upon good occasions setting aside the common
rules of the lawe, and so they call it a
rule of kinde of instice allayed wth the sweet=
nes of mercie

Equitie is diverslie taken in the lawe, somtymes
it is verie significantly called a convenientie
because it ministrethe, among st men a fit
ordered answerable to the person, the matter,
the place, and tymes. Somtymes playne
dealinge is called equitie, wch is opposite
to the dealinge of man by the mere power of
lawe. Somtyme it is taken for naturall justice,
or the lawe of nature. Somtyme it is taken
for lawe that is opposite to forced and de=
vised lawe. Somtyme it is taken for religion
Andto be short Equitie is the correcion
or amendment of a good lawe, wch is defective
in some pt, by reason of the generalitie of it.

Of the devision of Equitie

Equitie is two fold written, and not written,
for Equitie maie be used bothe in speeche,
and places of Judgment two waies: the one,
by ministringe good grounds even, and in great
sort, Princes and Lawiers have observed a
equitie, in makinge and settinge downe
of lawes, appointed to be rules and guides
of mens actions, so that ysl at any tyme
ani case fallethe out, wch is in all points
answerable to the lawe, yeld of ther different
circumstances, wch might require some
change or alteracion of the lawe they maie
accordinglie frame their Judgment, beinge
sure and out of doubt, that the lawe of
Equitie is alreadie ymplied out of them
Another waie Equitie is to be practised
in those pticuler facts, wch daylie fall out,

and have not certaine lyne and square set
out for them in the lawes alreadie made;
so that we must be forced to delve our
Judgments in them, according to certaine
circumstances applied as nerelie as we
can to the principles of our lawe. And greater
standes the greatest use of equitie, most fit
for common weales: and therefore we maie
well call it an unwritten equitie, not because
we are at our libertie to define and de=
termyne of it w^thout due regard gaed to the
lawe written; but because it taketh some
libertie not to bynde it selfe to the generall
rules of the lawe.

Of the difference between Equitie and strict lawe

Strict lawe and Equitie differ greatly, that
strict lawe doth set downe in a generall sort
what it enacteth, and is severe, and not
to be moved, one waie or other: it taketh
order for things once for all: the grounds
and principles wch it bringeth forth are
universall and full of severitie and rigoures,
from wch rules it will not stand asyde,
nor not the breadth of an haire. But
Equitie is fitlie compared to a spoonmakers
Edge that is well furnished wth all sorts
and manner of lasts for mens foote,
where each man maie be shod to fitte
one last or other that shall fit him, be
he greate or small. It is not also un=
fitlie compared to an Apothecaries shop,
stored wth all kinde of drugges, fit for
all the maladies and diseases of men,
wch drugges notw^thstandinge, in case the