

the dull mind of man, to the remembrance of his duty to God, by some notable and special signification, whereby he might be edified.] So that this and such other (if there be more such) are appointed by their signification to teach the Understanding, and stir up the dull mind of man to the remembrance of his duty to God: Which are good works, but to be done only by good means.

§. 58. And that this is a way of working Grace in the same kind as Gods word and Sacraments do, is undeniable. For the word and Sacraments do work Grace but *Morally*, by propounding the object, and so objectively *Teaching, Remembring, and Exciting*, and thus working on the Understanding, Memory, and Will, and Affections. However the spirit may work within, its certain that the *ordinances* work no otherwise. And not only Protestants are agreed on this, but one would think that the Jesuits and all of their mind should be most of all for it. For faculties, they that will not confess any Physical determination of the but make all operations both of Word, Sacraments, and Spirit it self, to be but *suasory or Moral*, one would think should hold more tenaciously then others, that Sacraments work Grace but *Morally*. And if no Sacraments do more then objectively Teach and excite; and the *Cross* is appointed to do as much in this, then there is no difference between them to be found.

§. 59. And then for *Relative Grace*, it is plain, that by the sign of the Cross as well as by Baptism, we are entred into a *state of Christianity*; and so it is an *Investing Sacramental sign*; It listeth us *under the banner of Christ Crucified*: And that is the very essential nature of the Sacrament of Baptism it self. As *Lifting* investeth the soldier in his Relation, and consequently in his Priviledges, so doth Baptism by Gods appointment; and *Crossing* is supposed by mans appointment, to invest men in the Relation of the soldiers of Jesus Christ.

§. 60. Yea (more then is expressed in the Definition of a Sacrament in the Common prayer-book) if you judge it essential to a Sacrament to be an *engaging Covenanting sign*, the *Cross* is instituted to this end. Yea more then that; if you judge it essential to a Sacrament, to be an *engaging sign in the very Covenant of Grace it self*, and not only in some particular promise, this also is the end of its appointment. It is to engage our selves to a *Crucified Christ* as our Captain and Saviour by his Cross, and to  
bind

bind our selves to the Duty of Soldiers or Christians to our lives end: and consequently to reach us to expect the privileges of faithfull servants and Soldiers from a Crucified Christ.

§. 61. All this is expressed in the very words of Ministerial application, in the common Prayer-book: which are these [we receive this Child into the Congregation of Christs flock, and do sign him with the sign of the cross, in token that hereafter he shall not be ashamed to confess the faith of Christ crucified, and manfully to fight under his banner, against sin, the world, and the Devil, and to continue Christs faithfull soldier and servant unto his lives end, Amen.] So that you see here it is used as a listing, investing, Covenant sign, engaging us to be Christs soldiers, and not to be ashamed of his Cross, or to confess his faith, and manfully to fight, &c. and to persevere. What's wanting here to make a Sacrament?

§. 62. Yet had it been but a bare Professing sign, like writing or listing up the hand, to signifie consent, instead of words, I durst not have concluded so hardly of it: And thus it seems in ancient times it began to be brought into use: and the voluntary use of the cross on several occasions, in many countries at this day, doth seem to be no other. But, for my own part, I dare not be guilty by consent, of making a humane Sacrament, or stating such an engaging Sacramental sign, to all these uses, in the publick worship of God. I had rather suffer or leave my Ministry, them venture on this, while I see so much to make me fear that it is a sin. But again I say, as I reverence the ancients that used the cross (I think amiss, and yet more warrantably then we,) so I presume not to censure them that judge it lawfull; but only give the reasons that make me doubt, and rather think it to be unlawfull, though still with a suspicion of my own understanding, and a love and honour to dissenters.

§. 63. As for the Common prayer it self, I never rejected it because it was a form, nor thought it simply unlawfull, because it was such a form, but have made use of it, and would do again in the like case. But I must needs say, 1. That the shreding it into such abundance of small parcels seemeth to me very inconvenient. It seems too light and ludicrous to toss sentences so formally between the Priest and Clerk, and to make such

a multitude of Prayers consisting but of a sentence, or two at most: And it seemeth to be tautologie and vain repetition to repeat over the same word so oft: and a taking of Gods name in vain, or too unreverently, to begin with his *Titles and Attributes*, and end with his *name* again, and the *merits or sake of Christ*, and this at almost every sentence: as if we had done with him, and were taking our leave, and had forgot somewhat that called us to begin again: and thus we begin and end, and begin and end again, it may be twenty times together: 2. But the *enforcing imposition* of these Prayers, is most to be condemned; of which I have spoken, in the former Disputation. But for my part, I censure none that use them, nor take them to be therefore men of *another Religion or worship*: It is but a modal difference in the same worship.

§. 64. The Emperor *Constantine* was very much for Liberty for Dissenters, and against persecution of them, upon tolerable differences: yet he himself was wont to write Prayers and Orations or Sermons of his own making (*Euseb. in vita Constant. l. 4. c. 55. & 32. & 29.*) and readeth some common prayers himself to the Congregation in his house, *c. 17.* (For he made his house a Church, and preached in it ordinarily himself, though he was both a Lay-man, and unbaptized; His sermon about Christianity to the Clergie is published by *Eusebins*: and he preached a funeral Oration about the Immortality of the soul in his ordinary preaching place, a little before his death: *Euseb. ib. c. 55. & c. 29. & c. 17.*) He giveth his soldiers a form of Prayer, *ib. c. 20.* commanding them that were Christians to observe the Lords Day, and spend it in holy exercises, and not to labour on that day, (*ib. c. 18. 19. 23.*) and also to honour the Holy daies consecrated to the Martyrs, (*c. 23.*) that is, to their memorial. And commanding the very Heathen soldiers to pray as they could, though not in the Church but in the fields together. And in none of this dare I condemn him.

§. 65. The summ of all that I have said, is this; *that Man may determine of modes and circumstances of worship, Necessary and Commanded in genere, but not determined by God in Specie. But to make new worship-ordinances, or institute Sacraments, or Sacramental signs, or any thing else, for which in genere he hath no commission, this is simply unlawfull.*

§. 66. But this is not all : There is a *second* thing *unlawfull* also ; and that is the *misdetermining* of those same *modes and circumstances*, which he is authorized to determine. For he is (as is said) to do it by Gods General Rule. Here therefore we must thus conclude. 1, that every misordering of such great affairs, is the sin of them that do it. 2. But yet that the subject is not exempted from obedience by every such mistake of the Governor : but by some, he is.

§. 67. If the mischoosing of such circumstances by Church-governors, be but an inconvenience, and do not destroy the ordinance it self, or frustrate the ends of it, we are to obey : 1. For he is the judge in his own work, and not we : 2. the thing is not sinful, though inconvenient. 3. Obedience is commanded to our lawfull Governors. Of this we shall say more in the last Chap.

§. 68. But if a Governor so misdetermine but a mode or circumstance, as will overthrow the *substance and ends* of the *worship*, I would not obey, except some greater evil were like to follow my not obeying at that particular season, then the frustrating of the duty it self would come to : As for example ; If a Governour make a new Sacrament, I will not obey, because his command is null, and the thing simply evil. If he miscommand a Circumstance of *Time, or Place, or Gesture*, I will consider the *consequents*. If he command the solemn Assemblies to be held *a mile or two or three* from the people, I will obey him, if it be but as far as I can go without frustrating the *work* it self. But if he command us all to go *ten miles or twenty miles* to worship, I would obey for some time to avoid a greater evil ; but ordinarily I would no more obey, then if he forbid all Christian assemblies ; for it comes all to one. So if he command the Assemblies to be at *break of day*, or after *sun setting*, I would obey. But if he command that we Assemble only at *midnight*, what should I do then ? The thing is not simply unlawfull : He doth but misdo his own work. And therefore for some times I would obey, if it were necessary, to avoid a greater evil. But if he make it the *ordinary case*, I would not obey : because it destroyeth the worship it self in a manner, as if he simply forbid it, and this he hath no power to do. An *inconvenient gesture* I would use in obedience, and to avoid a greater evil : But I would

would not obey him that would command me to stand on my head alwaies in hearing. An unhanfome vesture I would use in obedience to a lawfull Governour, and to avoid a greater evil: But not so ridiculous a vesture as would set all the people on laughing so as to frustrate the work that we assemble for.

§. 69. In all such cases where Governours act not as usurpers in a matter that they have no authority in, but only *misdo their own work*, it much concerneth the subjects to foresee whats like to be the Consequents of their obeying or disobeying, and accordingly to do that which tendeth most to the Ends of the work: still holding to this Rule, *that we must obey in all things lawfull.*

§. 70. And when we do obey in a case of miscommanding, it is not a doing evil, that good may come of it, as some do misconceive: But it is only a submitting to that which is ill commanded, but not evil in him that doth submit. It is the determiner that is the cause of the inconvenience, and not the obeyer. Nor is it inconvenient for me to obey, though it be worse perhaps to him that commandeth. While he sinneth in commanding, he may make it my Duty to obey.

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CHAP.

## CHAP. III.

Prop. 2. *In such unlawfull impositions (as aforementioned) it is an aggravation of the sin, if Governors pretend that their Ceremonies are Divine.*

§. 1.  Shall be brief in the rest, having been so long on the former. The reason of this Proposition is clear: because 1. As is aforesaid, such pretenders do falsely accuse the Lord, and corrupt his word, and add to it their own inventions: contrary to those severe prohibitions, *Deut. 12. 32. Rev. 22. 18.*

§. 2. 2. Because it shews that man to be a false Prophet, or false teacher, that will say, *Thus saith the Lord*, when God hath not spoken it: and that will take the name of God in vain, affixing it to a lye. And as many judgements are threatned to such, so people are commanded not to hear them.

§. 3. 3. It tendeth to the destruction of all Divine faith and obedience: while the fictions of men are pretended to be doctrines or Laws of God, it tendeth to confound things *Divine* and *Humane*; and so to bring the people to a loss, that they shall not know what is the will of God, and what the will of men.

§. 4. Let men therefore take heed how they affirm their Ceremonies to be Divine: as the Papists do, that feign them to

be of Apostolical Tradition. Some presume to tell the world, that it is God by Apostolical Tradition that hath instituted Christmas day, or other such Holy daies, (besides the Lords-day,) or that hath instituted the Cross in Baptism, or the fast of Lent, yea and some of their common prayers; abundance of humane inventions are thus audaciously fathered on God, which is enough to make people the more cautelous in receiving them: and I am sure makes it a more hainous sin in the imposers. We justly take it to be an odious thing of Hereticks and Papists, to affix the names of *Clemens, Dionysius, Ambrose, Austin,* and other holy ancient writers, to their forgeries, and corrupt writings: And how much greater is their sin, that dare affix the name of God himself to their Ceremonious inventions or traditions?

§. 5. Such persons forsake the doctrine of the common prayer-book, where the Ceremonies are confessed to be *humane inventions.* The foresaid Preface [of Ceremonies, &c.] begins thus: [*Of such Ceremonies as be used in the Church, and have had their beginning by the Institution of man; some at the first were of Godly intent and purpose devised, and yet at length turned to vanity and superstition: some entred into the Church by indiscreet devotion, and such a Zeal as was without knowledge: and because they were winked at in the beginning, they grew daily to more and more abuses; which not only for their unprofitableness, but also because they have much blinded the people, and obscured the Glory of God, are worthy to be cut away, and clean rejected. Other there be, which although they have been devised by man, yet it is thought good to reserve them still* — ] so that you see here is no pretence to a Divine institution, or Apostolical Tradition, but all is the devices of man.

§. 6. And after it is there said [that the Ceremonies which remain are retained for a Discipline and order, which upon just causes may be altered and changed, and therefore are not to be esteemed equal with Gods Laws.] And I hope the justness of the cause by this time is apparent.



## CHAP. IV.

Prop. 3. & 4. *If things unlawfull are commanded as indifferent, or things indifferent as Necessary, they are sinfully imposed, and the more, because of such pretenses.*

§. 1.



HE calling things *Indifferent*, that are unlawfull, will not make them *Indifferent*. If men will invent and introduce new Sacraments, and when they have done, say [we intend them not for Sacraments or necessary things, but as indifferent accidents of other Duties,] this will not make them things indifferent: For it is not the altering of a name that maketh it another thing.

§. 2. If things *Indifferent* be imposed as *Necessary*, they become a sin to the Imposer, and oft-times to the Practiser. For 1. It is a falsification, when the thing is pretended to be *Necessary* that is not: And untruths in Laws, are far from being commendable. 2. It tends to deceive mens understandings, to esteem things *Necessary* that are not. 3. It tends to draw men to vain endeavours: while they use those things as *Necessary* (*Duties* or *Means*) that indeed are none, they lose their labour by the mistake. 4. It tendeth to corrupt mens Affections, by breeding in them a false kind of zeal for the things that they mistake to be necessary.

§. 3. Yea worse; it tends to engage men in parties and divisions,

devisions, and persecutions against dissenters: or at least, to destroy their charity, and make them have contemptuous thoughts of their brethren, and perhaps censorious bitter words; when all is false, and founded in their mistakes. For who will not think hardlier of him that differeth from him, or opposeth him in a *Necessary* point (or that he takes for such) then in a thing Indifferent? the greater the matter, the greater will be your distaste.

§. 4. Yea more, it will make men Impenitent in such sins. For if once they think their ceremonies to be *Necessary*, they will think it no sin, but a service of God, to vilifie them that are against them, as schismatics, and singular, and proud, and humorous, and what not?

§. 5. As therefore it is a haynous sin of the Papists, to impose their ceremonies, on pain of damnation (if they were the judges, wo to others,) so is it no small aggravation of their sin, that pretend a *Necessity* (of *Duty* or *Means*) of any their Ceremonies, when there is none such. Multitudes take the keeping of Christmas day, and such other, the Kneeling in receiving the Lords Supper, &c. to be things of themselves necessary, so that a Governour should sin that should alter or dispence with them, or the persons sin that do not use them. *What, say they, shall we not keep a Day for Christs Nativity? shall we be so unreverent as not to kneel when we receive, &c?* And thus they alter the things to themselves, by feigning them to be in themselves *Necessary*, which are not so.

§. 6. Yet doth not every such mistake of another, no not of the imposers, make that a sin to me which was indifferent. Otherwise all my Liberty were in the power of another mans conceits: and he might make all my meat, drink, cloaths, time, place, gesture, &c. *in specie*, to be unlawfull, by commanding them as necessary, or under some unsound notion: But this is not so.

§. 7. But in such cases, though they cannot so destroy our liberties, yet may they make it our duties sometime to forbear that which else we need not to forbear, lest our practice make others take it as a *Necessary* thing, and sometime though we must obey or do the action, yet may it become our duty, to signify (in a convenient way) that we disclaim the conceit of a *Necessity*.

## CHAP. V.

Prop. 5. *A lawfull and convenient thing is sinfully commanded, when it is commanded on a greater penalty then the nature and use of it doth require, or then the common good will bear.*

§. 1. **W**hen the penalty exceedeth the crime, it is injustice. There may be injustice as well in punishing an offender too much, as in punishing him that is no offender, with a smaller punishment. But if the *penalty* be destructive to the Church or common good, it is an aggravated injustice.

§. 2. When Magistrates therefore are disposed to punish men for crossing their wills in the matters of God, it neerly concerns them to look about them, and take heed first what they punish them for, and then, with what kind of punishment they do it. If it be Good and not Evil that men are punished for, it is persecution. If it be really evil, either its great or small, publick or private, &c. If it be an evil that endangereth the Commonwealth, or Church, or the souls of men, let them punish men in such a way as best tends to the security of the society or souls of men that are endangered. But if the person in his calling or station be usefull to the Church, or Commonwealth, let him not be so punished as to be made unusefull. If the Bishops had punished Non-conformists as *Recusancy* was punished,

punished, with paying twelve pence a day &c. I should, comparatively, scarce have blamed them: For it had been but to make Ministers fare harder, or live poorer, or work for their livings, or to pay their penalties, and the Church might still have had their labours: but to silence and suspend them, and that when there were no better to supply the room (then such as were put in,) this was to punish the Church of Christ, and the souls of men (and that with everlasting punishment) for the (real or supposed) faults of the particular ministers: which was not just.

§. 3. *Object.* But (saith the Preface to the common prayer-book) *though the keeping or omitting of a Ceremony in it self considered, be but a small thing; yet the wilfull and contemptuous transgression and breaking of a common order and discipline, is no small offence before God.*

§. 4. *Ans.* 1. You should therefore put no such snares on men by your commands, as to impose upon them needless things, when you think the penalty of disobeying you will be damnation. 2. But how came you to see into the hearts of men, that their non-conformity is wilfull and contemptuous? when they themselves profess that they would obey you if they durst. They think they stand at the brink of Hell, and should wilfully sin against God if they did obey you: and you come behind them, with silencing and imprisonment, and drive them on, while they cry out to you for compassion, and protest that they are ready to obey as far as they can see the lawfulness of the thing: and yet you say, its wilfulness and contempt. 3. And why doth not your Laws except from punishment all those that conformed not, that were not *wilfull* or *contemptuous*? The Act for conformity makes the penalty to be Imprisonment half a year for the first fault: a year for the second, and during life for the third, beside deprivation: and Imprisonment during life for the second offence, if the person have no Benefice: and this is besides the Ecclesiastical censure. 4. If the work of Church Governors be to make small matters great, and make that damnable that before was lawfull, and this without any necessity at all, it will tempt the people to think such Governors to be the plagues of the earth.

§. 5. I confess it is lawfull for me to wear a Helmet on my head

head in preaching: but it were not well if you would institute the wearing of a Helmet to signifie our Spiritual *militia*, and then resolve that all shall be silenced and imprisoned during life that will not wear it. It is lawfull for me to use spectacles, or to go on crutches: But will you therefore ordain that all men shall read with spectacles, to signifie our want of spiritual sight: and that no man shall go to Church but on crutches, to signifie our disability to come to God of our selves? So in circumstances, it is lawful for me to wear a feather in my hat, and a bay-roppe for a girdle, and a haircloth for a cloak. But if you should ordain that if any man serve God in any other habit, he shall be banished, or perpetually imprisoned or hang'd, in my opinion you did not well: especially if you add, that he that disobeyeth you must also incur everlasting damnation. It is in it self lawfull to kneel when we hear the Scriptures read, or when we sing Psalms: but yet it is not lawfull to drive all from hearing and singing, and lay them in prison that do it not kneeling. And why men should have no communion in the Lords Supper that receive it not kneeling (or in any one commanded gesture,) and why men should be forbidden to preach the Gospel, that wear not a linnen surplice, I cannot imagine any such reason as will hold weight at the bar of God.

§. 6. If you say, *why should we not be obeyed in indifferent things? and why should men trouble the peace of the Church?* I answer. 1. Subjects must obey in all things lawfull. 2. But your first question should be, why you should command, and thus command unprofitable things? will you command all men to wear horns on their head in token of pushing away their spiritual enemies, and will you resolve that God shall have no service, nor men any Sacraments or Church communion; no nor the liberty of the common air, nor salvation neither, unless they will obey you? And then will you condemn them, and justify your selves by saying [why should not the Church be obeyed?] 3. You govern not perfect but imperfect men; and therefore you must rule them as they are, and fit your laws about things indifferent to their state, and not expect perfection of understanding and obedience from them; when God himself expecteth it not: suppose therefore they manifest their imperfection in not discerning the Lawfulness of your commands, professing that they

are:

are ready to obey them, if they durst; the question that neerlyer concerneth your own consciences (that are the imposers) to discuss, is, what reason you have to drive all men from Gods Church and service, that (suppose through their imperfection) dare not conform themselves in worship to your pleasure? Where hath God set you on such a work, or given you any such commission? 4. And where you say, *They should not disturb the Church*; I answer, Are you so blind that you see not that it is you that disturb the Church? If you will make such laws without necessity, which common wit and reason may tell you, all men are never like to be satisfied in and obey, and then cast out all that will not obey them, as the disturbers of the Church, this is but an aggravated self-condemning. If they be guilty, you are so much more: If they sin and disturb the Church by disobedience, you disturb it much more sinfully, by laying such snares as shall unavoidably procure it, and then taking occasion by it, to make a greater disturbance by your cruel execution. If the Fly offend and deserve death by incautelous falling into the Spiders web, what doth the Spider deserve, that out of her own bowels spread this net in the way, and kills the Fly that's taken in it? (yet draw no venom from the similitude, for it runs not on all four, nor is it my meaning to apply the venom to you.) Your own actions most concern your selves. Try whether you do well in commanding and punishing, as well as whether others offend in disobeying. I shall provoke all to obedience in things lawful: But if they should obey you (more perfectly then God,) you may yet be condemned for your wicked cruel Laws.



CHAP. VI.

Prop. 6. *It is not lawfull to make any thing the subjects duty by a command, that is meerly indifferent antecedently, both in it self, and as cloathed with its accidents.*

§. 1.



HE reason is evident: because Nothing but Good can be the just matter or object of the Governours desire: and therefore nothing but Good can be the just matter of his Laws. By [ Good ] I mean, Moral, or Civil Good, or Relative Physical Good: the Good of Profit, or Honesty: And by [ Indifferent ] I mean not [ that which is neither a flat sin, nor a flat absolute duty. ] For so an *Indifferent* thing may be sometime commanded. Nor do I mean any Middle thing between *Bonum Metaphysicum* and *non bonum*: for there is none such. But I mean by *indifferent*, that which is not antecedently *Appetible*, a *Desirable Good*, though it be not it self an evil to be avoided, or a hurtfull thing. *Bonum publicum*, the common good is the End of Government, and therefore it must be somewhat conducing to the *Common good*, ( or at least to the good of some particular person ) that is the just object of the Governours desire, and matter of his law. For nothing but Good, doth conduce to Good, of it self. Nay it is therefore *Good, bonitate*

*medit*, as a Means, because it conduceth to that which is Good, *bonitate finis*, as an End, or that is desirable for it self. Desire hath no object but *quid appetibile*, a Desirable Good. And a Governour should make no Laws but for somewhat that is desirable to himself as Governour.

§. 2. And 2. Nothing should be made the matter of a Law but what is Desirable to the Common wealth, as well as to the Governour. For men must be Governed as men. Punishments indeed are not desirable for themselves: but yet by accident they are desirable to the Common good: and the matter of Precepts should be much more desirable then Punishment.

§. 3. And 3. If unprofitable things be made the matter of Laws, it will tend to the contempt of Laws and Government: and people will think it a burden and not a benefit, and will desire to be freed from it; and this will tend to the dissolution of Societies.

§. 4. And 4. All Government is *from God*, and *for God*, and should be by him: God is the Beginning and *End*, the first efficient and ultimate final cause of all just Government: And therefore all the parts of it must savour of the Goodness of the first Efficient, and be levelled at God as the ultimate end, which nothing but Good is a means to. Of him, and by him, and for him are all things, *Rom. 11. 36.*

§. 5. Moreover 5. If idle words and idle thoughts be sins that must be accounted for, then idle Laws much more. And idle they must be if they be about unprofitable things. And they are not only idle themselves, but occasion idle words and actions in others.

§. 6. Moreover 6. It is the judgement of the Imposers that disobedience to their Laws is a sin against God, which deserveth condemnation; (For Protestants know no venial sins, and Papists take sins against the Popes and Councils Decrees to be Mortal.) But it is a cruelty next to Diabolical, to lay before men an occasion of their Damnation *for Nothing*. When they first make their Laws, they know (or else they are unworthy to be Governours) that some will obey them, and some will not. If therefore they think that some (and many) will incur the guilt

guilt of sin unto damnation by their disobedience, they must have somewhat of greater worth then the souls of those men to encourage them to make those Laws. For had there been no such Laws, there would have been none of that transgression, and consequently no damnation for it.

§. 7. Yea 7. It is sufficient to prove that nothing but some Good may be the *Matter* of a Law, in that they inflict penalties, and so great penalties upon the breakers of them. There must be a proportion between the Precept and the Sanction. The Commination or penal part of the Sanction, depriveth men of some Good: and therefore it should command, as great a good at least as it depriveth men of: Especially when the penalty is to be cast out of the Church and service of God, this is not to be done for nothing.

§. 8. *Quest.* But is it not the Law that is the Rule of Moral Good? and consequently nothing Good or Evil, but as Conforms or Disconforms to the Law? And if so, then nothing but things indifferent must be commanded. For all things are Morally indifferent, till the Law take away the Indifferency, by its precepts or prohibitions.

§. 9. *Ans.* You must distinguish between Divine and Humane Laws, and Primary and subservient Laws, and between the several sorts of Good before mentioned. And so I answer, 1. The Law is not the Rule of Natural Good, though it be of Moral. And therefore that which is commanded, is supposed to have some Natural Good or aptitude to be a Means of Good, that so it may be the fit matter of a command. 2. Gods Laws are the Primary Laws, which are the first Rule of Moral Good. Mens Laws are but subservient, to procure the due execution of Gods Laws. And therefore in the greatest cases the Indifferency is taken off before by the Law of God: and mens laws are to second Gods Laws, and rather to drive men on to that which already is their duty, then to make them new duties: Though New duties also they may make in subserviency to, and for the performance of the Old. But there must be a *Physical Goodness*, which is the *Aptitude* of the matter to attain the End as a *means*, before that matter can justly receive the impress of a command, and be made a Duty. Gods own Law of Nature is Antecedent to his Positive Laws: and in supernatural

Positives, there is a supernatural adapting of the Matter before it receive the supernatural stamp of a Duty.

§. 10. Object. *But if a Magistrate may not make Laws about Indifferent things, then may he not make any Laws at all: For Evil may not be commanded: And that Good which God hath commanded already, having a higher stamp than mans authority, needs no such Law.*

§. 11. *Answ.* I have heard this Argument insisted on in the reign of the Ceremonies, above any other: but it deserveth not such high esteem. For 1. The work of the Magistrate, at least about the worship of God ( and so of the Pastors ) is not *directly* to make new duties: but to procure Obedience to the Laws of God. And therefore they are to command the same things again that God hath commanded, and to forbid the same that he hath forbidden. If a Magistrate make a Law, and see it disregarded, he may make another to quicken men to obedience and execution of the former. 2. And this is not vain, though it have the stamp of a higher authority before ( unless you will say that humane Government is vain; ) For Magistrates are seen when God is *unseen*; Corporal penalties are *felt*, when Hell fire is *unseen*, *unfelt*, and too little believed. Present things have an advantage for operation. 3. And we grant that some things neither *commanded* nor *forbidden* before, may be commanded or forbidden by a Magistrate, so they be not Indifferent as to their *Usefulness* and *Aptitude*, to be a means for the obtaining of that which is the end of the command.

§. 12. It is charged on Mr. *Jacob* by Dr. *John Burges* and others, as an error, that he thought *nothing indifferent at all*: and Dr. *Burges* confuteth him by instancing in *various gestures in hearing, where it is indifferent which we use*; and if I have two Eggs of a quality and quantity equal, before me, it is indifferent which I eat: therefore, &c. —

§. 13. To this I say, 1. Many things simply considered are Indifferent ( as to marry or not marry, which *Paul* disputeth of, ) which yet being clothed with accidents, or Circumstances, shall ordinarily be a Duty, or a sin in the Use to a particular person. 2. Nothing is Indifferent between Lawfull and Unlawfull; but many things are Indifferent between a Duty and a Sin. 3. I conceive that where any thing is Indifferent  
between

between *Duty* and *sin*, in the *Use*, as Circumstantiated, it is not *actus humanus*, a proper morall act. But as *Permission* is vainly numbred with proper acts of Law, it being but a *Non impedire*, a Negation of an act; so *Indifferency* is as vainly annumerated to the products of a Law. For there needs no act of Law to make a thing *Indifferent*, that is *Neither commanded nor forbidden*. For instance, it is Indifferent for me to *wink* with my eyes ordinarily, because it is not a Moral act that a man is to use his reason about, to bring every twink of the eye to an Election, or Refusal, but we may leave it to Natural instinct. So in Dr. *Burgesse's* instances, *Whether I sit or stand at Sermon*, (if I be equally disposed, & *ceteris paribus*) is not a humane Moral act: *Whether I eat this Egg or that when they are equal*, is not a Moral act: Nor do I properly *Choose*, but *take* indifferently without choice. And where there is no use of choice, the act is not *Moral*, except in the Intention of the end, or in deliberating accesses.) Yet I grant that Moral acts may be exercised about these objects: A scrupulous mind may be put to consider, whether this *Gesture* or that, *this Egg or that* is to be chosen: but it must conclude, that *neither is to be chosen*, but *either to be taken Indifferently*. Which is but to say, that the *Deliberation was a Moral act*; but the *choosing was not*, for it was but a *Taking*, and not a *Choosing*: And the *Deliberation* stopt before it came to a choice, yea and *purposely avoided it*, concluding that the object was not a *Matter of choice*, and the act was not to be a *Moral act*: Morality hath but two *Species*, *Good and Evil*: and *Indifferency* is no third *Species*, but a *Negation of Morality*: viz. of *Good or Evil*.

§. 14. Yet may one *Accident* take off the *Indifferency*, and make the action *Good or Evil*: And though the Governours themselves should well weigh *Accidents*, and prefer the chief, and lay no more upon them then they deserve: yet because the *Accidents* are oft distant, and unseen, and the Ruler is the Judge of them, therefore the people should ordinarily obey, when they see them not themselves.

§. 15. Object. But in case the Genus is commanded by God, and the Species are equal, may not the Governour limit us to one of the two? Especially in case the people are divided about

them, or else will do nothing, because they cannot resolve which way to do it. For instance: if sitting, standing and kneeling be equally convenient at the singing of Gods Praises, if the people be in a doubt which to use, or at least if they fall into contention about it, may not the Governours interpose, and limit them to one? If you be the conductor of Travailleurs or Souldiers, and they come to a place where the way divideth, though both wayes are equally good and neer, yet you must command them one way, and choose for them, because else they will go no way at all.

§. 16. *Answ.* 1. In this case you are not to choose one *Gesture* or one *Way* rather than another, unless they make it necessary by Accident. But tell them of the Indifferency and Equality, and drive them on to Action. And so you only choose and cause them to choose *Action* before *Cessation*, but not *this way* before *that*. 2. If this will not serve, but they will do nothing, unless you determine of their *Gesture* or *Way*, you must then command one rather than another, because they can use but one, and some one they must use. But in thus doing, your comparing, taking *This* rather than the other, is not to be done by *Election*, nor be a humane act, there being no more Reason (thats supposed) for one than for the other. But though you name them one *Way* or *Gesture* only (when they necessitate it,) you do it but as choosing their *Action* before their cessation; this therefore is all that is Moral in your Act: and that you Determine them to Action by Naming *This way* and not *the other*, is good (for the Determination for Duty sake was eligible:) but that it was rather to *This* than *the other*, was Indifferent, and not Moral: For of that you had no Reason: and where there is no Reason, there is no Morality.

§. 17. All this considered, I leave it to the consideration of common Reason, and of men that have any pitty for the Church or their own souls, whether it be a Prudent or Christian course to make Laws for the Church about things Indifferent, that have nothing in the Nature of them to induce them hereunto: and then to cast out Ministers and other Christians for not obeying them, and deprive men of the greatest blessings, on the account of things indifferent.

§. 18. If God have left us at Liberty by not commanding or forbidding, then man should not take that Liberty from us without great cause, and without some Accidental good that is like to come by depriving us of that liberty, and the Good must be greater then the Accidental evill. Why should any man on earth deprive the Church of Liberty in that thing where God thought not meet to deprive him of it, unless he can prove that time, or place, or some special accident hath altered the case? In any case which standeth with us just as it did in Scripture times, we must no more be deprived of our freedom by man, then we are by God: Had it been best for us, God would have done it.



CHAP. VII.

*Prop. 7. Some things may be lawfully and profitably commanded at one Time and Place, and to one sort of people, that may not at or to another; no nor obeyed, if commanded.*

§. 1.



HE case is so plain in point of Commanding, that it is past all doubt. Many Accidents may make that destructive at one Time and place, that would be profitable at another. Pauls precepts and practice in becoming all things to all men, do manifest this.