

S E R M O N C C I I I .

A N S W E R .

Q U E S T I O N L X X V .

W H A T is forbidden in the Eighth
Commandment ?

THE Eighth Commandment forbiddeth
whatsoever doth, or may unjustly hinder
our own or our Neighbour's Wealth or
outward Estate.

R r r r

WE



WE may from the *Duties* required, infer the *Sins* forbidden: But because there were some things reserved to be here more distinctly spoken to, we may briefly Consider these.

THE *Answer* is Comprehensive, every thing that is an way repugnant to *Commutative Justice*, comes within the Comprehension of it: So many ways therefore as this Command may be kept, so many ways it is capable of being broken, and that either by *Omission* or *Commission*. We may therefore reduce the *Unrighteousness* here forbidden, to the same Heads to which we before referred the *Righteousness* required in the *Affirmative* part; viz. the *Gaining* an Estate, and the *Improvement* of it.

1. THERE is Unrighteousness to which Men are liable in the *Gaining* of the things of this Life. It were endless to enumerate all the particulars that belong to this Head; some of them, and the more Comprehensive may be pointed at.

(1.) THIS Command is broken by *down-right Stealing*. For this is the thing expressly forbidden in the Precept; for tho' the word used, doth properly signify a secret *Filching* from another without his Privity, yet it is used *Synecdochically*, as was before observed. *Stealing* in the true Notion of it, is the taking of another Man's Right from him, and Usurping it as our own, without or against his Consent. This presumes that there is a Property, that Men have in their Goods or Estates, without which there could be no *Stealth*; and that hath been sufficiently made evident under the *former*. And Men become Guilty of this divers ways.

MORE particularly,

1. BY *Unjust War*, where one People make War upon another, who have not given them *just Provocation* to it, and make a Prey of them. That there may be a *Righteous War* hath been proved under the *Sixth* Command; but when it is merely for *Ambition* or *Covetousness*, and Quarrels are made for nothing; all that is gotten in this way is wrongful, and forbidden by this Precept: That therefore is threatened against the *Chaldeans* for such Depredations, *Hab. 2. 8, 9, 10.*

2. BY *Robbery*, either upon the *High-way*, or breaking open *Houses*, and forcibly taking away from the Owner that which he is Possessed of. This is high-handed *Theft*, and is too often attended with *Murder*, whereby the *Sixth* Command is also broken; and is a Wickedness most pernicious and intollerable, being destructive to the *Publick Safety*, and Weal of a Place; and all Goods so gotten bring a Curse with them: This therefore is a thing that we are warned against in the Word, *Psal. 62. 10. Become not vain in Robbery.* And is threatened, *Prov. 21. 7. The Robbery of the wicked shall destroy them: because they refuse to do judgment.* God hates that any such thing be Offered to him, *Isa. 61. 8. I hate Robbery for Burnt-Offering.*

3. BY *Clandestinely Purloining*, by secret *Filching* from another, so as if it may be, he may not know how it went away; picking Men's Pockets, taking their Goods when their Backs are turned, and conveying them away privately to make them their own. And this is that which is more strictly called *Stealing*, and is forbidden: And this Sin is committed not only by taking away of things of a considerable Value, (tho' the more worth it is, the greater Injury is done,) but a Man's Right is as much concerned in one thing as another, and the *least* is equally a Breach of the Command as the *greatest*. And the most injurious of this Nature is *Man-Stealing*; and it is not lessened, much less excused, where it is on pretence of thrusting them into *Monasteries*.

4. BY an *Unjust Seizure* of, and keeping back from, the Owner, that which is fallen into our hands. And under this, there are many things or Cases that do fall, I shall but name some of the principal. Trustees of the Estates of *Minors* may be guilty here, if they alienate to their own Use, and so embezzle the Estates of those over whom they have the Guardianship, and do not improve it to the best Advantage for them: Hence that in *Ezek. 22. 7. In thee have they vexed the Fatherless and Widow. Mal. 3. 5* And God is the Avenger of all such. Such as *Borrow* things of their Neighbour for their Use, and detain them as their own; such *Borrowing* degenerates into *Theft*; and it is a Character of a Wicked Man, *Psal. 37. 21. The wicked borroweth, and payeth not again.* Such as *Keep* things left with them to keep, and when required *Deny* the thing, which addeth a Sin against the *Ninth* Command. Such as *Find*, and take up *lost Goods*, and keep them, without using proper Means that the true Owner may be Re-possessed, or Disowning of them when enquired after. Such as find their Neighbour's *Beast* gone astray, and seize it for themselves, or Sell it to others, and seek that he may never come by the Knowledge of it. Such as save *Goods* cast on shore in Ship-wreck, and take them as their proper Goods, and keep them from the Persons whose they are: Or preserve Goods in a time of Fire, and Alienate them to their own private Use, as if they had come by them justly, which is not only *Theft*, but *barbarous Cruelty*, and directly contrary to the Rule of *Charity*, and Oppressing of the Oppressed; and there was a *Moral Equity* in the *Judicial Laws* of *Moses*, which provided against these things.

5. BY *Receiving of Goods, known to be Stolen away, from the Thief*. It is a Proverbial Speech, That the Receiver is as bad as the Thief: And it is a general Exhortation, *1 Tim. 5. 22. Neither be partakers of other mens sins.* *Eph. 5. 11. And have no fellowship with the unfruitful works of darkness, but rather reprove them.* Now to Receive of another *Stolen Goods*, if we know them to be so, is to partake with him, and Encourage him in his Course.

Courfe. And if we have good reason to *ſuſpect* ſuch a thing, it ought to make us very Cautious about it; it being our Duty to endeavour the *Suppreſſion* of, and to bear a due *Teſtimony* againſt ſuch Wrongs.

BUT here it may be Enquired,

Queſt. *W H E T H E R* in no Caſe it be Lawful to take away, or keep from a Perſon that which is his own, without or againſt his Conſent?

Anſw. SOME have thought, that ſuch as are extremely *Poor*, are exempted from this, and that it is Lawful for them to take for *Necceſſity*, tho' the Owner be ſo *Brutiſh* as to Deny them; and that becauſe all Mankind have a common Right to Live in the World, and therefore muſt have their neceſſary Support: But this would be to open a door to *Licentiousneſs*; and who would not plead *Necceſſity* for their juſt Excuse when detected? And the Argument of *Agur* would be *Superfluous*, Prov. 30. 8. in that his *Poverty* would acquit him from the Guilt of *Stealing*. And in all well-Ordered Governments, there is Provision made that the *Poor* may not Perish, but they muſt apply themſelves to ſuch as are Deputed for this. And though as to Men, it is a Duty not to over-ſtrain upon ſuch as are driven by extream Indigence to take a preſent Relief for it; (hence that, Prov. 6. 30. *Men do not deſpiſe a Thief, if he ſteal to ſatisfy his ſoul when he is hungry,*) yet he is a *Thief*, and the Law of God obligeth all forts to Obedience.

NEVERTHELESS, there are Caſes in which it is Lawful for Men to *Take* and *Detain* that which is his Own in Poſſeſſion, againſt his Will; and that either in a Courſe of Juſtice, for the Defrayment of his proper Dues to the Publick Support, which he refuseth to Diſcharge: or in a *Mulct* which is laid upon him by juſt *Penal Laws*, for ſome Crime which is ſo Punished; or for the ſatisfying of juſt Debts proved upon him, and adjudged to him by the Judges, which he refuseth to defray, and ſo neceſſitates their being taken by *Diſtraint*: As alſo in Caſe of a Perſon's being *Diſtralled*, or enraged by unbounded Paſſions, to take from him, that wherewith he would Miſchief, either himſelf or others, it may and ought to be forced from him, and detained till he be better Compoſed; only not with a Deſign to deprive him of his Right and Uſurp it for his Own.

AS for ſome other Caſes mentioned by Caſuiſts, they are either dark and dubious, or aliene from the preſent purpoſe, which I therefore wave.

AS to that other CASE which is here uſually handled by Caſuiſts, viz.

Queſt. *W H E T H E R* Theft may Lawfully be Punished with Death?

THE Ground of the Doubt is, becauſe the Law of *Moſes* no where makes meer *Theft* Capital, but hath assigned milder Penalties for it; and becauſe there is no Proportion between a Man's Life, and another's outward Eſtate: *Matth. 5. 25. Job 2. 4.*

Anſw. HERE let us obſerve, That tho' every Sin as it reſpects the Object againſt whom it is Committed, as Sin, is *Capital*, (*Ezek. 18. 4.*) Yet as it is againſt *Man*, there are Degrees of Penalty different for diſverſe Crimes, to be inflicted by Men, to which the *Judicial Law* of *Moſes* was accommodated, agreeably to the State of the *Iſraelitiſh* Polity, and not abſolutely binding all other States. But ſtill Theſe, ſo far as they had a *Moral* Conſideration in them, had matter of Direction in them, and have their Uſe in the making the particular Sanctions of humane Laws.

AND here it may in general be obſerved, that a Crime may become *Capital*, either from the Nature of it; or from the Circumſtances attending it; and there may be thoſe Aggravations attending that which in it ſelf would be merely *Criminal*, which may render it *Capital*: And it is a Rule ordinarily given, and ſeems Conſonant to the Light of Nature, that the End of humane Laws is *Salus Populi*, and therefore they ought to be Calculated for the Publick Good and Safety.

SOME Sins are ſo *Horrible* in themſelves, that the Light of Nature tells us no Punishment can be too *Great* for them; as all *Unnatural* Luſts. Some Sins are ſo *Injurious* as there can be no Compensation for them but *Death*; ſuch is *Murder*; hence that, Gen. 9. 6. *Whoſe ſheddeth man's blood, by man ſhall his blood be ſhed. Numb. 35. 31. Ye ſhall take no Satisfaction for the life of a murderer, which is guilty of death: but he ſhall be ſurely put to death.* Other Crimes may be ſo committed as to make the Tranſgreſſor inſufferable among Men, and therefore to deſerve to be put out of the way. Now concerning *Theft*; doubtleſs *Theft*, ſingly conſidered, and by it ſelf, as it is a Wrong done to another in his outward Eſtate, is not of ſuch a Character as to require the Death of the Offender, inasmuch as the *Treſpaſs* or Injury done by him, may be Compensated by a cheaper Penalty, and therefore to put *Thieves* to Death, indifferently, ſeems to be *Inhumane*; and ſo the Law of *Moſes* provided *Reſtitution* to the higheſt, *Five-fold*, and the Sale of the *Thief*, on failure of Ability to Recompence. Nevertheleſs, there were three Aggravations of *Theft*, that by God's Law expoſed Men to Death; *Plagianism* or *Man-Stealing*, Exod. 21. 16. *He that ſtealeth a man and ſelleth him, or if he be found in his hand, he ſhall ſurely be put to death.* And the Laws of Civilized Gentile Nations agreed in this, as being according to *Reason*, becauſe it was little better than *Murder*. *Sacrilege* was alſo puniſhed with Death, by God's Authority, as *Achan*, *Joſh. 7. Robbery* alſo, which is *Theft* committed by *Violence*, as in *Burglary* committed in the Night, if the Perſon was *Slain* in the Act, the Slayer was acquitted, Exod. 22. 2. *If a thief be found breaking up, and he be ſmitten that he die, there ſhall no blood be ſhed for him.* And doubtleſs, when Men turn *High-Way Robbers*, in which Men's Lives as well as their *Eſtates*, are hazarded, it makes

makes Men become Intollerable, and Death is little enough Punishment for them, as Enemies to Mankind: And such also are *Pirates* by Sea; for these have Bloody Intentions, and will not scruple to take away the Owners Lives, rather than miss of their Prey. But as to *simple Theft*, there seems to be neither Warrant from the Word of God, nor Equity in the thing it self, Indiscriminately to take away the Life of the Offender. It seems therefore safest to find out some other *Media* to suppress this Sin, unless it be Aggravated to such an height, as renders it necessary for the common Interest to rid the World of them.

(2.) THIS Command is violated by Men's *Living out of a Lawful Calling*. That every Man ought to have a Calling, and Live in it, we before observed, and that it ought to be a Lawful one; and hence Men may become guilty of Transgression on this Account, more ways than one. This might be reduced to two Heads:

1. BY *Idleness*, or Living without any Employment at all. Some bring under *Idleness*, all Unlawful ways which Men take to Gain a Living; but *Idleness* and *Misemployment* are two distinct things, and to be ranked under several Heads. There is the Labour of the *Head*, and of the *Hands*, either of which is contrary to *Idleness*. *Idleness* is properly a Living in the disorderly Neglect of Business, and spending a Man's Time Unprofitably. Not but that God hath indulged Men with moderate Recreation, to Refresh their weary Bodies, and Recruit their exhausted Spirits. But for Persons able of Body and Mind, to have no Business, or to Neglect, and spend their Time in Sleep, in Pastimes, in vain Company and Play, in foolish Chat, in Gaming, is the *Idleness* here Censured. A Man may take a great deal of *Pains* in *Idleness*, if it be in that which hath no tendency to *Profit*; so that it comprehends under it both the *Stuggard*, and him that takes *Pains* about Toys and Trifles: Hence that Expostulation, Isa. 55. 2. *Wherefore do ye spend your money for that which is not bread? and your labour for that which satisfieth not?* This is a Sin not only Reproved and Threatned in the Word of God; but also born witness against by the Heathen *Moralists*; and therefore Punished by their Civil Governments.

IT contradicts the End of Man's Creation; it makes the Person a *Burden* to the World; it Buries the Man Alive; it lays him open to Satan's Temptation, and makes him a Prey to every vile Lust: Every *Slothful Person* is a *Wicked Person*, (*Matth. 25. 26.*) It brings *Poverty* and *Rags*; and renders Men utterly Unfit to give up their Account to God, for the Time and Strength He lent them. And such are by the Precept shut out from Man's *Obarrity*, 2 *Thes. 2. 10.*

2. BY taking up an *Unlawful Calling* to Support themselves withal. These indeed are *Catachistically* called *Callings*; for they have not a Call from God to attend them, but are interdicted them. But it intends a Course of

Life which they take up and pursue, as a *Medium* by which to Gain an Estate or Support in this World. And we are here to Remark, that there are such Employments, as some take upon them, which are *disallowed* by God, and therefore *Unlawful*. Nor is it a sufficient Warrant for a Man, that his Employment is *Morally* Good, because to carnal Reason it seems to have a fair probability of bringing in Gain; for if it bring a Curse with it, the Man must needs be an egregious Loser in the foot of the Account. Now there are too many of such Practiced in the World; and among those who are called *Christians*, too many to be enumerated: Some of them may be indigitated.

1. IN *General* we may observe, that an Employment may be *Lawful*, either in *Itself*, or by *Accidents*. And here this Rule will stand Good, That whatever Employment is either Repugnant to the Life of Godliness, and a Reproach to the true Religion, in it's own Nature, or is Pernicious to the Publick Welfare, or tends to the Ruin of others, must needs be *Unlawful*; and can on no pretence be justified. For every one is bound in Conscience to prefer the Glory of God, before all his Interests in this World, 1 *Cor. 10. 31.* And no Man can Lawfully seek his *Private* Benefit to the Hurt of the *Publick*, whereof he is a Member; or the undoing of his *Neighbour* either in *Soul* or *Body*, *Matth. 22. 39.*

2. MORE *Particularly* by the right Application of this Rule, we may indubitably Judge among others, that the following Employments are *Unlawful* for Men.

[1.] IN *Themselves* or their *own Nature*.

AND here more especially,

1. BY *open Stews*, or more *Private Whoredom*. There are some Places where *Bawdy Houses* are Licensed, and Pay Hire for it to the Government; and in other Places they are too much Connived at, and Pleased for, as things though *Evil*, yet *Necessary*. And how many *Women* are there who drive a Trade of it, to prostitute their Bodies to the Lusts of all that will give them Hire to Maintain them? This indeed among the Heathen was commonly reckoned no Sin; but they put *simple Whoredom* among things *Adiaphorus*: And if so, no wonder if they allowed *Whoredom* to be one Employment. But there are few *Christians* that will openly defend the *Honesty* or *Lawfulness* of the thing it self, but they Plead *Necessity* to tolerate, and *Prudence* to make Publick Profit by Farming in it; *Necessary* to avoid greater Evil, by taking away the Hazard of otherwise Debauching of *Married Women*; and therefore *Prudent* to make it serve to Support the Publick Charges, which would not be, except Licensed by Authority: But the Word of God teacheth us better things; we are there assured, that *Evil is not to be done, that Good may come of it*; nor is one Sin a proper Preventive of another; that to prevent an Affliction by a Sin, is no good Policy: And surely it will afford no Satisfaction to an enlightned Conscience, to think to keep one Command by the Breach of another;

another; for we are told, Jam. 2. 10. *For whosoever shall keep the whole law, and yet offend in one point, he is guilty of all.* Whoredom is every where condemned in the Scriptures; and the frequenting of *Whore houses* is one Article in God's Indictment of His Professing People, Jer. 5. 7. *When I had fed them to the full, they then committed adultery, and assembled themselves by troops in the varlets houses.* And the prostituting of their Children to Whoredom, (which must be supposed to be for Gain,) was plainly forbidden God's People, Lev. 19. 29. *Do not prostitute thy Daughter, to cause her to be a whore; lest the land fall to whoredom, and the land become full of wickedness.* And so Odious was it to God, that He forbade them to receive such an Hire to the Service of His House, Deut. 23. 18. *Thou shalt not bring the hire of a whore, or the price of a dog into the house of the Lord thy God for any vow: for even both these are abomination unto the Lord thy God.* Surely then, such an Employment is Unlawful and Pernicious both to the Persons and the Publick, &c. And there is a better way for the Suppression of this Sin, and the Publick Advantage, to make severe Penalties for it; and put them in Execution strenuously, upon all those that do in this kind offend.

2. BY *Gaming or Plays*. Whether there be any sort of *Play or Game* that is in it self *Unlawful*, belongs not to this Command to Dispute; but, Whether there be any at all, that is *Lawful* to make an Employment of, and to advance an Estate by? The *Negative* whereof is to be asserted, and will easily be defended. That God hath allowed to His People moderate and reasonable Recreations is not to be questioned; (tho' I believe they should avoid whatsoever Games are of Evil Report among sober Men;) but to turn a *Recreation* into an *Employment*, and to advance an Estate by such a Course, to the Damage of another, is stark Naught, and will sooner or later leave a sting on the Conscience. Sober Casuists indeed do not disallow, that Friends do in their Recreations, expend so much as properly serves to the End of the Recreation, and is not Detrimental to their Persons and their Families; and that they may with these Limitations, determine the Charge by the Plays to this or that Party: But this is a vastly different thing, from Staking Money to *Gain* an Estate by, to the Loss of another; nor will the common Maxim here stand, *Volenti non fit Injuria*; for without doubt, a Man may Wrong himself by his own Consent, and yet Sin in so doing: Now to make an Estate by *Play*, is contrary to the end of Recreation, and an unwarranted exposing of that which God hath in His Providence bestowed on a Man, to be lost at a *Throw*, when he hath no Call for it, nor any Promise of a Blessing in such a way. The very Light of Nature doth Testify against it, and all Sober and Civil Men do abhor it: And it is not indeed a thing *Voluntary*; no Man would Expose his own Estate thus, if he did not secretly Hope to *Gain*, and when he *Loseth* and Impoverisheth

himself, he inwardly Vexeth himself at it. One must needs *Loose*: And it is well said by one, "He that *Loseth* his Estate by *Gaming* is a *Fool*; and he that *Gains* one is *Dishonest*, and brings a Ruft and Moth into his Estate: And doubtless the Wife Man hath a proper respect to this, Prov. 13. 11. *Wealth gotten by vanity, shall be diminished: but he that gathereth by labour shall increase.*

3. BY *making a Trade of Begging*. Not that *Begging* is in all Cases, a thing *Unlawful*: For a Person reduced to Extremity, and who hath no way to Relieve himself, to ask an Alms of Charity of another, is not to be absolutely Condemned. We find in that, whether *Parable or History*, Luk. 16. that *Lazarus* was a *Beggar*, being Impotent, and Neglected; and yet one Dear to God, and an Heir of Glory. But in well Regulated Places, Care ought to be used, that such Objects of Charity as are Disabled, and have no Friends to Support them, should be Provided for, and not driven to seek a Supply from Door to Door. Tho' for Captives and such as are Impoverished by some awful Providence, as *Fire*, a *Brief* for a free Contribution is proper and laudable: But for sturdy Beggars, or Persons that are able to Work, to go up and down *Begging* instead of *Labouring*, and make this their Employment, is a great Sin, and not to be allowed in any Place. They that can *Work*, and will *Beg*, ought to be constrained to *Labour*; and it is a Sin for any to Supply them in such a Trade: And to see so many Able Persons and Children capable of being Employed, to spend their Time in *Begging*, is a great Shame; for this is to be an unprofitable Burden to Mankind, and properly refers to the Head of *Idleness*; and such will not Labour *themselves*, but would Live upon *other Men's Labours*.

2. BY *Accident*. Employments may be Unlawful, when they are taken and abused to *others* Harm. I shall here only Instance in one which is very Notorious. Not only the *Lawfulness*, but *Expedience* of Publick Houses of Entertainment for *Travellers*, is a thing so evident, that it cannot be deny'd with a shadow of Reason: Nevertheless, to Multiply Licences for such Houses, when there is no need of them, and to have them in every Corner; or for Persons of their own accord, to take up such a Trade, privately to Sell Drink to all Corners, so to maintain themselves and their Families, is a manifest Violation of this Precept, in that it is a blamable Occasion of drawing in Persons to spend their Money, and their precious Time, to their own Impoverishing, and the great Suffering of their Families: Besides, These *Latter* are an inlet to a World of Mischiefe, in the Places where it is practised; it occasions *Drunkenness* to abound, brings all manner of *Debaucheries*, Families are Disordered, Children and Servants are drawn into Leud Courses, and provoked to Filch from their Parents or Masters, and many Whoredoms are Committed.

NOR can *either* of these be defended, either by pleading *Poverty* and *Necessity*, for this

this is the way to Maintain *one*, with the Ruin of a *great many*, which is contrary to the Rules of *Honesty*: Nor that the Publick Stock is encreased by it, for neither ought the *Publick* any more than the *Private* be maintained in a way of *Disbonesty*, as this certainly is. And certainly, the more such are permitted, or tolerated, the greater Temptation is laid before them, to allow unbounded Licentiousness and Disorder to gain Custom: And there is more Prudence in maintaining a *few* Poor, than to give them liberty to make a *great many* more so: And it is such a Publick Nuisance, that all sober Divines have, as they had Opportunity, born a severe Testimony against it; and serious Christians do groan under the lamentable Effects of it, and feel the doleful Fruits of it in their Families, which they know not how to Remedy. And let others think as they see good, yet I am verily perswaded that the great Immoralities which abound among us, of which there is so general a Complaint, will never be reduced, till effectual Care be taken, to Retrench the *one*, and Suppress the *other*; for whilst such Seminaries of Wickedness are suffered, it must be expected that the mischievous Efforts of them will Encrease and grow upon us.

[A U G U S T 21. 1705.]

SERMON CCIV.

WE are Considering wherein we may