things which consume by use, the Dominion is not distinguished from the use, and therefore nothing can be taken for the use beyond the value of the thing itself, or the Dominion of it. For it is answered, gain is not taken simply for the use of the borrowed thing according its substance, but according to the value, or income which remains after the substance is consumed: and is oftentimes in things, which are not consumed by use: as also for the office, and act of lending, from whence the borrower receives profit.

9. A. 5. Not by theirs who object, that money in its own nature is barren. For although it be barren in itself, yet it may easily be changed into merchandise, which yield fruit; and the industry of the User being added, it bestows its power to bring forth fruit.

10. A. 6. Neither lastly by theirs who say in general, that there is nothing in the loan, for which gain may be received. For there is the fruit of the income, or profit, which probably might be expected from the money which is lent: and there is a burden annexed to the privation of the money, by which all occasion of placing it otherwise with increase is omitted. For the vacation from using money by the same right may be valued, as the vacation from labor, is *Exod 21:19*, seeing that, no less than labor, or work may be employed for the benefit of the owner.

11. A. 7. It is confirmed by evident reason, that some Usury is lawful: because no real difference can be shown betwixt some Usury, and other Contracts, which are allowed of by all, as for example, one is furnished with money to buy a farm, from whence he may receive the yearly profit of a hundred pound. Another desires to have the same farm, yet is not furnished with ready money: if the first buy the farm, and rents it out for a

hundred pound, no man will deny, but that he hath done that which is just and right. But if he give the money to the other to purchase the farm for himself, and shall receive the same sum from him, subjecting himself to the same peril, which he should have been obnoxious to in the purchase for himself, it is the same justice, and besides there is somewhat added to him which payeth Usury, by reason of the Dominion of that farm, which he hath got by his purchase.

12. A. 8. The Scripture doth not take away altogether all Usury;

But first, That which is exacted of the poor, who for urgent necessity, and his own sustentation borroweth; so that the prohibition is founded on the condition of the person, *Exod 22:25; Lev 25:35; Prov 28:8; Ezek 18:17*.

Secondly, That which bites, and gnaws; that is, when the debt is exacted with rigor, and the damage of the neighbor.

Thirdly, That, which is repugnant to charity, *Luke 6:35*.

Fourthly, And perhaps, that which by the politic law was not lawful to the Jews to exercise among themselves, *Deut 23:19*.

13. A. 9. The Scripture doth seem to imply, that some Usury in itself is lawful, when it did permit the Jews to take Usury of every stranger that was not poor, *Deut 23:20*. For if all Usury was intrinsically and in its own nature evil, then the Jews could not take Usury of the gentiles without some grievous scandal, by which the gentiles might be averted from the religion, and law of the Jews, which admitted a thing unlawful, as lawful. Hither also it may be referred, that it is most probable from the parable of talents, *Matt 25:27*, that so usury of Bankers, was not only in common use among the Jews, but also not disallowed of by the Lord: because under that similitude he requires a spiritual duty, without any insinuation of dislike, which in other parables he did use to add, which did set forth our duty by the disallowing the use, as *Luke 16:8*.

Question 3. *From what ground can the equity of gain by the lending of money be demonstrated?*

14. A. 1. The equity of it is manifest, of which none can doubt, if anyone doth not bargain, that a set sum, or return shall be precisely paid; but so

puts out his money with some honest man, on whose faith he doth rely, that he will be contented to receive some equal part of the fruit of the money according to the measure of God's benediction towards the employer of the money. Of the putting out of money in this kind there can be no question, if the danger of the principal be common also: For it is nothing else, but a contract of co-partnership, both in gain and damage.

15. A. 2. Nothing is committed against equity, if the uncertain gain which will probably follow, be sold for a moderate certainty.

16. A. 3. Neither is there any iniquity in that, if the contract be made with equal conditions, that the whole danger of the principal should belong to him which employs the money. For it is nothing else, but a contract of assurance, by which the danger of another's thing, which may be rated at a price, is undertaken for the price.

17. A. 4. It is not necessarily required, that a contract of this nature, be done distinctly and expressly, but 'tis enough if it be done implicitly, and out of a sincere intention, as also according to the estimation of honest men, and such as understand affairs of that sort.

18. A. 5. When therefore all those contracts, as all men confess, severally are lawful, it necessarily followeth, that a contract mixed, and compounded of those, (to wit,) of a contract of co-partnership, of assurance of the flock, and of the sale of an uncertain gain for a certain, is not simply and absolutely to be disallowed.

Question 4. *What things are to be observed in the putting out of money, that sin may be avoided?*

19. A. 1. First, We must beware, that nothing be required beyond the principal, of those which are poor.

20. A. 2. We must beware also lest the greediness of gain any way hinder any of us, that thereby he doth less help the needy by lending, or those that are altogether poor, by simply giving, according to his abilities.

21. A. 3. We must beware all excess, which to avoid, it is most safe, that he which puts out money, should not exact all that, which is allowed by the laws of received custom, but contain within that which is permitted.

22. A. 4. Consideration is always to be had of him, with whom the business is, that the fruit of the money return to him that lent it with the profit of the borrower, and not the loss. Hence extreme right cannot be urged sometimes without extreme injury; as if one should suffer loss without his own fault in the trafficking with the money which was borrowed, it would be inhuman to demand of him the increase of the money, that is, to receive gain from his loss. Natural conscience also seemeth to dictate this equity in letting, and hiring, as if either barrenness, or any other calamity which happens, be so much, that the hirer suffers some notable damage by the thing hired, the rent is to be remitted to him by the lessor, either in whole, or according to the proportion of the loss.

23. A. 5. The rule of equity, and charity is always to be marked, and observed: that that only be taken, which every one in upright meaning being in such necessity, would have others take care of him.

24. A. 6. Offences and calumnies, (to which this kind of contract is obnoxious, *Jer 15:10*) ought as much as can be, always to be avoided.

Chapter 45

Of Contracts by wagers, lots, and gaming

Question 1. *What is a wager?*

1. A. 1. It is a contract, in which two contending about some truth, do wager somewhat on both sides, from whence he shall have reward that attains the truth, and he punished which doth not. We have an example in *Samson's* riddle, *Judges 14:13,14*.

Question 2. *Are these kind of wagers lawful?*

2. A. 1. The act of waging as it is considered in itself, is not plainly unjust: because only the danger of one, is opposed to the danger of the other, which dangers sometimes may be undergone, and interchanged.

3. A. 2. One may undergo the hazard of a voluntary mulct to confirm his conjecture: and that mulct may deservedly be required of the other, if so be he rashly trusts his own conjecture.

4. A. 3. There may also be a reward appointed betwixt two upon mutual consent, on some doubtful event, that from the hope of the reward, he, or the other may be stirred up to a laudable endeavor.

5. A. 4. Yet wagers are unlawful; First, If they have an unlawful condition, as if two strive betwixt themselves for this or that sin; as who should overcome another in drinking, or who should carry himself more boldly in this or that business, which may be disallowable, etc.

Secondly, If it be to the notorious loss of either party; for such danger ought not to be undergone in that contract, which serves neither to public or private profit, and such are common wagers. And that gain is to be accounted shameful, which ariseth from another's loss. Hence that contract of *Samson's* riddle, was afterwards deservedly condemned by the *Philistines* themselves, because it tended to the spoiling them of their inheritance, *Judges 14:16*.

6. A. 5. That revenue which is called an annuity, in which one gives a sum of money, that he may receive a certain stipend every year as long as he liveth, is not to be referred to the Contract by Wagers. For he doth not promise, that he will survive, till the stipend overcome the principal, neither doth the other to the contrary. For such a contract is of buying and selling, by which an uncertain gain, is bought for a certain price; and it is held for lawful according to the laws, and nature of such a buying, and not by reason of some feigned wager.

Question 3. *What is the Contract by lots?*

7. A. 1. It is a contract, in which by the force of a foregoing agreement, lots are cast, that it may appear, who ought to be Master of this or that thing.

8. A. 2. Such kind of contracts are sometimes made between those, which had right before to that thing, about which the lot is cast; whether it be to be divided amongst many, as in the distribution of the land of *Canaan, Josh 18*. Or whether it be wholly to come to one, as in the garment of the Lord which was to be adjudged to this or that soldier, *John 19:24*, to which kind, those lots may be reduced which are by game. But sometimes it is between those, which before had no common right of disposing the things as when one thing, or more are exposed to be as it were sold by lots, and diverse meat to get the same by lots: which we call commonly Lotteries; or lastly, when the lots are ordained to make some election, as in the choice of *Matthias, Act 1:26*.

Question 4. *What lawfulness is there in such kind of Contracts?*

9. A. 1. The Contract in itself is lawful, and is approved in the Scriptures by diverse examples. The reason is, that because every one mutually doth expose his equal right to the thing, or that part which he ought to receive, to the hazard of lots, it is as it were an equal change.

10. A. 2. Yet it is diverse ways turned into sin.

First, If any shall depend upon the stars, or spirits, or fortune for the directing of the lots.

Secondly, If that is intended which itself is unlawful, or if an unlawful manner of doing it be adjoined.

Thirdly, If they be used without some great cause, or due reverence; because the casting of lots in its own nature, hath a particular respect to the special providence of God, *Prov 16:33*.

Question 5. *What is a Contract by game?*

11. A. 1. It is a contract, by which the players do agree betwixt themselves, that something shall be yielded by the conquered to the Conqueror. For whether all that which is staked by both, is given to the winner, or that which was staked only by the looser be spent in common, somewhat always is granted from the conquered to the Conqueror.

12. A. 2. It is mixed of two contracts, of which the first is a mutual changing both of danger, and interest for the good, either of this or the other, according to the event of the game, the second is a wager suspended either upon greater skill, industry, or good hap.

Question 6. *Is such a contract lawful?*

13. A. 1. It is not in itself unlawful, because such an agreement may be in the lawful power of the parties agreeing: it may be ordained to a good end upon a good intention: it may be also so used, that it shall not bring with it any violation either of religion, justice, or charity.

14. A. 2. An eager intention of gain, maketh it vicious.

First, Because the end of play is recreation, and delight of the players. Therefore if it be meant for gain, or if it be turned to the notorious discommodity of one party, it is an abuse contrary to the nature of play.

Secondly, There is either a parity betwixt the gamesters, and so it is a prodigal rashness to hazard a considerable sum of money without any necessity: or an imparity is supposed, and so the contract is vitiated by guile and deceit, when one opposeth little or no danger of loss with a certain hope of gain, to the other's great peril.

Thirdly, No mortal man is so absolute a Lord of his, that he can alienate, or expose to the danger of alienation, any notorious sum without just

cause approved of in the word of God: which cannot be affirmed of gaming as it is in self.

Fourthly, It is not lawful for any man to gain by another's loss; which is manifestly done in gaming on purpose for gains: and in this respect, gain arising from play, is filthy lucre: neither would it be more approved of commonly, than the other kinds of avarice, but that it hath somewhat of prodigality joined with it, which seems to have some magnificence in it.

15. A. 3. That little for which it is lawful to play, may admit some variation according to the condition of the gamesters. But it is certain, that no man ought to venture more in play, than that which hath a just proportion to the end of gaming, that it, no more than a man of such a state can reasonably bestow on his recreation.

16. A. 4. Those games which only are by chance, or do especially rely upon chance, are to be removed from such contracts:

For first, In chance there is no contention or exercise of virtue, which to excite, as there ought to be rewards publicly proposed, so also upon private consent to be appointed.

Secondly, Lot in its own nature hath a special relation to the special providence of God, and so it is a sacred thing: and the old proverb is true, it is not good to play with holy things.

Thirdly, Such kind of games do give occasion of diverse sins to the gamesters;

As first, Of grievous perturbation, cursings, and blasphemies for their cross fortune as they call it.

Secondly, Of immoderate pertinacy in continuing to play, in hope of better luck, which to cast away, they can see no reason.

Thirdly, Of loss of time and money, being no true gain can redound to any from thence.

17. A. 5. Hence it is, that we read in Scripture of other exercises used and allowed of for the increase of virtue and strength, as of handling the bow; 2 *Sam* 1:18. But dicing hath no allowance in the Scriptures, and is

condemned almost by all laws, although such laws are compelled to give way to our compted[?] manners.

Chapter 46**Of employment of life**

Question 1. *Whether any having no certain employment can live without sin?*

1. A. 1. He which hath so much power, and gifts bestowed on him, by God that he may live laudably in some honest calling, if he abstain from all employment willingly, he cannot be quitted from sinning grievously.

For first, It is the ordinance of God, that every one by helping others in some particular calling, should glorify God, *Gen 2:15 and 3:19; 1 Pet 4:10; Gal 5:13; 1 Thess 4:11.*

Secondly, Every one hath received his talent, or some part of a talent from God to that end: which cannot be buried or hid without sin, *Matt 25.*

Thirdly, Idleness is to be fled, as the mother and nurse of many vices, especially of evil thought, desires, curiosities, and wicked contrivements; *1 Thess 4:11; 2 Thess 3:11.*

Fourthly, The glory of God, public, and private welfare, as also the peace of conscience, may and ought to be sought by some honest calling.

2. A. 2. Hence lusty begging vagabonds are not to be suffered;

First, Because they openly oppose themselves to the Divine ordinance.

Secondly, They are a burden to others without necessity.

Thirdly, Because they defraud those that are poor, indeed at least of some part of the alms which they would receive, if they had not been prevented by such.

Fourthly, They do not carry themselves either as members of any Church, or Commonwealth.

Fifthly, They directly set themselves to many kinds of wickednesses.

Question 2. *How may one know, that his or that employment be honest?*

3. A. 1. If it be manifestly approved of in Scriptures. Secondly, If with some proportion to those callings, which are allowed of in Scripture, it be about that which is lawful in itself, or profitable to mankind, or good report, *Eph 4:28; Phil 4:8*.

4. A. Hence first, Those who are busied in the nourishing and furthering of sins, as those vittailers[?], which do not administer only to the necessity of strangers, and travelers, but to the intemperancy of their neighbors, lead a dishonest life.

5. A. 2. Those that follow trifling, light, sportful, scurrilous arts, or belonging that way; may not abide in them, as in an honest course of life.

First, Because nothing is found in them worthy the life of man.

Secondly, They do invert the order of nature, when they turn the remission of labor, into toiling[?].

Thirdly, They make themselves unfit for the more weighty and serious duties of Christians.

Fourthly, They use to help the Devil in tempting men, whilst they stir up, and kindle their carnal desires.

6. A. 3. Their employment, who take occasion to raise their own profit, by the damage of others, which commonly is the course of usurers, cannot be approved as honest.

Question 3. *What things are required for the due exercising an honest calling?*

7. Ans. 1. Skill is required, by which every one perfectly knoweth those things, which properly belong to his own vocation, *Prov 14:8*.

8. A. 2. Attention to his own affairs, more than others', *2 Thess 3:11; 1 Tim 5:13; 1 Pet 4:15*.

9. A. 3. Diligence in undergoing business, *Prov 10:5 and 13:4 and 21:5; Eccl 10:8*.

10. A. 4. Wisdom, in observing, taking, and using rightly opportunity, *Prov 10:5 and 21:5; Eccl 10:8.*

11. A. 5. Courage and constancy in overcoming difficulties, *Prov 15:19 and 20:4 and 26:16.*

12. A. 6. A moderation in the desire of gain, and care of wished success, *1 Tim 6:9; Matt 6:34; Prov 28:20,22.*

13. A. 7. Lastly, A religious sanctifying of all our labors is required, *1 Cor 10:31; Gen 24:13,27; Psal 90 ult.*

Chapter 47**Of poverty and riches**

Question 1. *How must we account of poverty?*

1. A. 1. A Counterfeit poverty is ingratitude to God, whose blessing is renounced, and an injury to men, as well as those, to whom due aid is denied, as those, who for that cause are the more burdened, *Prov 13:7*.

2. A. 2. And such is the poverty for the most part of Popish Monks, which by word and habit profess poverty, but in deed are most rich, possessing large manors, great incomes, and might wealth. It is a ridiculous defense of those, that the Covent, and the Brothers in the Covent, do possess those goods in common, and undivided, so that any one cannot sell, or alienate anything from thence, or receive at his own will.

For first, If the Covent by rich, the Monks in that Covent cannot be poor. For if each of them be poor, and the Covent rich, then by the same reason, each part of a body may be white, and the whole black.

Secondly, The Heirs of some Prince, or rich man, although they possess the inheritance undivided, and are forbid to sell, alienate any of it, yet they are not, nor cannot be accounted poor men.

Thirdly, If two or more secular men should deliver up their goods altogether to some overseer, on that condition, that he should minister to them necessities, as need required, either severally, or together, these surely did not put off their riches, but the burden, care, and trouble of them: as *Potiphar* the Egyptian did by himself, *Gen 39:8* and in some sort *Pharaoh*, *Ch 41*.

Fourthly, Every Monk hath right to demand his convenient portion, insomuch that if it be denied without a just cause, it is accounted a trespass, and he may sue an action against the covent before a competent Judge.

Fifthly, It is known that many enter Monasteries to avoid poverty, because they have not wherewithal otherwise to live idly, and that many are thrust in by their parents, and kindred, that they might more certainly provide for their necessary maintenance.

Sixthly, Many go into Monasteries, that they may make a way and degree to Papal dignities and offices, by which they may enrich themselves, and theirs.

3. A. 2. True poverty, if it be directly desired and sought, which is usually called voluntary, without some special urgent necessity, it s a madness to be condemned.

First, Because such a poor man doth not provide for himself and his, according to the course of nature approved by God.

Secondly, Because he chooseth and seeketh the evil of punishment.

Thirdly, Because he doth expose himself rashly to many temptations.

Fourthly, Because he makes himself unable to render many duties which are due to their neighbors from those who have outward abilities.

Fifthly, Because this is to tempt God, if anyone having wherewithal to sustain himself, shall cast away that, expecting sustentation from God.

Sixthly, He refuseth that, which every day he desires of God, that is, his daily bread.

Seventhly, He burdeneth those, from whom he receiveth anything without necessity, and defraudeth those which should have received the same if he had not intercepted it. Such is the poverty of some amongst the Popish Monks, who live only on that, which they get from day to day begging. But they add also this madness, a superstition and wicked presumption, being they sell this poverty for a work of perfection, and supererogation which will much prevail and for satisfaction and merit before God.

4. A. 3. True poverty which is necessary, not sought on purpose, but otherwise happening, and is for the most part joined with infirmity, weakness or such like defect, whence it is that the poor cannot help

themselves by labor; this poverty in itself, and by itself hath no crime in it, or fault to be ashamed of: but is oftentimes sent from God to the godly, either as a correction, or trial and searching, or both. It is therefore a miserable state, yet notwithstanding such a one by the appointment and grace of God, works with the faithful to salvation.

5. A. Hence first, Such poor men ought chiefly to beware that they do not despair; *Prov 10:15*.

Secondly, That they do not murmur against the providence of God, or use unlawful means to help themselves, *Prov 30:9*.

Thirdly, That they should behave themselves as poor men ought, free from all envy, *Prov 18:23*. Hence also other must take heed how they deride, contemn, or set against the poor, as also, to refuse to help them according to their abilities, *Prov 14:10 and 17:5 and 19:4,7,17; James 2:3,4*.

Question 2. *How are riches to be esteemed?*

6. A. 1. Riches as they are considered absolutely and in themselves, are morally neither good nor bad, but things indifferent which men may use either well or ill.

7. A. 2. But because in their own nature, they are ordained for a good use, *Prov 3:9*. Therefore although they are not moral goods, yet they are useful and profitable, and so they are rightly called the gifts and blessings of God; *Prov 10:22*.

8. A. 3. Yet by reason of human corruption and infirmity, the possession of large riches is joined with so much danger, that it contains the evil of great and desparate temptations: so that it is very difficult for a rich man to enter into the Kingdom of Heaven, *Matt 19:23*. In which respect they are compared to thick clay, which weigh down and defile the owner, *Hab 2:6*; to thorns which prick and tear those that handle them, and choke and strangle all spiritual seed, *Matt 13:22*; to an entrapping snare, and an arrow piercing through the soul, *1 Tim 6:9,10*.

9. A. 4. But the more special temptations of riches is to pride, for placing vain and idolatrous trust in them for the love of the World, lastly to luxury, and the following of every affection with contempt of God, *1 Tim 6:17; Eph 5:5; Prov 30:9; Luke 16:9.*

10. A. 5. Hence first, Riches are not absolutely to be desired, *Prov 23:4,5; 1 Tim 6:8,9,10.*

Secondly, If riches increase by God's providence, the mind is carefully and seriously to be fortified against those vices, which usually accompany them, *Psa 62:11.*

Thirdly, We must strive as well by prayer to God, as all diligence to make riches our instruments of piety.

Chapter 48**Of Parsimony, and Frugality**

Question 1. *What is required to honest Parsimony?*

1. A. 1. There is required; First, That we beware, we do not idly lavish those things, which can be employed either in profitable or honest uses, *Prov 21:17*. This rule, as agreeing to right reason, and the Doctrine of CHRIST, some of the Disciples thought not well of, yet did confidently apply it, especially *Judas*, in reproving the deed of *Mary* about the funeral of CHRIST, *Matt 26:8,9; Mark 14:4,5; John 12:4*.

2. A. 2 That we look, that no considerable thing of those, which may be useful be lost, *John 6:12*.

3. A. 3. That we do not out of too much griping envy ourselves the just use of, those things we possess, *Eccl 6:12*; Nor yet foolishly devour them, *Prov 21:20*.

4. A. 4. It is required that this care do not proceed from the love of riches; but out of conscience towards God, whose benefits we ought not to abuse, and out of a foresight of providing for our necessities, and doing good to others. For honest thrift doth not hinder, but rather promote liberality and other virtues.

Question 2. *What is required to honest frugality?*

5. A. 1. First, There is required, that we do not lay out our money upon vain, and unprofitable things, *Isa 55:2*.

6. A. 2. That we be not lovers of pleasures, *Prov 21:17; Luke 16:19*.

7. A. 3. That we employ our money in those things, which have a real use, *Prov 31:13,16*.

8. A. 4. That we willingly bestow upon pious uses as far, as we are able, and we may expect from thence the most sure benefit, *Prov 11:24 and 19:17; Hag 1:4,8,etc*.

Chapter 49

Of Liberality and Pity

Question 1. *Whose duty is it to exercise Liberality, and Pity?*

1. A. 1. To profit or benefit others, is a duty belonging to all men according to a good inclination and disposition of mind, as also in some sort according to endeavor.
2. A. 2. According to the outward work of giving somewhat, whereby another's wants are supplied, (which is the definition of an alms;) it is the duty only of those, who have somewhat of their own, and also the power of bestowing it, *1 John 3:17*.
3. A. 3. This duty therefore doth not only belong to rich men, but to those also of a meaner condition, who get their living by their hands, *Eph 4:28*.
4. A. 4. Those who are so much subject to others, that they have nothing their own, either according to the propriety, or profit, or profit only, they are so far exempted from this duty, that they can bestow nothing at least without the tacit consent of their Masters.
5. A. 5. Neither are all men which have somewhat of their own strait bound to give somewhat to those that want. For by course we must help others with those things which do overbound with us, *1 Cor 8:13*; which is to be understood:

First, Of things superfluous to the necessity of life.

Secondly, Of things superfluous to the state and condition of life, wherein we are placed, that is of those things which we may want without any detriment, either to life or state. But some extraordinary chance may require, that somewhat also of those things, which are necessary should be spent, and this is to give above one's power, *2 Cor 8:2,3*.

Question 2. *To whom must we give an alms?*

6. A. 1. To those that want, who cannot maintain themselves, *Matt 23:35,36; Acts 20:34,35.*

7. A. 2. Seeing that want, admits of a threefold degree, so that in some it is extreme, and joined with hazard, either of death, or sin; in others heavy, with danger of great discommodity, in others ordinary, requiring only some relief; from hence a difference of obligation followeth: for we are bound to help him, that wants extremely even with things necessary to our state, (for the life of a neighbor is to be more esteemed, than our own external condition.) We are bound to help him that wants grievously with things superfluous to our state; but him who wants but ordinarily, with things superfluous to the decency of our state.

Question 3. *What method is to be observed in bestowing an alms?*

8. A. 1. All things being alike, we must give succor to a greater, and more heavy necessity, then to a less weighty.

Secondly, Where the need is alike, those are to be preferred, in whom we discern more reasons of favor: as those that are nearer, to those who are further off, those who are of the household of faith; to unbelievers, the better to the less good, those that are more profitable to the Church or Commonwealth, to those that are less, etc. *Matt 15:5,6; 1 Tim 5:8; Gal 6:10; Deut 5:7.*

9. A. 2. Although we must use diligence, that we may rather aid good than bad, especially if it be likely that our alms may be an occasion, and instrument to those of glorifying God, but these of sinning, yet we must not therefore be curiously inquisitive into the hidden faults of the poor: for charity doth not easily think evil, *1 Cor 13:5.*

Question 4. *After what manner are alms to be given?*

10. A. 1. Out of religion towards God, and desire of his honor, *Prov 3:9; 1 Cor 8:3.*

11. A. 2. Out of the affection of brotherly charity, and pity; *1 Cor 13:3.*

12. A. 3. Out of an humble conscience of duty before God, not out of ambition of vain glory before men, *Matt 6:12*.

13. A. 4. With respect to the poor, not with contempt, or their shame, *1 Cor 11:22*.

14. A. 5. With cheerfulness and freeness of mind and countenance, not heavily, or as it were by compulsion; *2 Cor 9:7; Rom 12:8*.

15. A. 6. Readily without delay, *Prov 3:27,28*.

Question 5. *How much must be bestowed in alms?*

16. A. 1. It must be accounted for a general rule, that we should rather give plenteously, than sparingly; *2 Cor 9:6*.

17. A. 2. In common, the measure of our bounty, dependeth on the measure of God's blessing to us in external things, *1 Cor 16:2*.

18. A. 3. Here we must look diligently, what piety and charity doth dictate to the best Christians, that we may do the like, if we have the like abilities, and if not according to an equal proportion, *2 Cor 9:2*.

19. A. 4. And that is certain, that all, and every one must lay out, much more upon pious uses, than they consume upon their pleasures.

20. A. 5. How much we must give just here, and at this time, cannot be limited without wise consideration of all the circumstances.

Question 6. *By what reasons, should we chiefly be stirred up to give alms?*

21. A. 1. There is a singular excellency found in this duty. For as charity is the most excellent of all virtues, *1 Cor 13*, and Pity is an excellent measure of charity: so this work of charity and pity hath its blessed transcendancy; *Acts 20:35*.

22. A. 2. Not only the will of God revealed in the Scriptures doth require this, but also the law of human nature. For nothing is more natural than that we should do-so-to[?] another, as we would be don to ourselves. And nothing is more human, than to help the necessity of man.

23. A. 3. In pity, and its works, we do especially put on the image and likeness of God, *Luke 6:36*.

24. A. 4. Love towards God, cannot consist without this charity towards our neighbor, *1 John 3:17*, neither can any true religion, *James 1:27*.

25. A. 5. God is in CHRIST, who asketh an alms of us by the poor; *Matt 25:40*; and he requireth only some little portion, of that which he hath given us; *1 Chr 29:11*.

26. A. 6. God gave us those things, which we have not as to absolute Lords, but as to Possessors at will, that we should dispense the things committed to our trust, to his honor, and according to his will; *Luke 16:12*.

27. A. 7. Yet God will restore abundantly what is given to the poor in his name; *Prov 3:9 and 19:17 and 28:27*.

28. A. 8. Without pity to our brother, it cannot be that we should have any sense, or assurance of God's pity towards us, or that we should be disposed either to receive or ask it; *Matt 5:7 and 7:6; 1 Tim 6:17, 18, 19*.

29. A. 9. Pity frequently in Scripture hath the promises, and uncharitableness the threatening, both of this life, and the one to come.

Chapter 50

Of Theft

Question 1. *What cases are there, in which one may take away another's goods, without the sin of theft?*

A. 1. If one should snatch away anything of another's, without intent of keeping either it, or the use, or possession of it, which may be valued by money: as it oftentimes happens in jest among friends.

Secondly, If the taking away of another man's good be done as a punishment by one, who hath power of inflicting such a punishment.

Thirdly, If (without fraud or scandal) it be for the profit, and benefit of him from whom it is taken, as when a sword is forced from a mad man: or the money of a prodigal husband is taken away by a provident wife for the necessary use of the family.

Fourthly, If it be done out of charity, against the which the other stormeth unjustly: as if one should fling away another's dice, or spoil his cards, lest by gaming he should sin, or run into any other danger.

Fifthly, If it be done for satisfaction of a clear and apparent debt, which could not be recovered by the ordinary course of law, so that it be done without loss, infamy, or scandal to his Neighbor.

Sixthly, If there be a probable consent or ratification of his from whom somewhat is taken away, as when a thing of small moment is taken by the Son from the Father, or the Wife from the Husband, etc. which is commonly accounted for nothing, *Deut 23:24,25[?]*.

Sevently, If the master which is unwilling, should be angry without reason; as in those things, which one hath taken from another man to succor his own present extreme necessity, which he could not help by any other means. For this seems to be by the law of nature more ancient, than the division of things, which cannot be abrogated by the

human law, by which the division of things was made: In which sense it is not ill said, that all things are made common in urgent necessity.

Chapter 51

Of Covetousness

Question 1. *What is that Covetousness which is condemned?*

1. A. 1. Covetousness is properly versed about those things, which are called external goods: and belongs to the concupiscence of the eyes, as it is divided oppositely against the concupiscence of the flesh, and pride of life, *1 John 2*; where the chiefest worldly sins are reduced to three heads, to honors, pleasures, and riches. Hence in Scripture it is called the love of riches, the love of lucre, and the love of money by a special appropriation, because all things may be attained, and are rated by money[?].

2. A. 2. Not every desire of riches is Covetousness, but only the inordinate love of them; and that love in inordinate which is repugnant to the love, which we owe to God, or our Neighbor. Hence, Covetousness useth to be called an immoderate, or unjust love of having.

3. A. 3. But because of the essence of Covetousness, doth consist in desire, therefore it is numbered among those sins, which can be consummated within, without any outward act, although it useth to commend the whole man, and bring forth external operations of all kinds.

4. A. 4. Hence also it is, that a Covetous man sinneth three ways: First, In desiring riches. Secondly, in attaining them. Thirdly, In retaining or keeping them. For these three are contained in the desire of having.

5. A. 5. But because the inordinateness of this love consisteth in its repugnancy to the love of God, or our Neighbor; therefore the pravity of Covetousness is in it:

First, According to its matter, if we would make ourselves rich by those things which are sacred to God, as in the sin of *Simony*, or by those things which are our Neighbor's, so that they either ought not, or will not alienate them: such was the sin of *Ahab* about the Vineyard of *Naboth*, *1 Kings 21*.

Secondly, According to the form or manner; if any in getting riches, useth either wicked, unjust, or unlawful acts or means, *Prov 10:2 and 28:8,22*.

Thirdly, According to the degree or measure, if any shall so give himself over to the heaping up of riches, that he neglects his duty towards God and his Neighbor; *Luke 22:5; Isa 5:8*.

Fourthly, According to the end, if riches are either loved for themselves, or are referred to some evil end, or lastly do turn a man from God, or his Neighbor either in whole or in part.

Question 2. *What are the signs of a Covetous man?*

6. A. 1. If he be too solicitous in thought of external goods, so that his mind is in suspense like a meteor, *Luke 12:22,25,29*.

7. A. 2. If his joy, and sadness, trust and fear do depend upon his success in those external affairs, *Luke 12:19*.

8. A. 3. If he have a quick and ready feeling in those things, but slow, and unapt to discern Spiritual things. For the attention of the mind and a knowledge more piercing in one thing than another followeth always the affection, *Matt 13:22*.

9. A. 4. If that time, in which he is compelled to leave of his seeking gain, although it is employed in Divine worship, seem to long to him; *Amos 8:5*.

10. A. 5. If his mind hunteth after gain, even in the exercise of Divine worship; *Ezek 33:31*.

Question 3. *By what reasons may we be stirred up to flee covetousness?*

11. A. 1. Because this sin so averts our love, trust, and whole heart from God to the World, that it excludes true Religion, *1 John 2:15*, and contains in it Spiritual Idolatry, *Eph 5:5; Col 3:5*.

12. A. 2. Because it pierceth a man with cares, and deadly griefs; *1 Tim 6:10*.

13. A. 3. Because it is the root of all evil; *1 Tim 6:9,10*.

Question 4. *What are the remedies which chiefly avail against this sin?*

14. A. 1. Frequent and serious meditation of the vanity of riches; *Eccl 5 and 6*.

15. A. 2. A continual consideration of the shortness of this life, and of the eternity to which we ought to aspire, *Luke 12:20,21,33*.

16. A. 3. A stirring up of faith, and lively confidence in God's providence, and Fatherly care over us; *Luke 12:28-30*.

17. A. 4. A great esteem, and zeal towards the Kingdom of God, and the righteousness thereof, which are Spiritual riches; *Luke 12:21,31*.

18. A. 5. Invocation to God, that he will not suffer our minds to slide into covetousness, *Ps 119:36*.

Chapter 52

Of some Mosaical laws belonging to the eight Commandment

Question 1. *What was the equity of that Law, that no simple theft should be punished with capital punishment?*

1. A. 1. There was a great equity in that moderation, which is to be observed by all Christians; because justice requireth, that a proportion be made with as much equality as can be, between the fault, and the punishment: but there will be no proportion found between those external goods, which are taken away by simple theft from men, and the life of man, if they shall be weighed together in the balance.

2. A. 2. To that which usually is most object, *That when the faults increase, the punishments ought to be exasperated*; It is confessed to be truly said, but with this exception and condition, that the whole kind of punishment be not changed, nor that all limits of proportion between the fault and the punishment be not leaped over.

3. A. 3. That which is brought against this, out of *Prov 6:31* of the increasing of the punishment of theft to sevenfold, and out of the *2 Sam 12:5*; of the thief adjudged to death by *David*, are not repugnant to this equity. For with *Solomon*, the restitution of sevenfold, seemeth to be put for a grievous mulct, which by right might, or in act used to be imposed on the thief: as the seventh number is oftentimes put in the Scripture for great. But *David* giving the sentence, did not only look on the simple theft, but the great cruelty of the rich thief, or spoiler, preying on his poor neighbor; and also he was kindled with wrath when he gave the sentence.

4. A. 4. That is less which is objected, that the law of *Moses* concerning the punishment of theft, is nowhere found to be repeated, and confirmed or enjoined in the new Testament, and therefore that it was merely politic and judicial. For they themselves grant, which are of the contrary opinion those laws of *Moses* to be universal and perpetual, which have an

universal and perpetual cause and reason, and not a particular belonging to the Jews; and they can bring no special reason, but a ridiculous one of the kindred, and affinity of the Israelites among themselves: which reason can take no place in strangers, who notwithstanding were not punished capitally for a simple theft; and if that reason did avail against the capital punishment of thieves among the Israelites, it would have availed also against the capital punishment of other faults.

Question 2. *What was the reason of restoring double the theft of money, or household stuff? Exodus 22:17.*

5. A. 1. It is just (by the law of retaliation,) that not only that which is taken away should be restored, but also that the thief should suffer so much damage as he would, and did endeavor to bring upon another: and so he may learn by his punishment, what it was that he practiced against another, and how he ought to carry himself toward others.

6. A. 2. A Thief sinneth doubly against his Neighbor: for everyone ought not to be only innocent to his Neighbor, but also to wish him well, and do good to him upon occasion, but a thief is delinquent against both duties.

Question 3. *What equity was in that law, where a lesser mulct was appointed for him, which had stolen money or household stuff, than for him which stole an ox or a sheep, when oftentimes there was more damage done in that theft than in this?*

7. A. 1. Some evils which simply considered in themselves, are less, yet may be more hurtful to the public peace and tranquility, than others which are greater in themselves.

8. A. 2. Some evils for their opportunities are more easily committed, and more hardly redressed: as to steal a sheep, than gold, because it may, and useth to be kept closer.

9. A. 3. Because sheep and oxen in their own nature, are more necessary to sustain man's life than gold, or household stuff.

10. A. 4. Oxen and sheep were to be offered among the chiefest sacrifices to God. Therefore it is no marvel, if he would have those things more narrowly kept, and their taking away more severely punished, out of

which a part was due to him, and on which his worship for the most part did depend.

Question 4. *Why were five oxen restored for one, and only four sheep?*

11. A. 1. Because the use of oxen is greater to their Masters, than of sheep. But their curious observation doth not ill agree to the explaining of this difference, who say there are four commodities of sheep, the skin, the flesh, the milk, and the young ones, but in an ox they count a fifth, to wit, the labor in husbandry, in treading out the corn, and carrying of burdens.

12. A. 2. Because there is appearance of less necessity for stealing an ox, than one sheep, which one may seek for want of meat, to relieve himself, and his family in present necessity.

13. A. 3. Because it is more boldness and villainy, to steal an ox, than a sheep.

Question 5. *What was the reason that a thief taken with those stolen beasts living, was less punished, than if he had killed them, or sold them?*

14. A. Because in the latter case, there is found more continuation, obduration, and multiplying of the sin.

Question 6. *What is the equity of that law, Exod 22:2, of killing a night thief?*

15. A. 1. The Divine law doth not command this, or either simply or universally allow of it, but only but only permitteth it to be done without punishment, that is, he absolveth the killer from the ordinary penalty of manslaughter, *Let not blood be upon him*; Let him not be guilty of murder.

16. A. 2. The law doth also imply, that some murder some way may be permitted, which is without the intention of the slayer: for it doth not say, *If any shall slay, but if one shall be smitten, and die*: As if the striking was only intended, either to drive away or apprehend, and death followed upon that striking only by chance. For he, who when he could either

drive away, or apprehend, had rather kill, cannot be excused before God, and in his conscience from the guilt of murder.

17. A. 3. This is not permitted to be done to any thief, but only to him which breaks through or open a house. Yet all Pirates, and High-way-robbers, are in the same condition.

18. A. 4. It is permitted particularly on the breaker open in the night.

First, Because a night breaker open, comes with a violent invasion; that is, with such a force, as may lawfully and naturally be repulsed by force.

Secondly, Because that violence in the night, is of an unknown extent and manner. For it cannot be discerned, whither the violence of the thief tendeth, as whether he be a robber, or a cut-throat.

Thirdly, Because in the night, there can neither be aid or witnesses had, and therefore we must believe him which doth depose upon his danger, and fear, and pardon him if he useth vehemency in his own defense.

19. A. 5. Out of which considerations it appeareth, that he could not lawfully kill such a thief directly for mere theft either attempted or done, but only to avoid that peril, which he ought not to undergo, and could not shun by any other means.

20. A. 6. Neither is there anything in the new Testament, by which that which is permitted in this law is forbidden. For it is natural equity, and allowed of by the Lord, *Matt 24:43*; That no man should suffer his House to be broken through by a thief.

Question 7. *What is meant by that, which is read, Deut 15:4, There shall be no poor among you?*

21. A. 1. These words cannot be so taken, as if they contained, either a promise or an absolute prediction. For so they would contradict those words which we have *Verse 11, The poor shall never cease out of the land*; And the like words of CHRIST'S, *Matt 14:7*.

22. A. 2. Whether it be a conditional promise, (as some would,) or (as others would;) the reason of the antecedent precept of exacting debts in the year of release, it hath the force of a forewarning statute, that there

should be none brought to extreme want, or beggary, and left so, amongst the people of the Lord.

23. A. 3. But although this cannot be procured, but by common consent, and the authority, and care of those who have public power, yet this duty is impose upon all and every one, that they should confer somewhat to this work, according to their ability and occasion, as to the promotion of the public and common good.

24. A. 4. The equity of this law, is strengthened by most sound reasons:

For first, As it is a foul scandal to a family, and a certain token of disorder, confusion, and dissolution, where everyone is not provided of necessaries for food, insomuch, that it can hardly be accounted a family, where that care is not stirring, so also it is in every City and Community.

25. A. 2. From the neglect of this care, there springs up a great company of beggars, who live idly and disorderly, giving themselves to most beastly manners.

26. A. 3. Thence it commeth to pass, that honest and kind Citizens are burdened above measure, and without necessity.

27. A. 4. Thence also it is, that persons truly miserable cannot be known from others, and so not relieved as they should be.

28. A. 5. Lastly, The public and wandering beggary of Christians, is a scandal of the true religion, as if it did not teach that humanity and charity, which nature itself dictateth: and passeth into contempt of CHRIST, who sayeth, that that is done to himself, which is done to his members the poor: and into the manifest disgrace of the name of God, as well in those beggars which worshipping him are made the spectacles and examples of misery, as in the route of others, who wander without God as brute beasts.

Chapter 53**The 9th Commandment*****Of a Lie***

Question 1. *What is (to speak properly) a Lie?*

1. A. 1. A Lie is a false Testimony.

2. A. 2. A false Testimony, differs from a false opinion; because a false opinion may be by error in the mind, and signified to no man: but it is required in a false Testimony, that it should be a sin of speech, that is, of an opinion expressed either by the mouth, or writing, or some sign equivalent to words.

3. A. 3. It differeth also from false enunciation, by which a thing is pronounced otherwise than it is: because this may so happen, that it is not done to procure belief, which is the nature of a Testimony, and one may through error pronounce this or that which is false, yet think it to be true in his mind: now in a Lie the speech always dissenteth from the mind.

4. A. 4. Therefore if anyone shall speak that which is false, believing it to be true, he lieth only materially. If any speaketh truth, thinking it to be false, or not thinking it to be true, he lieth formally. But if any shall speak that which is false, and think it to be false, he lieth both materially, and formally, and fully.

5. A. 5. Yet if any shall testify that which is false in those things, which he may, and is bound, and professeth to know, although he thinketh it true, he by interpretation is accounted in the Scripture as one that did not think, and under that title is said to lie; as it appeareth in false teachers: all of which are frequently in Scripture said to lie; although there were not a few amongst them, on whom God (out of just punishment,) sent the power of error, that they should believe a lie, *2 Thess 2:11*.

6. A. 6. To this kind of lie an internal false speech hath some respect, as also the credulity of falsity, as far as it is in some way the beginning of false enunciation, & in some sort it is a false Testimony of that man, in that he doth testify to himself; yet it hath not the formal nature of a lie, for to speak properly, no man can testify that which is true or false to himself, but to others.

7. A. 7. It doth proceed from the same reason, that a lie, or false Testimony doth properly belong to the second Table: because words are instituted that by them we should transfer our thoughts to other men's knowledge, and therefore should properly and truly testify to men; although Hypocrites are said with some proportion to lie to God, *Ps 78:36; Acts 5:4*.

Question 2. *Whether every lie be a sin, and what kind of sin?*

8. A. 1. It is a sin abominable to God; *Ps 5:[6,]7; Prov 6:17,19 and 12:22*; and which is usually punished grievously by him; *Prov 19:5,9 and 21:18; Rev 21:27 and 22:15*.

9. A. 2. A lie cometh from the instigation of the Devil, who is a liar, and the Father of lies, *John 8:44*.

10. A. 3. It is a part of the old man which is to be mortified and put off by the faithful, *Eph 4:25; Col 3:9*.

11. A. 4. It doth disorder the liar in himself; for it is against the order of nature, that the speech which is interpreter of the mind, should wholly disagree from the mind.

12. A. 5. It is a disorder also against his neighbor, for everyone by the obligation of the natural law, doth owe to his neighbor the observance of truth.

13. A. 6. It doth in a special manner hurt the Majesty of God, who is the author, and such a lover of truth, that he cannot lie: and also hath imprinted in man the image of his truth to be kept: neither did he ever give authority of lying by any dispensation.

14. A. 7. It is an abuse and foul defiling of the tongue, which is rightly called in Scripture the *Glory* of man.

15. A. 8. There is somewhat that is base, and low in a lie, more than in other vulgar sins, (whether it is, because it seemeth to proceed from fear, or because it tendeth to deceit,) whence it is that rash men, who stand upon their slight honor; (although they lie continually;) yet take so heinously the exprobaton of a lie, that they think it fit to be revenged by the sword.

16. A. 9. The violation and neglect of faith, doth directly disturb, and take away all contracts and human societies: because they depend upon the faith and truth of men, as upon their chief bond, and foundation.

17. A. 10. A lie, because it robs the lier of all trust and authority, doth make him unfit to undergo either Christian, or Civil duties towards men.

Question 3. *Whether, and how far may one conceal the truth, without the guilt of a lie, or some other sin?*

18. A. 1. It is lawful to conceal the truth by silence, when neither piety, justice, or charity require, that it should be revealed, *Matt 26:63; Mark 14:61 and 15:5; Luke 23:9; John 19:9*; For the affirmative Precept, of speaking the truth, doth not bind always, but where the reason if circumstances well weighed doth require.

19. A. 2. The same is the reason of speaking one part of the truth, and hiding the other; if any (the circumstances being considered,) hath authority to hide it; *Jer 38:26,27*

20. A. 3. Also it is lawful sometimes, without falsehood, to speak those words, out of which we know probably, that the hearers may conclude somewhat that is false, *Acts 23:6-9*. For this is not to lie, or bear false witness, but only to give another occasion of erring, not to commit, but to avoid a sin.

21. A. 4. The concealing of the truth by mental reservation, (as if one guilty shall say, that he did not, or knoweth not, that which he did, or knoweth; reserving in his mind, with this meaning that he did not do it, or doth not know it, so that he would reveal it.) First, It doth [evert] the

nature and doctrine of enunciation and testimony; because that part of the sentence which is reserved in the mind, doth not declare, signify, or disclose anything to any man.

23. A. 2. It doth proceed from an intention of deceiving, or creating an opinion contrary to the truth in another's mind: which is against the nature of testifying, or bearing record of this or that thing.

24. A. 3. In words pronounced after this manner, there is a plain and bare lie contained.

For first, If the guilty which did this or that, shall say that he did, his testimony is true, therefore if he denieth that he hath done it, his testimony is false; that is, he lieth.

Secondly, By this means the guilty doth say and testify not only that which is false, but what he knoweth, and is sure is false: which is to lie both materially, and formally, that is completely.

25. A. 4. If this be not to lie, then such a guilty man, can by no means lie in the same cause, if he would never so feign. He which hath done, or knoweth this or that, if he can lie anyway, it must necessarily be by saying, I have not done it, or I do not know it. Some mental reservation either distinctly or implicitly conceived, always lurketh in common lies. For he which knoweth that to be false which he speaketh, can hardly otherwise speak false without this restriction, or some such like: although this be false, and I would confess it in another place and time, yet for some reasons, I say so at this time and place: where the mental reservation is almost the same which the Pontificians allow: I did not do it, to tell thee in this place, or at this time.

26. A. 5. There are great men amongst the Pontificians themselves, who are forced to condemn these mental reservations; Sotus de just. & jure, lib. 5, q. 6.2.2. *To say, (I did not do it,) which I did, although it be with the limitation of the mind, (that I should give notice of it to you) is not equivocation, but a lie.* Covarruvias followeth Sotus var. resolute. Lib. 1. Cap. 2. Num. 2. Azor. Lib. 11. Cap. 4. *If words which we use, are not ambiguous in their own signification, or by the common practice of men, but only have one sense, we must use them in that sense which they*

give: neither is it lawful for us, although we be questioned against right and law, to wrest one thing into another by a thought, for it is never grained to lie: but he lieth who taketh words otherwise than they signify; for there is nothing so false, which cannot be freed from all lying, if at our own pleasure we retain somewhat tacitly in our mind.

27. A. 6. That restriction of this license, which the patrons of it make to certain cases, doth not take quite away, but only diminisheth the shame: it is lawful (say they) absolutely to deny by words, that which he know to be true upon oath: First, If he hat heard it in confession. Secondly, If he be not questioned legally by a Judge. Thirdly, If some injury is brought upon him by the Interrogatory. Fourthly, If he have any reasonable cause, *Filucius tr. 40. Cap. 2. Num. 49. 50. 51. 52.*

For first, Those cases, although they contain causes of silence, yet they have no other relation or respect to a testimony mingled of words external, which are false in themselves, and mental feigned at will, than any other matter of speech in common discourse.

Secondly, Neither confession, or the defect of legal process, or an injury can give power to any to lie.

Thirdly, More than this, that last limitation (*if he have a reasonable cause,*) doth set such loose bounds to this fallacy, that it may take place upon all occasions, and in all business, with those, who think they have a reasonable cause for cousening others: which bringeth with it the destruction of human intercourse.

28. 1. *When one (say they) being questioned of no man, or being alone, or before others discoursing with himself for his minds sake, may understand what he will by any words without a lie. Therefore also, he may in case he be unjustly questioned: because he is obliged to nothing by an unjust interrogatory.*

But first, This is such an inference, as if one should say: it is lawful to play with huckle bones, therefore it is lawful to play with oaths.

Secondly, The reason is altogether unlike, he which discourseth alone with himself, or triflenth on set purpose before others, testifieth nothing to any man, neither doth he profess, that he will give his testimony. But he

which answereth to one questioning seriously, professeth, (and that oftentimes upon the religion of an oath,) that he will give in true witness.

29. 2. *There may be ambiguity in words (add they,) not only in signification, but also according to the place, times, person, manner, and other circumstances. Now it is wholly left to one, that is unjustly questioned to take ambiguous words in what sense he will.* And indeed, they speak so far true, that there are some usual significations of words to be drawn out of the circumstances: to wit, when some particles may be and commonly are understood, and supplied in some proposition, by the circumstance of time, person, end, etc. As if one selling corn, after he hath sold all that he would sell, reserving so much as is necessary for himself, should answer to a Chapman, demanding if he had any corn, I have none, he did not lie: because by the circumstance of persons, the discourse is understood to be of wheat that is to be sold.

But first, In those fallacies which we treat of, there are no circumstances from which the hearers may gather that mental interpretation, (which the equivocator reserveth to himself; as for example, if a Jesuit, or some Mass-priest, should be asked by a Lay-Judge, whether he were a Priest or no, and he shall deny it therefore, because he is a Priest, and so not subject to the Jurisdiction of a Lay-judge: he denieth to this Judge that he is a Priest, only because he is one.

Secondly, Those circumstances as long as they remain the same, always denotate one and the same meanings: but Equivocators turn themselves into diverse senses even as they list.

Thirdly, He which will be understood by circumstances, neither hideth the truth, or deceiveth the Examiner, or Hearer; but an Equivocator professeth both.

Fourthly, When somewhat is understood by the circumstances, he which so speaketh, if he should be farther asked, whether his words ought to be understood so or no, if he should deny, it were a plain lie: but these Equivocation being asked distinctly, whether they speak equivocally, from their Master's doctrine, use to deny that too.

30. A. 8. In the examples, which the Pontificians bring of this kind of equivocation in some speeches of our Lord which are registered in the Evangelists, there is nothing to be found, which can countenance this deceit.

31. 1. They say, CHRIST *the Lord*, Matt 9:24, *said of the Damsel that was dead, she is not dead; understanding, in respect of my power and will.*

But first, In that example, there was neither a secret of confession, neither an interrogatory made either against, or beside law, neither an injury offered to CHRIST, or any reasonable cause that did compel CHRIST to use any equivocation by a mental reservation, but it was such a speech, as CHRIST used in his common conversation with men

Secondly, The meaning of CHRIST'S words was manifest enough by the circumstances, without any mentall reservation. For he spoke to those, who crying and mourning, did provide the funeral rites for the dead, as not to be raised again; but he would testify, that he would raise her again as one awaked from sleep: and therefore could not explain this more aptly, than in those words which he used.

32. 2. They bring those words of our Lord, *John 15:15, All things which I have heard from my Father, I have made known to you.* Which words they say, are to be understood by a mental reservation: because he had other things to tell them, not yet spoken, *John 16:12.*

But, *Tolet* the Jesuit, upon the place, doth answer after *Iansenius*: *That there are many thing spoken in Scripture, which are to be restrained according to the circumstances of things, persons, times, or the end or scope, for which they are produced: so CHRIST did now make known all things to his Disciples, which according to their condition and state they ought to hear.*

13. 3. They object and urge, most especially that of *Mark 13:32, Of that day and hour no man knoweth, no not the Son himself.*

But first, The conditions which the Pontificians require to lawful equivocations, do no more agree to this instance, than the first.

Secondly, The Son as man in that place, is opposed to the Father as God. For CHRIST did not deny, or would seem to deny, but that the Holy Ghost did know the day of judgment. The meaning therefore is clear as the words sound: that CHRIST as man was ignorant as yet of the day of judgment, or at least did not know by a natural knowledge: which is the interpretation of *Athanasius, Basilius, Hilarius, Nazienzen, Theodoret, Cyril*, and the whole sixth Synod, as the Jesuits among themselves do confess, *Gregor. De valent. In comment. Theolog. Tom. 4. disput. 1 quest. 10. Punct. 2.* And *Maldonate* upon *Mark 13*. For although CHRIST the Lord had no faulty ignorance, either privative, or out of a bad disposition, or quality, yet it was not unmeet for his state of humiliation, that as he was man, he might have the ignorance of pure negation, or a not knowledge of somethings, which afterwards he should perfectly know, being glorified.

34. 4. They alledge also that of *Luke 24:28. He made as though he would have gone no[?] further.* But this feigning was not in words contradicting the truth, but in gestures agreeing with the truth, but in gestures agreeing with the truth: For the Lord composed himself as if he would have gone further, unless the Disciples should earnestly urge him to the contrary, and as it were retain him by force. Such gestures of guests, when they are also joined with words agreeing to them, in common discourse do signify nothing else, than such a will suspended on such conditions. Therefore in this example, there is no likelihood or shadow of an extraordinary equivocation; in words which are otherwise contradictory to truth, unless they were translated to some unperceived meaning by mental reservation.

35. 5. Lastly, They oppose those words of our Lord, *John 7:8. I will not up to the feast;* because, notwithstanding this denial, the same Evangelist doth testify, that he did go up to the Feast; *Verse 10.* But the whole force of this objection relieth upon the doubtful translation, which properly signifieth, *not yet*, is rendered by *not*. *Cajetan, Iansenius, Maldonate*, and *Tolet* do observe this in the explanation of this place. And this is fully shown in the very vulgar translation, where in the words next following, it rendereth the same word by *not yet, for my time is not yet come.*

Chapter 54**Of public judgments, the Judge, Accusers, Witnesses, Advocate, and Defendant**

Question 1. *What is Judgment?*

1. A. 1. Judgment doth properly signify, the determining of that, which is just betwixt those which strive about right. But it doth also connote a coactive power, of compelling the parties to submit themselves to the determination, or sentence given.

Question 2. *Whether such Judgments, and the office of Judges be lawful amongst Christians?*

2. A. 1. They are not only lawful, but necessary; *Acts 15:10; Rom 13*. For that which by the law of nature is profitable and necessary for the good estate of human society, is not taken away, but rather is established, directed, and perfected by the institutions of Christian religion. For Christian religion doth not destroy, but perfect nature: but the office of Judges and judgments, by the law of nature, are useful and necessary for the good estate of human society: as it appeareth by the example and experience of all people, which have used such judicatures, as necessary for the state of the Commonwealth. For it is plain, that confusion cannot be avoided without the determination of strifes, and that many strifes cannot be ended without the Judges power.

3. A. 1. That which the Anabaptists object against this, is to take away so necessary an institution. For CHRIST, *Matt 5:40*, doth not Command us to flee suing at Law, as a thing unlawful: but to bear injuries patiently, and not to repay evil with evil, neither slightly to contend with those, who do us injury; *Matt 7:1*; a private judgment is forbidden, and that too rash, proud, and unjust, and not a just one, as it appeareth by the opposite words, *John 7:24*. *Paul, 1 Cor 6:6*, doth not condemn all going to law, but that contention which was joined with scandal, such as was that of the faithful brethren before the unbelieving Judges, which gave offence, doth to the faithful and the unbeliever.

Question 3. *What things are required to a lawful Judgment?*

4. A. 1. It is first required that it be from just authority; that is, that the judgment, or judicial sentence be conformable with true justice, *John 7:24*.

5. A. 2. It is required, that it be just in itself; that is, that the judgment, or judicial sentence be conformable with true justice, *John 7:24*.

6. A. 3. It is required, that the judgment be upright and sincere; that is, that it proceed from no other affection; but only from the love of Justice, and public good, 2 *Chron 19:9*.

Question 4. *How many ways may a Judge lawfully proceed against offences?*

8. A. 1. In criminal causes we commonly proceed orderly, by way of accusation: (*viz.*) when there is one that accuseth, and promiseth to prove the crimes which he objecteth.

The reason is, First, Because the judgment hath relation to a strife, question, or controversy, but there can be no difference, or question, except it be between two, and it can be of no fault done, except between the accuser, and defendant.

Secondly, It is the office of a Judge to appoint the *medium* of Justice: which can have no place, except there be two between whom it may be appointed, *Deut 17:8 and 25:1; Acts 25:16*.

9. A. 2. But by the natural and Divine law, there is only required a sufficient testification of the fact, which is often without a *formal* accuser, to the giving of a judicial sentence: *viz.* when there are other things which supply the place of an accuser, (as a manifest evidence of the fact, public report,) in which there is contained a *virtual* accusation.

10. A. 3. It oftentimes belongs to the office of a Judge, to proceed by way of *enquiry*, where there is no instance of the accuser.

For without this, First, All judgments would depend on the will of the accusers.

Secondly, That Justice would cease, which is necessary to the bridling of heinous vices, and to the purging and preserving of the Commonwealth.

11. 3. The Judge doth not fulfill his office, if he only knoweth the causes which are brought unto him, unless upon occasion, he doth prudently find them out; *Job 29:16; Prov 24:11,12.*

12. A. 4. That enquiry, which is called general, by which we moderately look into the observance of the laws, and faults committed against the laws, is both profitable, and agreeing to reason both in Church and Commonwealth; as also to the office of those, who have the care of the community, and so ought to have sufficient knowledge, how they ought to carry themselves in observance of the laws, *Acts 15:36; Deut 13:14 and 21:1,2,etc.*

13. A. 5. If it be certain, that the crime is committed, and the author concealed; as for example, a man lieth in the highway slain, or it is certain, that one's house is pulled down, or rifled, then only a general enquiry ought to be made, whether or no any probable infamy, or suspicion sticketh upon a man about the fault committed near those places, and according to proportion, extraordinary enquiry is to be made, as if he be excommunicated, *John 7.*

14. A. 6. But if there be an infamy, probable suspicion, or complaint made of this person, as the author then there ought to be a special enquiry of that person, whether he be author of the crime or no? For then upon public notice, the Judge proceedeth as a public person. And a certain virtual accusation is contained in such an evidence; *Deut 22:14,etc.*

15. A. 7. In a general search, these things are to be observed.

First, No man ought to betray any to the Judge, to be punished in that case which he knoweth to be honest, and to deserve no punishment. For this would be injustice, to promote that, which is not justice.

Secondly, No man, who was not formerly attached, or tainted with the crime of which the enquiry is made is bound to betray, or accuse himself, although he be asked upon oath, whether he knoweth anyone to be guilty of such a fault?

The reason is: First, Because by the intention of the Judge which proceedeth legally, he is not asked of himself: being that he doth not enquire of things altogether hid.

Secondly, Because no man is bound to punish himself, or directly to cooperate for his own punishment.

16. A. 8. It is so far against nature, that any man should betray or defame himself, especially when there is great danger, that such enquiries, in which one is questioned of himself in criminal causes, no scandal going before, force nature, and give occasion of horrid perjuries.

17. A. 9. No man is alway bound to reveal a secret crime of another's, of which no ill report went before. For he, whose offence is hidden, has he as yet to preserve his fame, that it should not rashly be laid open. Neither is it the part of a Judge to search into hidden faults, who as he is a public person, ought to proceed upon some notice, or suspicion.

18. A. 10. Therefore to decline such incommodities, neither the Judge ought to impose, or the examined to take that oath of enquiry, which is called *ex officio*, to declare the truth of whatsoever shall be asked: except it be with this restriction; as far as he is bound to it by law: or as far, as he may do it by right.

19. A. 11. Yet sometimes, secret crimes which go before were hidden are to be detected, when the circumstances being well weighed do induce this:

As for example, First, When the manifestation will be profitable and necessary to the hindering the committing of another crime, which is probably feared.

Secondly, When some dangerous discommodity is at hand, which can scarce be avoided without revealing of the crime.

Thirdly, When the manifestation is necessary, either for procuring the delinquent's amendment, or hindering the continuation of iteration of the offence. For in such cases, there is greater account to be made of justice and charity, the common good, and one innocent, than of the same of the faulty, which is blemished only by chance, and that by his own fault.

Question 5. *Whether the Judge ought always to give sentence according to the things alleged and proved?*

20. A. 1. The Judge ought not to pass sentence against the things alleged and proved, whatsoever he be in his private knowledge.

For first, The Judge sentenceth as a public person, and instead of the Commonwealth, therefore he cannot be accounted to give a sentence rightly and by his office, except it may be thought, that the Commonwealth would give and approve the same sentence. But if the Commonwealth should sentence, it could not proceed, but upon public knowledge. Therefore, he must judge either according to public knowledge which ariseth out of the things alleged, and proved, or else wholly abstain from judgment.

Secondly, If the Judge could sentence either against, or beside things alleged and proved, there would from thence follow great discommodities, and the perversion of judgments: when unjust Judges would easily condemn the innocent, and quit the guilty, under pretext of a private knowledge, which disagreeeth from the things alleged and proved.

Thirdly, There can be no other way, by which the Commonwealth may remain in quiet.

21. A. 2. Yet the Judge is not so restrained to things alleged and proved, that he must condemn him to death, whom he knoweth plainly to be innocent.

First, Because things alleged and proved, are only means of manifesting the truth, and therefore ought not to prevail with any against the truth which is certainly known; and that nothing availeth which they use to answer this, that the end of proofs is only public truth: because public truth doth presuppose absolute truth.

Secondly, Because a Judge which pronounceth that to be true which certainly he knoweth to be false, would be a liar, and sin against his own conscience.

22. A. 3. Neither is this argument solved by that distinction, between the public and private conscience of a Judge.

For first, the private conscience ought not to be violated at any time.

Secondly, That public knowledge, although it may be to others, yet it cannot be a rule for proceeding to him, which certainly knoweth it to be false.

Thirdly, Because to slay an innocent, is a fact intrinsically evil, and so ought not be committed, by any wittingly, and willingly. Neither is it enough to say it was done by chance, or that such a man was guilty by the common judgment. For he who wittingly and willingly, and upon deliberation doth anything, he is the cause of it by himself. And the common judgment if it err for the destruction of any, ought not either to be confirmed, or promoted by him which knoweth to the contrary.

Fourthly, He would rightly be accounted by all, a wicked man, who in such a particular case, should take upon him the office of a Judge to condemn him whom he knoweth to be innocent. Therefore it is wicked to abuse that office after such a manner when it is undertaken.

23. A. 4. If the Judge would but do his duty in procuring the manifestation of the truth, so much intricateness would seldom happen. But if it should happen after he hath tried all things for the delivery of the innocent, he is bound to leave his office of Judge rather than to condemn him.

Question 6. *What sins ought a Judge especially to beware of?*

24. A. 1. Either to make, or follow in judicature unjust laws; *Isa 10:1. Woe unto them that decree unrighteous decrees, and that write greivousness which they have prescribed: To turn aside the needy from judgment, and to take away the right from the poor of my people, etc.* For every Judge ought to administer true justice. But that cannot be true justice, which is administered according to laws which are repugnant either to the natural or divine law. Because a Judge by his office is the Minister of God, and the Keeper of his law; *Deut 1:17; 2 Chron 19:6,7.* And therefore he ought to judge according to that.

25. A. 2. To accept of persons; that is, in judicature to respect some condition of this or that person, which maketh nothing to the judging of the cause; *Deut 16:19; Exod 23:3; Lev 19:15.*

For this is directly against the profession of a Judge.

First, Because a Judge is appointed as a *medium* and Mediator between those whose cause he judgeth, therefore as the middle doth carry itself equal in respect of either extremes, so the affection of the Judge ought not to incline to any side.

Secondly, A Judge undergoeth the person of God, who is free of all passion.

26. A. 3. To receive bribes, *Deut 16:19*, and everywhere in Scripture.

The reason is, First, Because this bendeth the inclination of the mind to this or that person, which is beyond the cause, and so bringeth in acception of persons.

Secondly, By this means, judgment is either corrupted, that it may be unjust, or just judgment is sold; either of which is abominable; therefore that description of a just man doth especially belong to Judges, and other administrators of judgment; *Isa 33:15. He that despiseth the gain of oppressions, that shaketh his hands from holding of bribes, that stoppeth his ears from hearing of blood, and shutteth his eyes from seeing evil.*

27. A. 4. To put, or suffer by others to be put, demurs, prolonging, or unnecessary delays on a cause; *Luke 18:3,4.*

For first, This is to deny justice in part, though not in whole.

Secondly, This is to yield an occasion of damage, either of both parties, or at least of one: for whilst the cause is spun out, charges every day increase, which oftentimes exceed the principal.

Thirdly, By these means it cometh to pass, that so many inconveniences do belong to judgments, that they become hurtful, and formidable, as well to others that are lovers of the peace, as to poor and miserable persons, for whose sake they were chiefly constituted, and do especially favor busy wranglers: insomuch, that oftentimes they that have a just cause, will flee going to law, when the unjust oppressors wish it, and seek after it: which is a manifest perversion and corruption of judgments. By such

abuses, judgments are turned into *wormwood*, *Amos 5:7 and 6:12* and into *unquietness*, *Isa 10:1,2*.

Question 7. *What law is there concerning accusers?*

28. A. 1. Information made to a Judge of the fault of one guilty, whether it be done by *complaint*, (in which the private good of the party offended, is usually sought;) or by *Evangelical denunciation*, (where the good of the brother denounced, is intended;) or by *judiciary denunciation*, (where the common good, or of another which is innocent, is intended by the enquiry of the Judge;) or by *perfect accusation*, (where the procuring the same good, is sought by the proofs of the accuser;) if it be rightly done, and in order, is a lawful and honest thing; *1 Tim 5:19*. The reason is, because such information is a certain means, which hath just proportion and order to the defending the common good. It is also an act of justice, as far as it is a taking punishment of heinous injuries by public authority.

29. A. 2. There are many cases where it is not only lawful, but necessary to accuse the delinquent:

As for example, First, Promoters, and such like Officers are bound by their place to accuse the guilty, as often as it is profitable to the advancement of the public good.

Secondly, Every Citizen is bound to bring in those faults, which do either immediately hurt the public good, or mediately redound to the public harm, or which hurt heavily any innocent, if the detriment cannot conveniently by any other course be averted. The reason is, because he is bound by the law of nature, and out of charity either to the Commonwealth, or his neighbor, to employ all his industry, when need shall require, to root out utterly all such evils.

30. A. 3. All accusation is made unjust, either through *calumny*, by putting in a false crime, or through *prevarication*, by using fraud in the accusation, or by *back-sliding*, by desisting from a just accusation without lawful cause.

31. A. 4. It is not always necessary to use private and brotherly admonition, before judicial accusation and information. For sometimes it may be a public scandal, and so cannot be taken away by private

correction: sometimes there is no hope, that private admonition will prevail. Also sometimes the common good may be so far endangered, that it cannot be defended by secret admonition.

32. A. 5. If the delinquent may be corrected by brotherly admonition, and the fault itself is not pernicious to others, so that the end of the accusation may be obtained without the accusation itself, then charity and justice require, that setting aside accusation, we content ourselves with private correction.

Question 8. *What law is there concerning witnesses?*

33. A. 1. A witness is bound to testify a known truth.

First, If he be lawfully asked by a Judge, because obedience which is due to the Judge, requireth this as well as the care of promoting, or at least of not hindering justice.

Secondly, Although he be not questioned by a Judge, yet if some great danger is like to befall the Commonwealth, or any private man, which cannot (to speak morally,) be averted without his testimony, he is bound to testify the truth at least out of charity, if not out of justice, if he may conveniently. Hence in Civil causes, when his Neighbor shall suffer unjustly any great damage, if there be any, which can help him, without his own detriment, he ought not only to testify when he is questioned, but also to offer his testimony: as also in criminal causes to free an innocent, *Prov 24:11*.

34. A. 2. In great and criminal causes, two witnesses by order are required, *Num 35:30; Deut 17:6 and 19:15*. The reason is, because one may easily be corrupted, and cannot easily be convinced: but two or more witnesses are more hard to be corrupted, and because they can scarce agree in all things, or speak alike, they may the more easily be convinced.

35. A. 3. Yet this doth not hinder, but that in lighter causes, especially when it doth not stand upon the condemnation of anyone witness of special authority, may suffice. As also in some crimes, about the proof, whereof from the nature of the thing itself; (as in night villainies, in adultery, or the like, where) two witnesses cannot (to speak morally,)

expected or found, other proofs may suffice, although there be not two witnesses who testify the same particular fact. The reason is, because the nature of the thing, and the public necessity make this exception from the universal rule.

36. A. 4. Not only the evidence of the fact, proper confession not extorted, and written instruments have the force of a testimony, but sometimes also presumptions, if they be not rash, and light, but strong, and convincing; *1 Kings 3*.

Question 9. *What law is there concerning Advocates?*

37. A. 1. Advocates, and Proctors are appointed to supply their places, who having a just cause, cannot handle their own causes as they should, either through unskillfulness, or absence.

38. A. 2. It is therefore the office of an Advocate, to expound the grounds of his Clients cause, and approve it to the Judge, and to persuade him as much, as in him lieth, to give sentence for it.

39. A. 3. Hence is required in an Advocate; First, A special knowledge of the cause, and of the law belonging to it. Secondly, Fidelity, and right order an method in handling the same.

40. A. 4. Hence no Advocate ought to undertake or defend any cause which he knoweth to be unjust.

For first, This were to lie, and to sin against his conscience.

Secondly, It were to defraud his neighbor against that, of *Lev 19:13*, and to do unrighteousness in judgment , vs. *15*.

Thirdly, This is not only to participate of the sins of the Judge, but to give an effectual occasion, and cause to the same. Whence it cometh to pass that the art of pleading, (as it is used now-a-days by many,) is nothing but Sophistical and pernicious, and made up of guile, deceit, sleights, cavils, snares, captiousness, entrappings, tricks, windings, and circumventions.

41. A. 5. It followeth from the same reasons, that the Advocate, who thought the cause to be just at the beginning of the suit, and afterward in

the progress findeth it to be unjust, is bound to admonish his client of the injustice of the cause, and to lay it down.

For first, when he is come to that knowledge, he cannot go forward in it, except he will do against his conscience.

Secondly, If his Client understandeth that his cause is unjust, he ought to desist, and therefore the Advocate, who is but the helper.

42. A. 6. It may also happen, that after the injustice of the cause is evidently found out, that the Advocate may be bound (if it be without scandal) to help the contrary party either by his testimony or counsel: as in a capital cause, or in any other of the like moment. For charity requireth, that everyone should be ready to hinder any great danger of his neighbor.

43. A. 7. But if the cause be so probable, that the plaintiff or defendant may try the justice of it by a judgment, then the Advocate may further it, by suggesting arguments to the Judge, which may serve to make the cause probable.

44. A. 8. Although the Advocates and Proctors may receive a moderate stipend either out of custom, or value of the goods, for their labor faithfully employed, yet for poor people which are not able to give, they ought to plead *gratis*, by the equity of the law; *Exod 23:4; Matt 7:12*. For this in such respect is the alms of the Advocate.

Question 10. *What law is there concerning the defendant or party accused?*

45. A. 1. If the defendant be legally questioned, he ought to confess his fault: The reason is, First, Because he can neither deny the known truth without a lie: or hold his peace, or deny the duty of answering, when he is examined by a superior, who hath power of questioning him, without the sin of disobedience.

Secondly, Because to hide a fault revealed by Divine providence, (as it ought to be manifested, so that the defendant may lawfully and legally be questioned concerning it;) either by a lie, or a sleight, is in some way against the glory of God ; *Josh 7:19*.

Thirdly, Because the defendant in denying a fault legally objected either indirectly, or by consequence, by calumny, sayeth, that the plaintiff lieth to his great injury.

46. A. 2. The defendant being condemned by evident injustice, may defend himself through lawful means either by active or passive resistance, that the sentence given may not be put in execution, so that it may be done without scandal, or a greater evil.

The reason is, First, Because there is no such sentence in the Court of conscience.

Secondly, Because by the law of nature, everyone hath right to defend himself against those injuries which are intended to him.

47. A. 3. A guilty man justly condemned, is bound to suffer the just punishment: but not so that he should either procure it to himself, or hasten it, or not decline the occasion of suffering.

48. A. 4. Yet it is lawful for the defendant (to avoid a greater evil,) to execute upon himself in a sort a lighter punishment, which is decreed by the just sentence of the Judge, as to restore money which is adjudged, or to go to prison, or banishment: but not the punishment of death, or some like which in its nature is horrid, and repugnant to human nature: because this is an evil intrinsically, and cannot be commended by a circumstance.

Chapter 55

Of revealing a Secret

Question 1. *Whether, and how far, it is a sin, to reveal a Secret?*

1. A. Another man's Secret which we engaged ourselves to keep close, if there were a promise which doth remain lawful, cannot be disclosed without sin.

The reason is, First, Because it is against veracity, and fidelity, which we are bound to keep by the law of nature.

Secondly, Because it is repugnant to Civil society, the perturbation whereof followeth upon the detection of Secrets.

2. The promise of concealing is not thought to be made only expressly, when we do promise silence in plain words; but also tacitly, when by the manner of speaking and receiving it, and out of words signifying and persuading confidence, such a promise is left to be gathered.

3. Although there had no promise passed, yet if the detection of a secret shall be hurtful to another's soul, body, credit, or estate, he which doth reveal it without a cause, sinneth as well against justice as charity.

4. If a desire or intention of hurting doth accompany such a revealing, the sin is the greater, being that it is directly repugnant to charity.

5. If there be no meaning of hurting another, and yet he is damaged indeed, or at least there be danger of his damage, the sin is as much as that if negligence or inconsiderateness: in which we find the fault sometimes lighter, sometimes larger. For as in deed, so also in words it is not enough that the intention of hurting be wanting, but justice and charity do further require, that we should use diligence, least another man's detriment should follow thereupon.

6. Because the unjust revealing a Secret, hath in it oftentimes the pernicious violations of trust, friendship, and honesty, therefore it is not only in the common esteem of men, but in the Scripture also reckoned

amongst the most odious sins, *Ps 35:15. We did take sweet counsel together; 2 Tim 3:4. Traitors.*

7. But if the Secret which is committed unto us, may be to the great loss of others, or his who committed it, except it be detected, we are bound out of charity to make it manifest.

8. Or if the Secret be of slight and no moment, if there be no promise, it may be revealed without sin: because in such a matter neither justice or charity do induce by themselves any obligation.

Chapter 56***Of the equity of the law of taliation, established by Moses,
against a false witness; Deut 19:16, etc.***

1. This law is not established against him, which out of probable ignorance, or inadvertency, or erro which is not much faulty, shall bring in a false testimony: but of him who upon settled counsel shall rise up to testify against any man that which is wrong; Vs. 16.

2. Diligent inquisition ought to be made by the Judges, that it may not only be agreed of the wicked fact, but also of the meaning and intention of such a witness, Vss. 17, 18, etc.

3. The heinousness of this sin, doth appear from hence:

First, That contempt of religion, and God himself is contemned in the perjury of a false witness. Secondly, That malic and extreme hatred is shown, and used against his neighbor.

Thirdly, That such false testimonies doth directly tend to the eversion of common justice and human society.

4. It is most just, that he which sinneth in this manner, should undergo the same punishment which he did intend and strive to bring upon the innocent.

For first, That law is accounted most even by the consent of all men, that he which sheddeth man's blood, by man shall his blood be shed, *Gen 9:6*. Now he which by his false testimony hath procured, or striveth to procure another's death, he, as much as in him was, hath shed his blood.

Secondly, The justice of punishment, (which consisteth in the proportion of it to the fault,) is most manifestly observed in that law.

Thirdly, The keeping of this law is for this purpose, that they which intend such an offence, and yet are afraid of such a punishment, may be admonished of the heinousness, from the nature of the thing itself, and to be deterred from their resolution.

5. The equity of this law is to be extended to false accusers, who wittingly and willingly by calumny accuse any wrongfully to Judges, who condemn the innocent out of malice, to the malicious Corrupters of witnesses, or Judges, etc. For seeing that in all these, there is the same malice in procuring their Neighbor's ill, they ought all to suffer the same punishment.

Chapter 57

Of Contentment

Question 1. *What is required to Contentment?*

1. A. 1. That we have our conversation free from all covetousness, *Heb 13:5*.
2. A. 2. That we be not too careful for those things, which belong to this present life, *Matt 6:25, etc*.
3. A. 3. That we do not absolutely and greedily desire any particular measure, or kind of such things; *1 Tim 6:9*.
4. A. 4. That we wish the best to our Neighbors, and take in good part our condition whatsoever it be, *2 Cor 13:9*.

Question 2. *By what reasons may we stir up ourselves to the study of this content?*

5. A. 1. God's providence which dispenseth all things to his glory and our good, doth require this submission of Contentment, *Job 1:21*.
6. A. 2. The defect of this Contentment leadeth into diverse temptation and sins as well towards God, against whose will we murmur, as towards our Neighbor whom we envy.
7. A. 3. The tranquility of the mind (without which we are unfit for the common duties of piety, charity, and justice, and in which the greatest part of our felicity doth consist,) cannot be retained without Contentment.
8. A. 4. The want of this Contentment argueth a mind too much given, and intent to this World, and the profits thereof.

Question 3. *What means are most effectual to the procuring of this Contentment?*

9. A. 1. If we stir up in ourselves, a just esteem of Spiritual things, and an affection agreeable towards them.

10. A. 2. If we often and seriously meditate upon the vanity of this World.

11. A. 3. If in what condition soever we are, we chiefly give ourselves to those things which yield us matter of praising God.

12. A. 4. If we accustom ourselves to use, and have those things which God hath granted to us, as if we had them not; *1 Cor 7:30*.

Glory to God, to men peace of conscience.

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