Erskine May, Vol. III, Chapter XII, pp. 119-132

Failure of the Catholic Claims

The Catholic Claims under Pitt

In 1804, a serious agitation for Catholic relief commenced in Ireland: but as yet the cause was without hope. On Mr. Pitt's restoration to power, he was still restrained by his engagement to the king, from proposing any measure [120] for the relief of Catholics himself; and was even obliged to resist their claims when advocated by others. In 1805, the discussion of the general question was resumed in Parliament by Lord Grenville, who presented a petition from the Roman Catholics of Ireland, recounting the disabilities under which they still suffered.

On the 10th May his lordship moved for a committee of the whole House to consider this petition. He urged that three-fourths of the people of Ireland were Roman Catholics, whose existence the state could not ignore. At the time of the Revolution they had been excluded from civil privileges, not on account of their religion, but for their political adhesion to the exiled sovereign. In the present reign they had received toleration in the exercise of their religion, power to acquire land, the enjoyment of the elective franchise, and the right to fill many offices from which they had previously been excluded. Whatever objections might have existed to the admission of Roman Catholics to the Parliament of Ireland, had been removed by the Union; as in the Parliament of the United Kingdom there was a vast preponderance of Protestants. This argument had been used by those who had promoted the Union. It had encouraged the hopes of the Roman Catholics: and now, for the first time since the Union, that body had appealed to Parliament. His lordship dwelt upon their loyalty as frequently declared by the Irish Parliament, [121] exonerated them from participation, as a body, in the Rebellion, combated the prejudice raised against them on account of the recent coronation of Napoleon by the pope, and illustrated the feelings which their exclusion from lawful objects of ambition naturally excited in their minds. He desired to unite all classes of the people in the common benefits and common interests of the state.

This speech, which ably presented the entire case of the Roman Catholics, opened a succession of debates, in which all the arguments relating to their claims were elicited. As regards the high offices of state, it was urged by Lord Hawkesbury, that while the law excluded a Roman Catholic sovereign from the throne of his inheritance, it could scarcely be allowed that the councils of a Protestant king should be directed by Roman Catholics. Roman Catholics, it was argued, would not be fit persons to sit in Parliament, so long as they refused to take the oath of supremacy, which merely renounced foreign dominion and jurisdiction. In Ireland, their admission would increase the influence of the priesthood in elections, and array the property of the country on one side, and its religion and numbers on the other. The Duke of Cumberland opposed the prayer of the petition, as fatal to all the principles upon which the House of Hanover had been called to the throne. Every apprehension and prejudice which could be appealed to, in opposition to the claims of the Roman Catholics, was exerted in this debate. The pope, their master, was the slave and tool of [122] Napoleon. If entrusted with power, they would resist the payment of tithes, and overthrow the established church. Nay, Catholic families would reclaim their forfeited estates, which for five generations had been in the possession of Protestants, or had since been repurchased by Catholics. After two nights' debate, Lord Grenville's motion was negatived by a majority of 129.

Mr. Fox also offered a similar motion to the Commons, founded upon a petition addressed to that House. The people whose cause he was advocating, amounted, he said, to between a

fourth and a fifth of the entire population of the United Kingdom. So large a portion of his fellow-subjects had been excluded from civil rights, not on account of their religion, but for political causes which no longer existed. Queen Elizabeth had not viewed them as loyal subjects of a Protestant Queen. The character and conduct of the Stuarts had made the people distrustful of the Catholics. At the time of the Revolution 'it was not a Catholic, but a Jacobite, you wished to restrain.' In Ireland, again, the restrictions upon Catholics were political and not religious. In the civil war which had raged there, the Catholics were the supporters of James, and as Jacobites were discouraged and restrained. The Test Act of Charles II. was passed because the sovereign himself was suspected; and Catholic officers were excluded, lest they should assist him in his endeavours to subvert the constitution. There was no fear, now, of a [123] Protestant king being unduly influenced by Catholic ministers. The danger of admitting Catholics to Parliament was chimerical. Did any one believe that twenty Catholic members would be returned from the whole of Ireland? In reply to this question, Dr. Duigenan asserted that Ireland would return upwards of eighty Catholic members, and the English boroughs twenty more,—thus forming a compact confederacy of 100 members, banded together for the subversion of all our institutions in church and state.

He was answered eloquently, and in a liberal spirit, by Mr. Grattan, in the first speech addressed by him to the Imperial Parliament. The general discussion, however, was not distinguished, on either side, by much novelty.

The speech of Mr. Pitt serves as a land-mark, denoting the position of the question at that time. He frankly admitted that he retained his opinion, formed at the time of the Union, that Catholics might be admitted to the united Parliament, 'under proper guards and conditions,' without 'any danger to the established church or the Protestant constitution.' But the circumstances which had then prevented him from proposing such a measure 'had made so deep, so lasting an impression upon his mind, that so long as those circumstances continued to operate, he should feel it a duty imposed upon him, not only not to bring forward, but not in any manner to be a party in bringing forward, or in agitating this question.' At the same time, he [124] deprecated its agitation by others, under circumstances most unfavourable to its settlement. Such a measure would be generally repugnant to members of the established church,—to the nobility, gentry, and middle classes, both in England and Ireland,—assuredly to the House of Lords, which had just declared its opinion;(1) and, as he believed, to the great majority of the House of Commons. To urge forward a measure, in opposition to obstacles so insuperable, could not advance the cause; while it encouraged delusive hopes, and fostered religious and political animosities.

Mr. Windham denied that the general sentiment was against such a measure; and scouted the advice that it should be postponed until there was a general concurrence in its favour. 'If no measure,' he said, 'is ever to pass in Parliament which has not the unanimous sense of the country in its favour, prejudice and passion may for ever triumph over reason and sound policy.' After a masterly reply by Mr. Fox, which closed a debate of two nights, the House proceeded to a division, when his motion was lost by a decisive majority of one hundred and twelve.

Under Grenville

The present temper of Parliament was obviously unfavourable to the Catholic cause. The hopes of the Catholics, however, were again raised by the death of Mr. Pitt, and the [125] formation of the Whig Ministry of 1806. The cabinet comprised Lord Grenville, Mr. Fox, and other statesmen who had advocated Catholic relief in 1801, and in the recent debates of 1805; and the Catholics of Ireland did not fail to press upon them the justice of renewing the consideration of their claims. This pressure was a serious embarrassment to ministers. After the events of 1801, they needed no warning of the difficulty of their position, which otherwise was far from secure. No measure satisfactory to the Catholics could be submitted to the king;

and the bare mention of the subject was not without danger. They were too conscious not only of His Majesty's inflexible opinions, but of his repugnance to themselves. Mr. Fox perceived so clearly the impossibility of approaching the king, that he persuaded the Catholic leaders to forbear their claims for the present. They had recently been rejected, by large majorities, in both Houses; and to repeat them now, would merely embarrass their friends, and offer another easy triumph to their enemies. But it is hard for the victims of wrong to appreciate the difficulties of statesmen; and the Catholics murmured at the apparent desertion of their friends. For a time they were pacified by the liberal administration of the Duke of Bedford in Ireland: but after Mr. Fox's death, and the dissolution of Parliament in 1806, they again became impatient.

[126] At length Lord Grenville, hoping to avert further pressure on the general question, resolved to redress a grievance which pressed heavily in time of war, not upon Catholics only, but upon the public service. By the Irish Act of 1793, Catholics were allowed to hold any commission in the army in Ireland, up to the rank of colonel: but were excluded from the higher staff appointments of commander-in-chief, master-general of the ordnance, and general of the staff. As this Act had not been extended to Great Britain, a Catholic officer in the king's service, on leaving Ireland, became liable to the penalties of the English laws. To remove this obvious anomaly, the government at first proposed to assimilate the laws of both countries, by two clauses in the Mutiny Act; and to this proposal the king reluctantly gave his consent. On further consideration, however, this simple provision appeared inadequate. The Irish Act applied to Catholics only, as dissenters had been admitted, by a previous Act, to serve in civil and military offices; and it was confined to the army, as Ireland had no navy. The exceptions in the Irish Act were considered unnecessary; and it was further thought just to grant indulgence to soldiers in the exercise of their religion. As these questions arose, from time to time, ministers communicated to the king their correspondence with the lord-lieutenant, and explained the variations of their proposed measure from that of the Irish Act, with the grounds upon which they were recommended. Throughout these communications His Majesty did not conceal his general dislike and [127] disapprobation of the measure: but was understood to give his reluctant assent to its introduction as a separate bill.(2)

In this form the bill was introduced by Lord Howick. He explained that when the Irish Act of 1793 had been passed, a similar measure had been promised for Great Britain. That promise was at length to be fulfilled: but as it would be unreasonable to confine the measure to Catholics, it was proposed to embrace dissenters in its provisions. The act of 1793 had applied to the army only: but it was then distinctly stated that the navy should be included in the Act of the British Parliament. If Catholics were admitted to one branch of the service, what possible objection could there be to their admission to the other? He did not propose, however, to continue the restrictions of the Irish Act, which disqualified a Catholic from the offices of commander-in-chief, master-general of the ordnance, or general on the staff. Such restrictions were at once unnecessary and injurious. The appointment to these high offices was vested in the crown, which would be under no obligation to appoint Roman Catholics; and it was an injury to the public service to exclude by law a man 'who might be called by the voice of the army and the people' to fill an office, for which he had proved his [128] fitness by distinguished services. Lastly, he proposed to provide that all who should enter His Majesty's service should enjoy the 'free and unrestrained exercise of their religion, so far as it did not interfere with their military duties.' Mr. Spencer Perceval sounded the note of alarm at these proposals, which, in his opinion, involved all the principles of complete emancipation. If military equality were conceded, how could civil equality be afterwards resisted? His apprehensions were shared by some other members; but the bill was allowed to be introduced without opposition.

Its further progress, however, was suddenly arrested by the king, who refused to admit Catholics to the staff, and to include dissenters in the provisions of the bill. He declared that

his previous assent had been given to the simple extension of the Irish Act to Great Britain; and he would agree to nothing more. Again a ministry fell under the difficulties of the Catholic question.(3) The embarrassments of ministers had undoubtedly been great. They had desired to maintain their own character and consistency, and to conciliate the Catholics, without shocking the well-known scruples of the king. Their scheme was just and moderate: it was open to no rational objection: but neither in the preparation of the measure itself, nor in their communications with the king, can they be acquitted of errors which were [129] turned against themselves and the unlucky cause they had espoused.

The anti-Catholics in Power

Again were the hopes of the Catholics wrecked, and with them the hopes of a liberal government in England. An anti-Catholic administration was formed under the Duke of Portland and Mr. Perceval; and cries of 'No Popery,' and 'Church and King,' were raised throughout the land.(4) Mr. Perceval in his address to the electors of Northampton, on vacating his seat, took credit for 'coming forward in the service of his sovereign, and endeavouring to stand by him at this important crisis, when he is making so firm and so necessary a stand for the religious establishment of the country.' The Duke of Portland wrote to the University of Oxford, of which he was Chancellor, desiring them to petition against the Catholic Bill; and the Duke of Cumberland, Chancellor of the University of Dublin, sought petitions from that University. No pains were spared to arouse the fears and prejudices of Protestants. Thus Mr. Perceval averred that the measure recently withdrawn would not have 'stopped short till it bad brought Roman Catholic bishops to the House of Lords.' Such cries as these were re-echoed at the [130] elections. An ultra-Protestant Parliament was assembled; and the Catholic cause was hopeless.(5)

The Catholics of Ireland, however, did not suffer their claims to be forgotten: but by frequent petitions, and the earnest support of their friends, continued to keep alive the interest of the Catholic question, in the midst of more engrossing subjects. But discussions, however able, which were unfruitful of results, can claim no more than a passing notice. Petitions were fully discussed in both Houses in 1808. And again, in 1810, Earl Grey presented two petitions from Roman Catholics in England, complaining that they were denied many privileges which were enjoyed by their Roman Catholic brethren in other parts of the empire. He stated that in Canada Roman Catholics were eligible to all offices, in common with their Protestant fellow-subjects. In Ireland, they were allowed to act as magistrates, to become members of lay corporations, to take degrees at Trinity College, to vote at elections, and to attain to every rank in the army except that of general of the staff. In England, they could not be included in the commission of the peace, nor become members of corporations, were debarred from taking degrees at the [131] universities, and could not legally hold any rank in the army. The Roman Catholics of Ireland also presented petitions to the House of Commons through Mr. Grattan, in this session. But his motion to refer them to a committee was defeated, after a debate of three nights, by a majority of one hundred and four.

In the same session, Lord Donoughmore moved to refer several petitions from the Roman Catholics of Ireland to a committee of the House of Lords. But as Lord Grenville had declined, with the concurrence of Lord Grey, to bring forward the Catholic claims, the question was not presented under favourable circumstances; and the motion was lost by a majority of eighty-six.

One other demonstration was made during this session in support of the Catholic cause. Lord Grey, in his speech on the state of the state of the nation, adverted to the continued postponement of concessions to the Catholics, as a source of danger and weakness to the state in the conduct of the war; and appealed to ministers to 'unite the hearts and hands of all classes of the people in defence of their common country.' An allusion to this question was also made in the address which he proposed to the crown.

[132] In the autumn of this year, an event fraught with sadness to the nation, once more raised the hopes of the Catholics. The aged king was stricken with his last infirmity, and a new political era was opening, full of promise to their cause.

Footnotes.

1. The debate had been adjourned till the day after the decision in the Lords.
2. Army and Navy Service Bill, 1807.
3. The constitutional questions involved in their removal from office have been related elsewhere; Vol. I. p. 105.
4. Mr. Henry Erskine said to the Duchess of Gordon: 'It was much to be lamented that poor Lord George did not live in these times, when he would have stood a chance of being in the cabinet, instead of being in Newgate.'—Romilly's Mem., ii. 193.
5. Lord Malmesbury says: 'The spirit of the whole country is with the king; and the idea of the church being in danger (perhaps not quite untrue), makes Lord Grenville and the Foxites most unpopular.'—Corr., i,. 394.

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