

ALIENATION OF CHURCH LANDS

Jeremy Taylor (1613–1667), Chaplain of King Charles I

to Dr. Richard Bayley (1585–1667), Dean of Salisbury (1635–1667)

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I received yours, dated 27 November and, although I read it with much pleasure, as bearing all along so visible characters of your affections towards me, yet I also observed it with much caution and reverence as carrying along the severities as well as the compliances of a just and religious kindness. What I delivered in transit, when I had the happiness last to meet you, I knew I poured into a breast locked up as religiously as the priests of Cybele; and, but that I was certain you permit all your friends and servants to speak to you with a freedom great as that of the sun or the air, I should not have delivered to you so displeasing a truth, lest by an unnecessary discourse I should have discomposed the state of that friendship, from which I have received so many effluxes and profitable emanations.

However, sir, I shall most religiously observe your caution (and had done so by my own proper purposes) not to dispute *in triviis*¹ that point which is of so great consideration, and is too apt to be mistaken or misconstrued by avaricious and prejudicate spirits. I know it is easy to encourage a crime by a neighboring truth, but nothing is sufficient to secure the Church's just interests if any color may be pretended for an injury.

But now, sir, to the particulars of your letter. I have something else to say; and then some other things to the question in its own precise consideration.

- I. Concerning the person of a king to be preserved by all reasonable and just means, you accord, but add this consideration; that it is to be pondered what it is which makes for the bodily, and what for the ghostly preservation of a king? And that this latter is not to be destroyed by the former. Which, although it be very true, yet is not of any distinct consideration from the main question; for if I make it appear lawful that the King may consent to the alienation of bishops' lands in the present conjunction of circumstances, then the same act that is instrumental to the bodily preservation will not be an enemy, or impede the spiritual.
- II. You are pleased to propound the question, and state it with prudent and wary circumstances, the sum of which is this. First, Church lands stand dedicated to God by the free donation of princes and princely-minded men. Second, they are by the donors for His use so separated forever. Third, they are confirmed by the legislative power of the Kingdom, and accepted for the same usage for many centuries of years. *Q.* Whether lands so given may, for an end formerly suggested or supposed (meaning the King's present case), be wholly alienated?
- III. The first is the great article of offence and question, "The lands were dedicated to God." I suppose, first, that lands can no more be dedicated to God, or in no other sense, than some persons are; that is, to be employed in the offices of religion, which, for the present, we will suppose as immediately to be a service of God as charity, but no more. Now it would be considered whether a person designed to be a priest may not, upon great reason, recede from the exercise of his holy orders forever? Instance, in the Cardinal of Portugal, when his brother the King died without issue, dispensed with all, and re-turned *ad sæculum*, and was supposed as capable of doing service to God in the capacity of a king as of a priest.² And (under favor) I conceive the distinction of things and persons will not alter the consideration. For we have an express place of the New Testament for the person, but nothing clear and dogmatical for the unalterable sanctification of things in specie. "He that puts his hand to the

¹ *in triviis*— in public

² Henry (1512–1580), Cardinal-Priest of Santi Quattro Coronati (1547–1580), Archbishop of Évora (1578–1580), and, after the death of his grand-nephew Sebastian I, King of Portugal (1578–1580). Pope Gregory XIII did not in fact release Henry from his clerical vows.

plough and looks back is not worthy.” And yet the wisdom of the most eminent persons and most zealous for the temporal rights of the church did think that the particular case was not forbidden by the general rule.

The same also I say concerning time, separate for God’s service, which in many cases may be employed otherwise than in the precise virtue of religion; even in a great act of charity or convenience. And I desire it may be considered, whether anything (abating the discourses and considerations of interest) can be pretended that may substantially distinguish the case, persons and time, for goods and lands, since by all of them God is served, without the last He may; and it is notorious, that the most solemn separations for the service of God were made of persons and time, these by God’s command; that of lands never, excepting only cities and suburbs for the Levities.

- IV. But when it is said lands are given to God, since it cannot be true in a natural and proper sense, for we cannot give what is His already, nor that which He needs not and uses not, to any purposes but our own, it can signify nothing really but that they are separated for the use of religious persons, and they to be maintained by them that, without care and diversions, they may attend the offices of religion and public advocacy (for that is and so, for their relation sake, are entitled to God; just as those lands which were given for the maintenance of certain knights and military orders against the Saracens, were esteemed holy in order to the use to which they were designed, which was esteemed holy by the age.

But I consider that since God is not a person capable of any new, proper, acquise, and inherent right, it is in Church lands as in lands given to a body politic or corporation. It is impossible lands should be given, and the right passed really from the former owner, unless there be some person, real or imaginary, who is or who is made capable of being the possessor. Now the communities of clergy and lay bodies politic are not a person, for in these there is a succession, but no inheritance. And it is the whole succession which is intended to be maintained by the donative, who cannot be a person in estimation of law, nor in natural consideration. And it is also intended that the present persons should only be usufructuaries; that is, the rights of dominion are not permitted to them that the possession may be indeterminable; and that it is necessary there be a person substituted by fiction of law who is supposed the lord. In corporations, not the mayor and aldermen, but the corporation is the *persona ficta*. In Church lands, God is the person named, because of the relation and employment of the persons to be maintained in His service. But then the donors are said therefore to have given it to Him, by permission, I mean, and declaration of law, that they might be legally enabled to pass the dominion from themselves, and yet invest no real person with a dominion, who might, according to the right of lord, pass it from his successor. But this fiction of law is but a solemnity and a circumstance, producing no other effect, or real mutation, but that the forms of law are kept in the transmission of the right to such purposes of religion, God being in no other manner capable of a transmitted right but when, by His own express act, or by ours, He is so put in substitution.

- V. To this I add that the lands themselves so dedicated are not altered. There is no holiness passed upon them so much as relative and imaginary but during the use, and that holiness which is attributed to them is but *ens rationis*, which appears most unanswerably in this, that by the canon law, and the voice of all Christendom and common sense, Church lands may be changed. And when the next field, which the donor gave not, but the bishop for conveniency of it obtained by contract, belongs to the use of the Church, that becomes invested with all the holiness of the other, and yet the other loses nothing of what it had (for no act passed upon it). And when a change is made, and yet nothing is lost by this, then nothing is got by that; and then all that was is like the right and left hand of a pillow, which you may alter by your own posture or discourse. Which I the rather note that I might redargue the fondness of some persons who fancy strange contingencies and accidents happening to men using in

common employments the stones of a monastery, when the society has been dissolved. I fear, in such cases, the piety of the man wants the ballast of a severe and prudent consideration.

- VI. And yet I doubt not but these things shall relate to God; that is, as He accepts the piety of the donor, as He accepted the nard pistic of Mary Magdalen,³ and the charity of hospitable persons; so he will also, by His care and providence, and the patronage of judgments, secure the support of the defenseless clergy, as He does of all his poor, his widows, and orphans; that is, more especially than any other things and person.

But I desire it may be considered that, among the masters of spiritual life, there are some sins called “crying sins”. That is, such which God will more certainly and apparently revenge; and oppression of widows and orphans is one. But, as I remember, they account not sacrilege in this number. From whence I can collect nothing but that God has more apparently undertaken the protection of widows’ dowries and orphans’ portions than of church lands. And then, if we will suppose these widows placed in an hospital to pray and spin, I would fain know what holiness of lands or dedication signifies that is not more eminently in the lands given for an hospital for widows than to a college for priests? And yet, if an hospital be spoiled, or widows injured, we used to call it oppression, not sacrilege.

And, by the way, sir, be pleased to put the case as it was in some instances in the days of that cormorant of church lands, Henry VIII, and in Edward VI, that lands given to the clergy should be converted to the maintenance of orphans and widows, or sick persons. I desire to be resolved whether that be sacrilege? And if so, upon what grounds it is said to be so? If not, then whether the lands be God’s portion any more if they maintain the clergy than if they maintain the indigent and necessitous laity? And whether or no, if the condition of the King’s restitution were to alienate the lands of Bethlehem, or Saint Thomas’ hospital, the clergy of England would not affirm it lawful? And then, why not, if the condition were to alienate one manor of the Bishop of Saint David’s, or one close? If one, then more, and then all as well as any; for one is as much dedicated to God as all, and the alienation is as direct a sacrilege.

But this were a hard case should it be denied to the King’s necessities, and the clamorous importunities of the people, and necessities for peace. However, that which I intended by this consideration is this: that by this proportion and similitude of hospital and church land, we may possibly understand what dedicating lands to God shall signify in the nature of the thing; even this only (in the substance of affairs), that excellent persons, charitable and religious, have set apart certain lands to be spent in religion and charity, for the glory of God, as all good actions are, and this among the chiefest; and God is pleased with such intentions of the donor, and employment of the donative.

- VII. For to say that in such donations God is the lord, and the bishops and priests but usufructuaries, is to speak, indeed, *secundum stylum curiæ*, according to forms of law; God being the person by fiction of law, invested with the possession. But what that does mean in the nature and event of things; that is, what real mutation is made, either towards God or to the lands, more than what I have now explicated, I shall much desire to understand from you upon sure foundation.
- VIII. But you add, these lands were intended to be separate forever. True; and I would to God they might so abide. But whether that be indispensably and unalterably necessary, or whether that intention of the donor, or the nature of the thing required it, I shall further consider.

For since it appears, by the instance of permutation, that nothing passes upon the lands that makes a real, either natural or moral, change; that which you say, that the donors did intend they should be separate forever, does well explicate this part of the question. For in the truth of the thing, not the

³Mark 14:3; John 12:3

lands, but the persons are obliged forever. The lands are alienable, but men's hands are tied, and they bound not to alienate them; that is, they who gave them, and they who can be obliged by them, or by any authority that confirms them. And this is not a distinction to no purpose or real use in this question. For, upon supposition of the tenth of its parts it will follow, in order to practice, that when the lands are alienated by a competent authority, I mean the supreme, whether that did religiously or irreligiously; yet, if the thing be done *ad omnem effectum juris*, the lands may be possessed justly by them that acted not in the alienation. For certain persons only being obliged, the lands carry no curse along with them but to those persons who, being obliged, prevaricated their personal obligation. Now no power but the greatest, and a disobliged power, can meddle with them. For these being *vota Deo*, according to the nature of vows, pass an obligation upon the votary directly; and all other persons (I speak of equals or subjects) are therefore obliged, because they have no right to them, nor power over them; and therefore, if they meddle with them, are robbers; and that, in *materia devota* or *religiosa*, is direct sacrilege.

- IX. But then it is to be considered that the donors gave them but with all that right and powers appendant which they had; no man can transfer more than himself has. Since therefore the donors of lands had them but *in basso dominio*, and they were subject to forfeitures, to præmunires, to political burdens, and did owe allegiance to the public interest; I mean, they were to put off their propriety and serve the great ends of the commonwealth, as all particular natures do the unity of the world, and the continuity of its parts. And therefore, as the donor was invested with them, so is God (for I choose to express myself in the word of art and law). So that it is wholly a mistake to say that in this case God is the supreme lord of the land, and the clergy his usufructuaries, for it was but a *bassum dominium* which the donor had, and therefore he could transfer no other. And if a private person makes the prince his heir, and gives him lands that hold of an inferior lord, so also must be the prince's tenure, and the donative must pass with all its burdens. Now in what cases the supreme power of a kingdom can use private lands, or moneys and personal goods, *invito domino*, in the same he may use the church lands, if he might have done so before their dedication (for else the private donor had given to God rights that himself had not). I add also, if there be an equal or proportionable necessity as the one is not against justice, so the other is not against religion; only it is to be supposed that church lands are last to be used because they are of greatest interest for the religion, which all wise and good states believe to be the defensative of the republic. And if the church land be liable to levies, then, when the necessity increases, the levy shall be greater; for he that may take little upon a smaller reason, upon a greater may take more; and if you can suppose a reason strong enough, or a necessity big enough, he may take it all, for the nature of the thing hinders not: for if he may take any of the profit, it is certain the land is liable to a superior lord, who may, *pro rata*, divert it from the use of its first intention.

And I desire it may be considered that if the revenue may be spent in alienated uses (pardon the word), the land without the revenue will signify nothing; and therefore, if it be lawful to take the revenue, it is lawful to take the land. For the land is so wholly for its fruits and emolument that it is lawful to sell and change the land so the church be not injured. And if it be objected that as long as the land is not sold, it will return to its former use in time. To this I answer that, *pro tempore*, all the real effects of alienation being produced, obligation for a time, with defalcation of the profits, is in that degree an alienation. (I speak of real events, not notions, or fantastic formalities.) For because the land is wholly for the profit, he that takes that, and in the same degree that he takes it, does contrary, or besides the intention of the donor; that is, he employs it to uses not proper, not ecclesiastical. And the taking the profit *pro tempore* and therefore make no specifical difference; but they are for the same causes, in several proportions, alike lawful or unlawful.

- X. But how if the prince gives lands or, which is as much at least, he, by his legislative power, confirms the donation? Then, since all the right of man is given up, God shall have the *altum* and the *bassum*

dominium too; for he has the direct right of the donor, and the collateral circumstance and accidental right of the legislative. To this I answer that when the legislative confirms the donation of a subject, it is only supposed he confirms what the other bestowed, and made it valid in form of law, and therefore his confirmation alters not the manner of the tenure; but if it were so before, it is still in subordination and minority.

But if himself gives lands, and passes the donation into a law, it is true he cannot, without sacrilege, in any ordinary case, revoke his act, or alienate the land. But then, whether the supreme power in another age cannot do it is of another consideration. For no act of Parliament can be made perpetual. And if an act be made that a Parliament shall not abrogate such a law, it is ridiculous; for it is in the power of the succeeding to dis-annul that law which pretended to disable its successor from disannulling it.

And it is certain the supreme power has a perpetual equal efflux of authority. And though so many single persons in whom the supreme power is inherent may be obliged, viz. by their own act, yet the power itself cannot. And when the first persons are extinct, and the power descend upon others, they therefore are not obliged, because they are the supreme, and can be obliged by none but themselves. But the act of the former princes or Parliament is subjected to the power of the succeeding, the supreme power being in persons whom no act does, nor any human power can oblige.

- XI. Upon this ground I consider that since all distinction of dominion consists in the sentence and limits of the law, and it is theft to take pigeons, or deer, or fish, when the law has housed pigeons or emparked deer, and divided shores, and it is not theft to take these when the law has not made them of private possession; and since sacrilege is a theft, the same power which determines what shall be theft, determines also what shall be sacrilege.

I give a more clear instance. By the law it is made sacrilege to steal *sacrum de non sacro*, as a chalice from the clerk's house. Another law makes it sacrilege to steal *non sacrum de sacro*. And so we find that children's portions were deposited in some of the Greek temples, the same law having obtained there also. But I conceive, that when two sins are the same in their matter and natural complexion, as theft and sacrilege are esteemed to be in law, and are certainly so in the nature of the thing (sacrilege being defined by theft, as by its genus, and therefore, without all peradventure, forbidden directly in the prohibition of theft), when the law distinguishes their formality, it means nothing but that either they are to be punished distinctly, or the guilty persons to be proceeded against in their charges by distinct solemnities.

Now the law making any particular instance to be sacrilege, does apportion to it the punishment or (which is a part of the other) the reproach of sacrilege. I would therefore fain know, whether, by the laws of God, all the species enumerated by the canon doctors be sacrilege? It is sacrilege to steal a sword or a horse out of Saint Paul's church (for I have lived to see that case possible; God, in his good time, will string His whip and scourge them thence); but if yea, by what law of God? If no, then, since it is punished with the punishment and infamy of sacrilege by human constitution, in what does it differ from other instances which by the law of God we suppose declared to be so?

The result is this. That the laws of God forbid sacrilege, but in most instances the law of man declares what is sacrilege, and indeed makes it such; as in the foregoing instances. When therefore the supreme power shall dissolve the cancels of the dominion, and lay that in common which before was appropriated to a certain use, the dominion and propriety being taken away, there can be no theft and, by consequence, no sacrilege. Just as it is no theft in me to put my sheep into a pasture which by the law of the land is dis-parked and made to be of common possession; and yet before such a law, or act of a competent power, it was.

Indeed, if the supreme power takes my goods and makes them common, or takes the forfeiture and gives them away without just reason, it is *injuste*, but it is *jure factum*. He that receives the goods after the prince's seizure is *bonæ fidei* possessor, but I am a person injured. So if the supreme power takes away church lands without evident necessity or just reasons of religion, he is an irreligious person, but I say it is not sacrilege because the thing ceases to be of appropriate dominion by the act of the legislator, since it is his only power that makes the distinction and propriety. And it is certain the same power that makes an act to be sacrilege which before was not so, may also make that to be no sacrilege, which, supposing the former constitution of laws, was sacrilege.

To steal what is sacred is sacrilege. But (by the way) *sacred* signifies nothing but what is separate by the cancels of laws, and declared honorable for a religious relation. So are the archives and records of courts, the seats of judicature, the presence chamber, the chair of state, the gates of the city among the Romans; so are temples and holy places. The law has made all these sacred, and the same power can un-hallow all its own consecrations. In all which, as religion is to be taken care of and the public, to which the several sacreds do relate; so if they be secured, and by other instruments be provided for, or if it be impossible they should, the crime lies not at his door where the impossibility dwells, or where religion is preserved in equivalent instances.

- XII. And therefore the legislative power, although it can be irreligious, yet it cannot commit sacrilege. But the persons in whom such power is inherent may, by accident; I mean, when they become persons directly or collaterally obliged. As the same king and the same persons of Parliament cannot take away what they have given to holy uses because they in their persons are obliged by their own act; but the supreme power, in its emanation and effluxes, being returned to an abstraction and precision from those persons, is totally disobliged, and therefore, in all senses, has power to alter the possession.

For to deny this were to overthrow the very being and definition of legislative power, and to make private dominion superior to public interest, and the particular rights of persons more secure than the republic and communities of kingdoms. This is not to be done in common accidents, indeed; but when there is a sufficient cause, there is a sufficient power.

- XIII. But besides these general grounds, which disclose the nature of the thing, if I shall descend to more minute considerations, I shall propound this: that if the Church has power to sell the lands and spend the money, it will be hard to say that such lands are unalienable. Now that the lands which were dedicated at first by the apostles' command or disposition were sold, and the money spent, is evident in Saint Luke's story. Now put case that the commonwealth of Venice, at their apprehension of the Turks' invading Candy, should have permitted their clergy to have sold their lands, and given the money to the poor and to their own necessities, lest it should fall into the hands of misbelievers, were this sacrilege? Put case, they should for as great a reason have given them away. Is it not as lawful to give them as to sell them? And if either, might not they with the money buy out the enemies of Christian religion? Might not they, or we, or any Christian society, have spent them in any holy use, any use that nobly secures a religious interest, or the glory of God? If it be said they may, then I doubt not but the clergy of England would be excused if they consented that the lands that feed them were parted with to restore peace and the King. Though in this I say, as our blessed Savior said concerning offences, although it be necessary (*viz.* in the event of things) that offences come, yet woe to them by whom the offence, or that necessity, does come.

But if it be said they may not, I would know why we do use the lands to uses not designed or permitted by the donors? We know most of them were appointed to purposes which our practice to devotion owns not. If we say that because they were given to the service of God, so the general end be preserved we are not tied to the particular instance, then I desire it may be considered whether this will bear us even to a license of spending or using the lands to any use in which God's glory and the public interest

may be concerned? To which, if we add this appendix, that God is then glorified when any great charity is done or peace restored. If any company of evil persons, for bad ends, makes this peremptorily to be the condition of peace, we may not unseasonably believe God to be glorified. And therefore the lands not lost if they buy a peace. Though concerning the special case I shall speak nothing dogmatical, but only of the general, and in a certain supposed instance.

- XIV. But, sir, I pray consider, are not tithes dedicated to God, and are God's portion, as much as lands? If there be any degrees of devotion, it is on the behalf of tithes; and yet our colleges are maintained by impropriations for a great part of their provision. And if that alienation of tithes from Church be unlawful, why do we live upon forbidden fruit? If lawful, let us suppose the king a person as capable of being relieved by God's portion as poor scholars are. To which I add this case, that since the canon law allows that patrons, falling to want, may live upon that which we call God's portion and the dowries of the churches which themselves founded and endowed; since the Kings of England are the greatest patrons of the Church, and this King is the Church's martyr, it will be hard to say his or their greatest necessities respectively may not be served by the issues of their own charity and religion.
- XV. And hither will certainly refer the case of Acacius, Bishop of Amida⁴ who, for redemption and feeding seven thousand Persian prisoners, sold the vessels of the church, adding this discourse in verification of his charity, that God needed not vessels of gold or silver for His service in religion, but rather in charity. For it was indecent that dead temples should be rich and pompous in less necessary appendage, and God's living temples starve in the destitution of necessaries. He did accordingly, and his charity and religion too were approved and admired by all Christendom.

Now in the degrees of relative holiness, the canon law is express that the utensils of the altar are more sacred and separate than lands; and it is certain, because vessels cannot be aliened without alteration of the property. When they are changed, they must be melted; and things not permutable are to be burnt; but land may pass in kind, and others accepted in their rooms, so the Church lose nothing by it. Which though it be well and fitting that the case of the Church, in permutations, shall be provided for and secured in her interest, just as all minors are by the care of law and princes; yet it shows, that if there were not more interest in it than real change, the land might pass, like water at the sluice, without observation and complaint.

For concerning the difference in the case, as you state it, that God may be served without rich vessels, and others in their room were easily passable, but lands once lost cannot. I consider that God is not always best served by the richest clergy; that our blessed Lord commends poverty, and entailed it upon His Church by His doctrine and example; that He speaks so harshly of riches that Himself was once put to it to expound the meaning of His words; and yet, after that, His apostles, when they received the Sprit of Christ, still prosecuted the words of Christ against riches. I add that although lands are not easy to be had, yet the apostles parted with them, and put the sequel to God's providence; and after all, this consideration is wholly extrinsic to the question. For although upon supposition of the truth of the discourse, it might be of great prudence and caution to keep the lands as long as we can, yet it concludes it not a sin, in all cases, to part with them, nor that they have so many degrees of sacredness, or separation, as vessels and utensils. For since all their sacredness depends upon the sanction of the law, and their relative use; for the first, vessels are with more solemnities dedicated; and for the second, they are more immediate in the offices of religion. So that the argument will be firm that if the church approved the act of Acacius in alienating things more sacred for a less necessity; it will be too great an adhesion to a temporal interest, upon a pretence of religion, to persuade the king to ruin himself and his posterity, and the Church and her lands too, by not suffering them to be alienated.

⁴ Acacius, Bishop of Amida (400–425)

XVI. For in the present constitution of affairs, the Church lands are like the fruits of our orchards, standing upon Church ground *quæ servando servari non possunt*; if you keep them, you lose them. And the King, by holding the lands fast, will have his own arm pulled off, and the lands go along with his ruin. And (under favor) I suppose that consideration will serve to oppose against that other of yours, which, indeed, is matter of prudence, though not of consideration in the question of lawful or unlawful.

For whether the King be captive or no in the sense of the civil law, it matters not; I am sure he is so, to all real and natural effects. And whether the redemption will be real upon his consigning the bill is to be provided for in his capitulation as well as it can. If it be lawful to consign the bill upon supposition he should really be delivered, it is as lawful to do it upon their undertaking, or his own belief. It may be a default in providence or wisdom if he be not, but none in the matter of his own justice and religion. But the reason you add, "lest the King and his council should sin *gratis*," I suppose, with your favor, is *estra oleas*. For if it be a sin when done *gratis*, it is also a sin when done *pretio*. And if it be a sin, it is not to be done, though all the kingdoms and lives of the world were the purchase. But whether it were a sin or no, was the question, and is not to be presupposed or granted.

XVII. I have now considered the proper grounds of the question, and all that you were pleased to propose to me as considerable, excepting your second and fourth considerations; but they, being the same inquiry concerning the punishment and sad consequents of sacrilege, are already answered if the former grounds be reasonable and that all alienation of sacred things be not sacrilege. For certainly the evil accidents and cursed appendices of this great sin will concern them who, because they have not the supreme power to act it, nor just reason to desire it, are highly guilty of sacrilege in destitution of the first, of irreligion in destitution of the latter. But to say that this shall concern the king, who has power of translating dominions in some cases, and great necessity of doing it in this, is a zealous detention of our interest, and a neglecting the king's.

The clergy are bound to pay for the king their lives when his just needs shall require. And yet our lives are as much given to God, and for His service, as immediately as lands; our persons are as sacred as our fields, and possibly it were no sacrilege to give our land to redeem the clergy from the sword, and therefore they are not to be denied to those needs which may call for our lives, for which we would willingly give our lands in redemption.

XVIII. But who knows but that this alienation of church lands may be a great security of the lands, as Saint Paul of himself, "therefore I departed for a time that I might abide with you forever?" But that is a reserve in the counsel of God's predestination. However, unless King Richard I were sacrilegious in being redeemed with the moveables of God's house, or Edward III in taking great revenues of the Church for support of his armies in France, or Archbishop Chicele in giving vast sums of money to maintain the French wars, all which was God's portion as much as lands (with your pardon), I suppose it is a safe case that the best prince, incomparably the best in Christendom, be very much valued more than our lands. For that this is the present case is therefore evident to me because, although God can preserve the King in his denial, so also he can the lands, when they are consigned to others. But as in such consignment the lands are visibly lost so also is the King in his denial. It may be otherwise in either, but the case is alike in both.

Sir, I know not whether my long letter may be presumed an amends for my delay of some few days in returning you an answer, or shall be interpreted a new offense. However, you may by it see my confidence of your goodness, that with such openness I discourse this point of danger.

Sir, I expect to be fairly chid for what you shall perceive amiss, but I am the less apprehensive of it because I know your wisdom will master the prejudice of a long persuasion to the contradictory of this discourse. But whether so or no, I may, by your animadversions, gain a truth and not lose a friend, whom I desire to preserve

with all the services and fairest correspondencies of my life that I may any way express how great obligations you have passed, dear sir, upon your very affectionate friend and servant.

P.S.—“Ad. Numb. 10 et 12. The supreme power cannot be obliged; but the person in whom the supreme power is inherent, by accident may be obliged,” viz. by his own act. *Query*. Whether the king’s coronation oath have not personally obliged him, so that without sacrilege he cannot alienate them? I answer that the king’s oath binds him to maintain the rights of the Church as it ties him to defend the laws, which he is to defend so long as they are in being, but not bound against all changes, popular petitions, necessities, and emergencies to preserve their being. So that, as he may consent to the annulling of a law, so also to the alienation of a present right, unless the nature of the thing hinders. But that Church lands are in their nature and condition alienable, upon great and notorious necessities, was intended to be proved by this discourse. So that the king not being personally obliged, and the supreme power of itself not obligable, the former considerations may be effectual.

Henry Cary, *Memorials of the Great Civil War in England* (London: Henry Colburn, 1842), II:75–100.