or most part, and it is so taken of them, when
men stand more upon the ld of the lawe, then
upon the meaninge of the writer or maker of
the lawe. In wch logicall it so falleth out of
tymes, that under a colour of knowledge of the
lawes, many gross and dangerous errors bee
omitted Corasius Miscel: lib: 2: ca: 8: nu: 12.

Oldendorpius divideth this summum ius, or lawe
in the eiggest degree into two branches; the one
proper, the other improper

Lawe in the eiggest degree; so properlie termed
or taken, is an undoubted and infallible rule
of equitie, wch maie verilie without corption
bee put in practise in and common wealth, whether
it bee originallie grounded upon the lawe of
nature, or upon the lawe of nations: ffor
examples whereof, yo maie take all the
rules and principles of the lawe, doe in the kind
most shrittlie and partlie define and
bound out the matter, wch they could handlie
and nakedlie, without any regard of circumstances
of the fact that maie fall out of wch but of
rules and tryes, Accord they word, cunt nor man:
tryes and godall takes of lawe in the eiggest
degree, so rigeteous and full of justice in
the kind, that by the lawe of nature it selfe,
better and more rightfull cannot bee given
lib: 1: f: de iustitia

But geere wee so not respect had to any circum=
stance of yo word, or sentence, for this pertt
belonged to equitie, or the Court of Chancerie,
wch wch is called the Chancerie, as the
case maie fall out: and the lawe in the eiggest
degree, being thus properlie taken, is wrongfully
termed by the Common sort of men, wrunge in the
eiggest degree: for to speake properlie and at
a word, it is the instrument reason that maie bee,
whether naturall or rationall so farr is it
from being to bee rigeftullie taken wronge,

untill it bee shuttered, and as it were set upon
fortune gambolls, to bee drawne to some inconvenient
+ circumstance of the fact. As when a man
doth convent or give his word to doe some dis=
honest fact, or hurtfull and dangerous to the
Comon wealth: In wch case is a man should
wrest this rule of lawe. Hence the word,
in stede of doinge right in the eiggest degree,
he should omitt Injustice in the eiggest
degree: not because the lawe hath any fault
in it selfe, but because through his error,
and travellinge wth the lawe hee worketh
wickednes, not indeinge a right the circum=
stances of the fact, wherein lawe and right
standeth Li: 51: ff: de pactis

Lawe in the eiggest degree improperlie taken
is so termed, when by an over rigorous
and hard interpretation, it is drawne to incon=
venient kinds of harm, or by voluntarie
agreement is drawne to frustrate the good
meaninge of the lawe L: Incivili cum L: seq:
ff: de legibus

Of Equitie

Equitie is that wch is commonlie called equall
and good and somtymes equall and just lib:
1: et Den: ff: de Iustitia et iure: J: Sicut
ius ff: si certum petatur. Aristotle termeth
it Epieice and others terme it Epieician,
wch is as much to saie as mitigation or
moderation of the lawe written, in some
circumstance, either of the things themselves
of the persons of the times. Lawe (saie
Donatus) is that, that maketh all things
straiget and not pliable to the one, or the
other, Equitie is that that dispensethe w^th
many points of the lawe. Diverse other writers
make sundrie definitions of Equitie but
Equitie is a certaine exception and alla,