

Erskine May, Vol. III, Chapter XIII, pp. 133-145

The Catholic Claims under the Regency

[133] THE regency augured well for the commencement of a more liberal policy in church and state. The venerable monarch, whose sceptre was now wielded by a feebler hand, had twice trampled upon the petitions of his Catholic subjects; and, by his resolution and influence, had united against them ministers, Parliament, and people. It seemed no idle hope that Tory ministers would now be supplanted by statesmen earnest in the cause of civil and religious liberty, whose policy would no longer be thwarted by the influence of the crown. The prince himself, once zealous in the Catholic cause, had, indeed, been for some years inconstant,—if not untrue,—to it. His change of opinion, however, might be due to respect for his royal father, or the political embarrassments of the question. None could suspect him of cherishing intractable religious scruples. Assuredly he would not reject the liberal counsels of the ministers of his [134] choice. But these visions were soon to collapse and vanish, like bubbles in the air;(1) and the weary struggle was continued, with scarcely a change in its prospects.

The first year of the regency, however, was marked by the consummation of one act of toleration. The Grenville ministry had failed to secure freedom of religious worship to Catholic soldiers by legislation:(2) but they had partially secured that object by a circular to commanding officers. Orders to the same effect had since been annually issued by the commander-in-chief. The articles of war, however, recognised no right in the soldier to absent himself from divine service; and in ignorance or neglect of these orders, soldiers had been punished for refusing to attend the services of the established church. To repress such an abuse, the commander-in-chief issued general orders, in January 1811; and Mr. Parnell afterwards proposed a clause in the Mutiny Bill, to give legal effect to them. The clause was not agreed to: but, in the debate, no doubt was left that, by the regulations of the service, full toleration would henceforth be enjoyed by Catholic soldiers, in the exercise of their religion.

Dissenting Ministers Bills

Another measure, affecting dissenters, was conceived in a somewhat different spirit. Lord Sidmouth complained of the facility with which dissenting ministers were able to obtain certificates, under the Act of 1779,(3) without [135] any proof of their fitness to preach, or of there being any congregation requiring their ministrations. Some had been admitted who could not even read and write, but were prepared to preach by inspiration. One of the abuses resulting from this facility was the exemption of so many preachers from serving on juries, and from other civil duties. To correct these evils, he proposed certain securities, of which the principal was a certificate of fitness from six reputable householders, of the same persuasion as the minister seeking a licence to preach. His bill met with little favour. It was, at best, a trivial measure: but its policy was in the wrong direction. It ill becomes a state, which disowns any relations with dissenters, to intermeddle with their discipline. The dissenters rose up against the bill; and before the second reading, the House was overwhelmed with their petitions. The government discouraged it: the Archbishop of Canterbury counselled its withdrawal: the leading peers of the liberal party denounced it; and Lord Sidmouth, standing almost alone, was obliged to allow his ill-advised measure to be defeated, without a division.

Lord Sidmouth's bill had not only alarmed the dissenters, but had raised legal doubts, which exposed them to further molestation. And, in the next year, another bill was passed, with the grateful approval of the dissenters, by which they were relieved from the oaths [136] and

declaration required by the Toleration Act, and the Act of 1779, and from other vexatious restrictions.(4) And in the following year, Mr. W. Smith obtained for Unitarians that relief which, many years before, Mr. Fox had vainly sought from the legislature.(5)

Catholics and the Irish Question

Nothing distinguished the tedious annals of the Catholic question in 1811, but a motion, in one House, by Mr. Grattan, and, in the other, by Lord Donoughmore, which met with their accustomed fate. But, in 1812, the aspect of the Catholic question was, in some degree, changed. The claims of the Catholics, always associated with the peace and good government of Ireland, were now brought forward, in the form of a motion, by Lord Fitzwilliam, for a committee on the state of Ireland; and were urged more on the ground of state policy than of justice. The debate was chiefly remarkable for a wise and statesmanlike speech of the Marquess Wellesley. The motion was lost by a majority of eighty-three. A few days afterwards, a similar motion was made in the House of Commons, by Lord Morpeth. Mr. Canning opposed it in a masterly speech,—more encouraging to the cause than the support of most other men. [137] Objecting to the motion in point of time alone, he urged every abstract argument in its favour—declared that the policy of enfranchisement must be progressive; and that since the obstacle caused by the king's conscientious scruples had been removed, it had become the duty of ministers to undertake the settlement of a question, vital to the interests of the empire.(6) The general tone of the discussion was also encouraging to the Catholic cause; and after two nights' debate, the motion was lost by a majority of ninety-four,—a number increased by the belief that the motion implied a censure upon the executive government of Ireland.

Another aspect in the Catholic cause is also observable in this year. Not only were petitions from the Catholics of England and Ireland more numerous and imposing: but Protestant noblemen, gentlemen of landed property, clergy, commercial capitalists, officers in the army and navy, and the inhabitants of large towns, added their prayers to those of their Catholic fellow-countrymen. Even the universities of Oxford and Cambridge, which presented petitions against the Catholic claims, were much divided in opinion; and minorities, considerable in academic rank, learning, and numbers, were ranged on the other side.

Thus fortified, motions in support of the Catholic [138] claims were renewed in both Houses; and being now free from any implication of censure upon the government, were offered under more favourable auspices. That of the Earl of Donoughmore, in the House of Lords, elicited from the Duke of Sussex an elaborate speech in favour of the Catholic claims, which His Royal Highness afterwards edited with many learned notes. Who that heard the arguments of Lord Wellesley and Lord Grenville, could have believed that the settlement of this great question was yet to be postponed for many years? Lord Grenville's warning was like a prophecy. 'I ask not,' he said, 'what in this case will be your ultimate decision. It is easily anticipated. We know, and it has been amply shown in former instances,—the cases of America and of Ireland have but too well proved it,—how precipitately necessity extorts what power has pertinaciously refused. We shall finally yield to these petitions. No man doubts it. Let us not delay the concession, until it can neither be graced by spontaneous kindness, nor limited by deliberative wisdom.' The motion was defeated by a majority of seventy-two.

Mr. Grattan proposed a similar motion in the House of Commons, in a speech more than usually earnest and impassioned. In this debate, Mr. Brougham raised his voice in support of the Catholic cause,—a voice ever on the side of freedom.(7) And now Mr. Canning supported [139] the motion, not only with his eloquence, but with his vote; and continued henceforth one of the foremost advocates of the Catholic claims. After two nights' debate, Mr. Grattan's motion was submitted to the vote of an unusual number of members, assembled by a call of the House, and lost by a majority of eighty-five.(8)

The Issue Becomes an "Open Question"

But this session promised more than the barren triumphs of debate. On the death of Mr. Perceval, the Marquess Wellesley being charged with the formation of a new administration, assumed, as the very basis of his negotiation, the final adjustment of the Catholic claims. The negotiation failed, indeed:(9) but the Marquess and his friends, encouraged by so unprecedented a concession from the throne, sought to pledge Parliament to the consideration of this question in the next session. First, Mr. Canning, in the House of Commons, gained an unexampled victory. For years past, every motion favourable to this cause had been opposed by large majorities: but now his motion for the consideration of the laws affecting His Majesty's Roman Catholic subjects in Great Britain and Ireland, was carried by the extraordinary majority of one hundred and twenty-nine.(10)

Shortly after this most encouraging resolution, the Marquess Wellesley made a similar motion, in the House of Lords, where the decision was scarcely less remarkable. The [140] lord chancellor had moved the previous question, and even upon that indefinite and evasive issue, the motion was only lost by a single vote.

Another circumstance, apparently favourable to the cause, was also disclosed. The Earl of Liverpool's administration, instead of uniting their whole force against the Catholic cause, agreed that it should be an 'open question;' and this freedom of action, on the part of individual members of the government, was first exercised in these debates. The introduction of this new element into the contest, was a homage to the justice and reputation of the cause: but its promises were illusory. Had the statesmen who espoused the Catholic claims steadfastly refused to act with ministers who continued to oppose them, it may be doubted whether any competent ministry could much longer have been formed, upon a rigorous policy of exclusion. The influence of the crown and church might, for some time, have sustained such a ministry, but the inevitable conflict of principles would sooner have been precipitated.

Debates of 1813

Alarmed by the improved position of the Catholic question in Parliament, the clergy and strong Protestant party hastened to remonstrate against concession. The Catholics responded by a renewal of their reiterated appeals. In February 1813, Mr. Grattan, in pursuance of the resolution of the previous session, moved the immediate [141] consideration of the laws affecting the Roman Catholics, in a committee of the whole House. He was supported by Lord Castlereagh, and opposed by Mr. Peel. After four nights' debate, rich in maiden speeches, well suited to a theme which had too often tried the resources of more practised speakers, the motion was carried by a majority of forty.

In committee, Mr. Grattan proposed a resolution affirming that it was advisable to remove the civil and military disqualifications of the Catholics, with such exceptions as may be necessary for preserving the Protestant succession, the church of England and Ireland, and the church of Scotland. Mr. Speaker Abbot, free, for the first time, to speak upon this occasion, opposed the resolution. It was agreed to by a majority of sixty-seven.

The bill founded upon this resolution provided for the admission of Catholics to either House of Parliament, on taking one oath, instead of the oaths of allegiance, abjuration and supremacy, and the declarations against transubstantiation and the invocation of saints. On taking this oath, and without receiving the sacrament, Catholics were also entitled to vote at elections, to hold any civil and military office under the crown, except that of lord-chancellor or lord-lieutenant of Ireland, and any lay corporate office. No Catholic was to advise the crown, in the disposal of church patronage. [142] Every person exercising spiritual functions in the church of Rome was required to take this oath, as well as another, by which he bound himself to approve of none but loyal bishops; and to limit his intercourse with the pope to matters purely ecclesiastical. It was further provided, that none but persons born in the United

Kingdom, or of British parents, and resident therein, should be qualified for the episcopal office.

After the second reading, several amendments were introduced by consent, mainly for the purpose of establishing a government control over the Roman Catholic bishops, and for regulating the relations of the Roman Catholic church with the see of Rome. These latter provisions were peculiarly distasteful to the Roman Catholic body, who resented the proposal as a surrender of the spiritual freedom of their church, in exchange for their own civil liberties.

The course of the bill, however,—thus far prosperous,—was soon brought to an abrupt termination. The indefatigable speaker, again released from his chair, moved, in the first clause, the omission of the words, 'to sit and vote in either House of Parliament;' and carried his amendment by a majority of four. The bill having thus lost its principal provision, was [143] immediately abandoned; and the Catholic question was nearly as far from a settlement as ever.(11)

This session, however, was not wholly unfruitful of benefit to the Catholic cause. The Duke of Norfolk succeeded in passing a bill, enabling Irish Roman Catholics to hold all such civil or military offices in England, as by the Act of 1793 they were entitled to hold in Ireland. It removed one of the obvious anomalies of the law, which had been admitted in 1807, even by the king himself.(12)

Further Measures, to 1820

This measure was followed, in 1817, by the Military and Naval Officers' Oaths Bill, which virtually opened all ranks in the army and navy to Roman Catholics and Dissenters.(13) Introduced by Lord Melville simply as a measure of regulation, it escaped the animadversion of the Protestant party,—ever on the watch to prevent further concessions to Catholics. A measure, denounced in 1807 as a violation of the constitution and the king's coronation oath, was now agreed to with the acquiescence of all parties. The church was no longer in danger; 'no popery' was not even [144] whispered. 'It was some consolation for him to reflect,' said Earl Grey, 'that what was resisted, at one period, and in the hands of one man, as dangerous and disastrous, was adopted at another, and from a different quarter, as wise and salutary.'

In 1815, the Roman Catholic body in Ireland being at issue with their parliamentary friends, upon the question of 'securities,' their cause languished and declined. Nor in the two following years, did it meet with any signal successes.

In 1819, the general question of Catholic emancipation found no favour in either House; and in vain Earl Grey submitted a modified measure of relief. He introduced a bill for abrogating the declarations against the doctrines of transubstantiation and the invocation of saints, required to be taken(14) by civil and military officers, and members of both Houses of Parliament. This measure was offered on the ground that these declarations were simply tests of faith and doctrine, and independent of any question of foreign spiritual supremacy. It had been admitted, on all hands, that no one ought to be [145] excluded from office merely on account of his religious belief,—and that nothing would warrant such exclusion, but political tenets connected with religion which were, at the same time, dangerous to the state. The oath of supremacy guarded against such tenets: but to stigmatise purely religious doctrines as 'idolatrous and superstitious,' was a relic of offensive legislation, contrary to the policy of later times. As a practical measure of relief the bill was wholly inoperative: but even this theoretical legislation,—this assertion of a principle without legal consequences,—was resisted, as fraught with danger to the constitution; and the second reading of the bill was accordingly denied by a majority of fifty-nine.

Death of Grattan

The weary struggle for Catholic emancipation survived its foremost champion. In 1820, Mr. Grattan was about to resume his exertions in the cause, when death overtook him. His last words bespoke his earnest convictions and sincerity. 'I wished,' said he, 'to go to the House of Commons to testify with my last breath my opinions on the question of Catholic emancipation: but I cannot. The hand of death is upon me.' . . . 'I wish the question to be settled, because I believe it to be essential to the permanent tranquillity and happiness of the country, which are, in fact, identified with it.' He also counselled the Catholics to keep aloof from the democratic agitations of that period.

Footnotes.

1. Vol. I. 119.
2. Supra, p. 128.
3. Supra, p. 94.
4. Protestant Dissenting Ministers Act 1812, 52 Geo. III. c. 155.
5. 53 Geo. III. c. 160.
6. It was in this speech that he uttered his celebrated exclamation, 'repeal the Union! restore the Heptarchy!'
7. Mr. Brougham had entered Parliament in 1810.
8. Ayes, 215; Noes, 300. Hans. Deb., 1st Ser., xxii. 728, 860. The House adjourned at half-past 6 in the morning.
9. Supra, Vol. I. 125.
10. Ayes, 235; Noes, 129. Hans. Deb., 1st Ser. xxiii. 633-710.
11. The speaker, elated by his victory, could not forbear the further satisfaction of alluding to the failure of the bill, in his speech to the Prince Regent, at the end of the session,—an act of indiscretion, if not disorder, which placed him in the awkward position of defending himself, in the chair, from a proposed vote of censure. From this embarrassment he was delivered by the kindness of his friends, and the good feeling of the House, rather than by the completeness of his own defence.—Hans. Deb., 1st Ser., xxvi. 1224; *Ibid.*, xxvii. 465; Lord Colchester's Diary, ii. 463-458, 483-496; Romilly's Life, iii. 133.
12. Roman Catholic Officers Relief Act 1813, 53 Geo. III. c. 128.
13. 57 Geo. III. c. 92; Hans, Deb., 1st Ser., xxxvi. 1208; *Ibid.*, xl. 24; Butler's Hist Mem., iv. 257.
14. By 25 Car. II. c. 2; and 30 Car. II. st. 2, c. 2.

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