

# CONSIDERATIONS

ARISING FROM THE

## DEBATES IN PARLIAMENT

ON THE

## PETITION

OF THE

## IRISH CATHOLICS.

---

BY SIR JOHN THROCKMORTON, BART.

---

Sic nos in luce timemus  
Interdum, nihilo quæ sunt metuenda magis, quam  
Quæ pueri in tenebris pavitant, finguntque futura.  
Lucret. l. ii.

---

LONDON:

PRINTED FOR J. BUDD, PALL-MALL;

*Sold also by*

E. BOCKER, BOND STREET; MESSRS. RICHARDSON, ROYAL EXCHANGE;  
AND BY J. COOKE, AND SLATTER AND MUNDAY, OXFORD.

---

1806.







# CONTENTS.

	Page.
THE Irish Petition - - - -	2
The real views of the Petition- ers - - - - -	6
Every Irish Catholic interested in their success - - - -	9
Apprehensions excited - - -	13
Why the English Catholics did not join those of Ireland -	15
The opinion of the public -	16
What Petitions were presented	17
Reflections on that of Oxford University - - - - -	18
The magnitude of the Irish question, and the time chosen for its discussion -	21
The most obnoxious charges relinquished - - - - -	24
The Catholics of both coun- tries treated ungenerously -	26
Why the Irish did not embrace the reformed faith - - - -	28
The grant of political power -	30
The oath of supremacy - - -	43
The higher offices of state - -	59
The Sacramental Test - - -	73

	Page.
Its history - - - - -	74
The Declaration against po- pery - - - - -	82
The Annual Bill of Indemnity	87
The Coronation Oath - - -	89
As affected by the Act of Union with Scotland - - -	93
Would the Irish be satisfied, had their Petition been granted - - - - -	101
Tithes - - - - -	111
Other objections considered -	116
The state of the Catholic re- ligion in Ireland - - - -	130
A general principle in regard to church discipline - - -	138
The principle applied to mar- riages - - - - -	140
Excommunication - - - -	143
Actual state of the papal power - - - - -	145
Sketch of a plan for the re- moval of jealousies - - -	147
Mr. Fox - - - - -	152
Conclusion - - - - -	156



*FULLY* sensible of the importance of the constitutional privilege of Parliament, in regard to its "Debates and Proceedings," I think it proper to premise, that the passages, quoted in the following sheets, as uttered by certain speakers in both houses, are taken from the reports, which have been published; with what accuracy published, I pretend not to judge. As the arguments, however, for and against the PETITION of the Irish Catholics, have been repeated by other persons in conversation and in pamphlets, it is in itself immaterial, by whom they were uttered, or to whom they may be ascribed.



## CONSIDERATIONS,

&c. &c.

---

WERE a stranger, who had often heard of the beauty of the British constitution, to be told, that four millions of natural-born subjects, forming a fourth part of our European population, enjoyed not all the rights of citizens, and that when recently they had humbly petitioned to be admitted to an equal participation of those rights, their petition was rejected by Parliament, I can conjecture, what his inference must be. His inference must be, either that the character of that constitution had been misrepresented to him, or that the latter fact was mistated. And would his perplexity be removed, were it added, that, in the opinions of many, the exclusion of that mass of people was not only compatible with the principles of that constitution, but that it flowed, as a direct effect, from what were called its fundamental laws? More surprised, the stranger would enquire for the motives, or causes, under which that exclusion had been established. It was



established, would be the reply, under the impression of various causes, which, it is allowed, have now ceased to operate; but it is perpetuated, because those men continue to profess a religion, differing, in some points, from the established religion of the state, though their religion be that which, by a long tradition, they received from their ancestors; which, for ages, was the religion of Europe, and under which the basis of the British constitution was itself laid, the Great Charter obtained, and the exorbitant power of Rome restrained by the signal statutes of *Provisors* and *Præmunire*; a religion which, in the present day, forms the belief of the wisest politicians and the most enlightened people, adapting its forms and discipline to all the gradations of governments, from the most absolute, as it lately was in France, to the most free and popular, as in the democratic cantons of Switzerland.

The Irish  
Petition.

The *Petition* of the Irish Catholics was subscribed by many respectable names, lords and commoners, in behalf of themselves and others; and it states, after declaring their stedfast attachment to the person, family, and government of his majesty, their gratitude for the laws which have meliorated their condition, and their rational and decided predilection for the principles of the British constitution:—That they have publicly taken the oaths pre-



scribed to them, as tests of their political and moral principles, and that they can appeal to their long sufferings, and to the sacrifices which they still make, as decisive proofs of their reverence for the sacred obligation of an oath:—That, (having rehearsed the substance of the oaths which they have taken), twenty-six years ago, the Parliament of Ireland, in a public act, had declared, “that it must tend to the prosperity and strength of all his majesty’s dominions, that the subjects of all denominations should enjoy the blessings of a free constitution, and be bound to each other by mutual interest and mutual affection:”—That, by virtue of divers statutes now in force, though they contribute so largely to the resources of the state, they labour under many incapacities, restraints, and privations:—That they are denied the capacity of sitting or voting in either house of Parliament; of holding or exercising any corporate office in cities or towns in which they reside; of exercising offices of sheriffs and subsheriffs, and various offices of trust, honour, and emolument in the state, in the military and naval service, and in the administration of the laws:—That, declining to detail the incapacities and inconveniences inflicted by those statutes, they must solicit attention to the humiliating and ignominious system of exclusion, reproach, and suspicion,



which those statutes generate and keep alive:—That, in consequence of the hostile spirit thereby sanctioned, their hopes of enjoying even the privileges, which they have been capacitated to enjoy, are nearly altogether frustrated, so that they are, in effect, shut out from almost all the honours, dignities, and offices of trust and emolument in the state, from rank and distinction in the army and navy, and even from the lowest situations and franchises in the cities and towns:—That this interdiction from municipal stations and franchises, and from the patronage and benefits annexed to them, gives an advantage over Catholics, and establishes a species of monopoly, contrary to the spirit, and detrimental to the freedom of trade:—That the distinction merits attention, which has conceded the elective, and denies the representative franchise to the same class of subjects; which detaches from property its proportion of political power under a constitution, whose vital principle is the union of the one with the other; which closes every avenue of legalized ambition, against those who must be presumed to possess influence over the mass of population; which refuses to the peers all share in the legislative representation, either actual or virtual; and renders the profession of the law, a mere object of pecuniary traffic:—That the exclusion, of



which they complain, actually impairs the resources of the empire, by impeding the general service, stifling the incentives to civil and military merit, and restricting the prerogative of the crown, which, by the distribution of public honours and rewards, encourages the subject to promote the general welfare, and excites him to meritorious actions:—That these incapacities, restraints, and privations are repugnant to the liberal and comprehensive principles recognised by his majesty and the Irish Parliament; that they are restraints on the royal prerogative; that they are hurtful and vexatious to the feelings of a loyal and generous people; and that their abolition would be found not only compatible with, but conducive to, the security of every establishment, religious and political:—That the sole object of the petitioners being an equal participation, upon equal terms with their fellow-subjects, of the full benefits of the British laws and constitution, they do not seek nor wish to injure or encroach upon “the rights, privileges, immunities, possessions, or revenues appertaining to the bishops and clergy of the established Protestant religion, or to the churches committed to their charge.”—That, waving every consideration of unabated loyalty, respect for the legislature, and submission to the laws, they rest their expectations of relief on the manifest



conduciveness of the measure, which they solicit, to the general and permanent tranquillity, strength, and happiness of the empire:—That the enemy, who may meditate the subjugation of Ireland, can have no hope of success, save in the disunion of its inhabitants; and, therefore, are the petitioners, at this moment, particularly anxious, that a measure should be accomplished, which will annihilate the principle of religious animosity, and animate all descriptions of subjects to the defence of the country:—That, from these considerations, they humbly presume to express their earnest, but respectful hope, that Parliament, in its wisdom and liberality, will deem the statutes, now in force against them, no longer necessary to be retained:—That they shall be effectually relieved from their operation, and restored to the full enjoyment of the British Constitution, equally and in common with their fellow-subjects throughout the empire.

The real  
views of the  
Petitioners.

The language of this petition, of which I have given the substance, it will be allowed, is dutiful, impressive, and manly; and I have given it principally with a view to shew, that, though the ostensible motive of the petitioners was to obtain the repeal of certain statutes, whereby they are excluded from seats in parliament, and denied the capacity of being promoted to offices of high trust and dignity,



what they chiefly looked to was the indirect operation of those statutes, the vexatious and degrading effects of which they describe. To this the public has not sufficiently attended, and of it Parliament, in their debates, seemed sometimes to lose sight. What care the Irish people, I often heard it observed, for the success of this measure? Is it much, or any thing, to them, that the doors of Parliament are not open to them; that they cannot be ministers of state, nor judges of the land, nor sheriffs, nor mayors, nor generals, nor admirals?

The petitioners state that, though many oppressive laws have been repealed, and signal benefits conferred, the statutes which remain, however few in number, generate and keep alive, as they express it, a humiliating and ignominious system of exclusion, reproach, and suspicion, in consequence of which they do not even enjoy what by law is permitted to them; are shut out from offices of trust and emolument; from rank in the army and navy; and from the lowest situations and franchises in the towns and cities. This last interdiction, they observe, operates much to their disadvantage, establishing a species of monopoly in favour of Protestants, and thus checking their own exertions, and abridging the freedom of trade.

That this statement is not exaggerated, I



have collected from various quarters; from the conversation of those who are well-acquainted with the present condition of Ireland, and from the writings of dispassionate and informed men. They agree, that, in the year 1778, and in 1782, many and grievous laws were repealed, and that, in 1793, when the elective franchise was granted, the Irish Catholics were brought to their present situation of comparative freedom. Still, they say, a marked distinction between them and their fellow-subjects remains. As yet, they form not a part, as it were, of the general mass of the community; are, in some sense, a nation within a nation, stigmatised as an inferior cast, not to be honoured nor trusted, and which it is the interest of the country to treat as aliens, and look upon with jealousy.—The penal laws and their direct operation, it is observed by others, have ceased; but their effect, they add, must be considered as existing. The Catholics are treated as a subservient sect; and they still feel the spirit of the repealed laws. Thus, they may be justices of the peace, and sit on grand juries; but to these offices they are not admitted, as long as any Protestant gentlemen can be found to fill them. When a Catholic nobleman of signal loyalty was, on a late occasion, from the circumstances of the country, made a justice of the peace, the public recollects, with what in-



sulting reflections on the body to which he belonged, he was admitted to that post of labour. The distinctions which subsist may, perhaps, be termed rather insults than real injuries: but which, it is asked, in the present state of civilization, can be most easily borne?

“Let us consider,” said the eloquent Mr. Grattan, “the situation of the Catholics under these laws, professedly and in principle admitted to every thing except seats in Parliament and certain offices of state; they are, in fact, excluded from every thing under the circumstances of paying for every thing; the few places they enjoy make no exception; they pay their proportion to the army and navy, and contribute one third to their numbers, and have not a commission: and shall I now be asked, how are the Catholics affected by this, or be told, that the Catholic body would not be served by the removal of this? How would the Protestant body be affected, if only removed from the state, the Parliament, the navy, and the army?”

From this state of society, if society it may be called, must daily arise other grievances, the unceasing causes of discontent and irritation, most felt, it may be, by the lowest classes of the community, but still felt by all. Can it then be pretended, that every Irish Catholic was not interested in the success of the late

Every Irish  
Catholic  
interested  
in their  
success.



Petition? The subject, I am aware, to the apprehensions of the public would have been rendered more palpable, could the petitioners have made the grievances, of which I speak, the immediate object of their application. That they could not do. They might lament their existence, as they did, and represent them as the effects of subsisting statutes, with which statutes, however, they have not *all* a necessary connection. Many of these grievances are the consequences of the divisions which have long subsisted, and of the state of degradation in which, since the time of its conquest, the nation has been held. The late repeal of penal statutes did not remove them: but the repeal of what remain might effect it. Parliament could do no more; but Parliament could do this, and leave the rest to the sure operation of time, when every legal impediment was put out of the way; to the fostering protection of government; to the councils of men really friends to their country; to the good conduct and exertions of the Catholics themselves; to the influence of moral causes; and to the suggestions of common sense.

Were the effects of the present statutes limited to the objects, which alone, it may be presumed, the Irish legislature, when it retained them, had in view, that is, to the exclusion of Catholics from Parliament, and from those



offices and stations, which they name, though such exclusion might be deemed unmerited and degrading, it would slightly affect the general mass of the people. Yet let me suppose, as it does, the same exclusion to prevail in this country, and that the ancestors of certain noble lords, who now occupy the highest judicial offices, and one of whom was lately at the head of his majesty's councils, had been Catholics, what, in this case, must have been said? That no injury, perhaps, was done to the parents; but that their children suffered, and that the country, deprived of the luminous aid of these children, was also made to suffer. The exclusion, therefore, occupies a wider field, and while it generates besides and keeps alive, as the petitioners say, a *system* of reproach and suspicion, it perpetuates the odious distinctions which had so long prevailed, and erects on the degradation of the Catholic body the favourite plea of Protestant ascendancy. The Protestant feels his superiority, and makes it a subject of exultation. "They are these distinctions," observed an Irish member\* in the house of commons, "that have given rise to a spirit of party, which has been the misfortune of the country; which has constantly and uniformly checked its progress towards improvement in time of peace, and increased its dangers in time

\* Mr. John Latouche.



of war. By removing the conviction in one man's mind that he possesses superior advantages, in the other that he labours under disabilities and restraints; by taking away this double conviction, a death-blow will be given to party-spirit; for it is by this policy alone that the violence of both parties have been able to agitate and irritate, even at times when the situation of the country and the danger of the state imperiously demanded unanimity and harmony."

The double conviction, of which the honourable member speaks, and which the lowest peasant feels, (for the honours and privileges conferred on his superiors reflect, he thinks, some consequence on himself), as well as the man of property, and the man of title—this conviction must remain, to exalt the Protestant, and depress the Catholic, as long as any disqualifying statutes shall be permitted to exist. This the petitioners saw, and in the spirit of genuine patriotism, had recourse to Parliament for their repeal. To say, that self-aggrandisement or personal emolument was their object, unless in a secondary view, would be as false in fact, as it would be insulting to their characters and generous motives.—May I be allowed to express some surprise, as no Irishman could be blind to the state of his country, and therefore not blind to the evils which those



statutes perpetuated, that the Petition did not come from a different quarter? The measure would have done honour to the Protestant cause; and had a contest arisen, which party should be foremost in their application to Parliament, the strife itself would have generated concord, and both have deserved the thanks of the country.

The case being as I have endeavoured to describe it, it may appear extraordinary, that the prayer of the Petition was not granted. Its importance was universally admitted. But the same object, however simple it may appear to us, can present to different persons different aspects: all see not through the same medium: some minds are more susceptible of untoward impressions: and prejudices, or prepossessions hold up to others, strong as words of holy writ, their most sinister suggestions. It was feared, that the cession of political power might injure the establishment in church and state; that it might, sooner or later, transfer the whole administration into the hands of the Catholics; that, if these were satisfied, the Protestants, here and in Ireland, would be offended. "I ask any gentleman," said the Chancellor of the Exchequer, "whether he does not believe, looking to the opinions of the members of the established church, of the nobility, of the men of property, of the middling

Apprehensions excited.



and respectable classes of society—I ask him, whether he does not believe, looking at the sentiments of the mass of the Protestants of this country, and of Ireland, that there is the greatest repugnance to this measure, and that even could it be now carried, so far from producing conciliation and union, it would tend, on the contrary, to disappoint all the prospects of advantage which, under other circumstances, would be derived from it.” This statement was controverted; but, I think, I may add to the catalogue of real or fancied apprehensions, that many, on whose recollections the impression was yet vivid, seriously feared, lest the cry of *No Popery* might be again raised, and the horrors of 1780 be repeated. These deprecated the agitation of the question, while others pretended to be alarmed, lest the Irish themselves, disappointed in their hopes, might be urged to acts of violence, though, in the same breath, they had declared, that they felt no interest in the decision.—A statesman, firm in the justice of his cause, disregards these idle phantoms, which a few hours, he knows, and the discountenance of government, can easily dissipate.

Being on the subject of fears and popular apprehensions, I will ask those zealots, who, at the time to which I alluded, were so loud in their cries, and to save the church, it seemed, would have overturned the state, what evils,



or if any evils, were experienced by themselves or their cause, in consequence of that very partial removal of grievances, which they deplored, and against which they rioted? Has popery, as they predicted, since that period, increased with a giant's growth; and has the ark of their covenant been more exposed to ruin? Rather, have not the bonds of christian fellowship been drawn closer between all parties; have not animosities, and mutual prejudices been weakened; and the general cause of the country benefited? Hence may they and others learn, (what, it should seem, stood not in need of being taught) that the removal of grievances, however light or however oppressive, will ever be met by a return of gratitude; that though men may continue, on various points of religious belief, to think differently, they will not think hostilely, when unmerited oppression has been eased; and that the constitution of the British empire which we all profess to admire, will then be admired more, and more cordially cherished, when its benefits are more fully enjoyed.

It has been asked, I believe, why the English Catholics did not join their western brethren in their Petition?—We stood not on equal ground; and the same words would not have described our cases. Through the kindness of their own Parliament, they have advanced be-

Why the English Catholics did not join those of Ireland.



fore us. Many more statutes are still in force against us; and yet our relative situation is far preferable to theirs. We were not a conquered people; from the paucity of our numbers we excited little jealousy; therefore we naturally fell into the general mass, and, since the repeal of the most obnoxious statutes, have been permitted to live unmolested, and, as our characters and conduct seemed to merit, respected even and honoured. But our condition, let me say, is far from enviable; and as gentlemen, on a late public occasion, were profuse in their praises of our irreproachable behaviour, our loyalty, and our patriotism, it cannot be long before, by an English Catholic Petition, we shall be happy to prove the sincerity of their professions.

The opinion of the public.

Out of the doors of Parliament, the Irish Petition, as far as I could observe, was differently looked at. But it had more enemies, I believe, than friends; for though, in this age of affected liberality, many say what they do not think, it might easily be collected, what was the general bias of the mind. There is in Englishmen a rooted horror of the thing called *Popery*, (which by the bye we have disclaimed) nourished by all the habits of education, which no efforts on our side, and, in the best disposed minds, no suggestions of reason, can effectually remove. The clergy of the establishment, I



am told, have sedulously watered this plant, seemingly not aware, that a strong cause, such as theirs has long been, stood in no need of such hollow support. Their church is guarded by the strongest bulwarks, among which they should reckon the enlightened zeal and exemplary conduct of its ministers, and among which I shall not reckon penal statutes, nor restrictive tests. To popery, properly so called, that is, an undue attachment to any foreign jurisdiction, we are as adverse as they can be; and with this they should be satisfied. Religious controversy, I hope, is at an end. By it nothing was ever gained, and much was lost to the best interests of Christian truth and social happiness.

Notwithstanding the rooted aversion to every-  
 thing connected with the name of popery, I <sup>What petitions were presented.</sup>  
 have been told, that, in the towns, in general, little attention seemed to be given to the Irish question. They might view it as a concern rather remote. Few petitions, at least, were presented. These, from the manner in which they can be obtained, are but an equivocal criterion of the general sentiment; but some criterion they are, and, when the mind of the public is really agitated, they seldom fail to be abundant. London, as might be expected, presented her Petition; but the temperate mode of its discussion, and the weight of argument



urged in favour of the Irish claim, proved, that the citizens had lost much of their controversial ardour, and that good sense was gaining an easy triumph over contracted views and the restraining spirit of party. And these Londoners, I think, were seconded only by the county of Oxford, its city, and its university! This may appear extraordinary in the history of petitions, and I should like to know the secret springs that moved it. Little interest, at least, was taken in the measure; and I have been assured, had any activity been exerted, that not only in the town-hall, but, even in convocation, its friends might have been left in a minority.

Reflections  
on that of  
Oxford  
University.

The repugnance which, at all times, this celebrated academy has shewn to Catholics and their claims, cannot readily be accounted for. Not many years ago, we were Jacobites together, together took the side of passive obedience and non-resistance, and together often bared our knees, and drank success to the good old cause. Still they did not love us. Can it be, that they would wish us still to suffer for some former misdeeds, particularly, let me say, for the misdeeds of the imprudent James II. when he attempted to force his creatures into their colleges? But they are too prudent, I am sure, to throw stones, on that account, their own house being made of glass. This was said



by an able senator\*, who, at the same time, reminded them of a decree, passed in 1688, against limited government, as one of those things that lead to Atheism. "Let not the high-church party," observed the same gentleman, "look so narrowly into the history of Catholics, and into all the violence of their former measures, in order to disqualify them from an equal participation in the rights of Englishmen." Over former misdeeds then, let us, on both sides, throw a veil; and if from Toryism we could experience no indulgence, we may, perhaps, hope for better things, now principles are changed, and a Bentinck occupies the seat of chancellor! This I had expected; but the late Petition has disappointed my expectation.

And do the gentlemen of this university, when they walk the streets, or, in retirement, indulge in literary repose, or enjoy the sweets of comfortable and, sometimes, opulent livings, never recal to their memories, who were the founders of those noble fabrics, which arrest the attention of the man of taste and of the reflecting scholar; by whom they were so munificently endowed; and to whose bounty they are indebted for the ease and enviable blessings with which they abound? The names and re-

\* Mr. Fox.



collections cannot be effaced of William of Wickham, the revered bishop of Winchester, and the founder of New-college; of William Wainfleet, founder of Magdalen-college, and bishop of the same see; and of archbishop Chichely, founder of All-Souls, whose uniform opposition to the encroachments of Rome Judge Blackstone\* has almost gone out of his way to praise. Or are they remembered only, from the interested motives of proving kindred to them, or when some day of gaudy entertainment is celebrated? They lived, I know, in days of darkness, as they are called, before the star of reformation had risen; but what æra of light has produced greater or better men, men who did more honour to their stations, who acted more steadily under the influence of religious principles, and who more generously devoted their well-earned wealth to the embellishment of the country, and to the furtherance of piety and learning? Were it not my own, I could not censure the religion of such men. On some future occasion, therefore, when we may deem it proper to apply to Parliament for a further redress of grievances, will it be too much to hope, that the university of Oxford, not from any love to us, which we do not look for, but from a feeling of gratitude to benefactors, will not stand in the way of our claims?

\* Comment. Vol. IV. B. 4. c. 8.



The manes of the celebrated men, whom I have mentioned, and the manes of many others, would they listen, will whisper to them words of forbearance, of peace, and of good-will.

The magnitude of the question to the general interests of the empire, when the subject of the Irish Petition was understood, seemed universally to be admitted; and the dignified manner in which the debates were conducted, and the sentiments that were delivered, evinced the opinion which, in both houses, was entertained of its importance. Were it expected from me, or were it expedient to particularize, where so much was said, and said so excellently, I could with pleasure dwell on the speech ascribed to the noble baron, who moved the question in the house of lords, and who on it closed the debates. Than his opening statement, I have seen nothing more full, more argumentative, nor more luminous; nothing more convincing, more impressive, more indignantly triumphant, than his reply. The alacrity, besides, with which he embraced the arduous, but unpopular, task, gave to it a peculiar value, and exhibited a mind superior to the impression of common motives. We had reason then to be satisfied, and so, I think, had the Irish themselves. They had formed, I believe, no sanguine hopes of success; and failure, therefore, would cause no keen disappointment, particularly among

The magnitude of the Irish question, and the time chosen for its discussion.



the lower orders, the excitement of whose passions was by some feared, but whose state of mind the petitioners had duly weighed. Mr. Fox, on another occasion, speaking of this Petition, had observed, that it was "a subject on which the English people had much to learn." Our ignorance, I fear, is too often owing to our indocility; but we cannot, at least, complain, that means of acquiring knowledge are not now within our reach. No question, that has come before Parliament, has, at any time, I think, been more fully laid open, in all its bearings, than this of the Irish Catholics. They must be gratified; the public, on both sides of the water, is enlightened; and success, in due time, must follow. Of this, men most hostile to the measure seemed sensible. Why objections were made to the time of petitioning, I did not understand. The present time, when grievances are felt, is always opportune, unless to those who are unwilling to comply. The man who sleeps at his ease, it has been truly said, is little competent to judge for him whose bed is laid on thorns. Besides, what time could be more opportune, as was often observed, than the crisis, when the country called for the united energies of all its citizens? It is easily said, that he who withholds these energies at his country's call, is not a loyal subject: be it so; but human nature



has its laws, and the statesman who, having it in his power to bestow, refuses the incentives to action, must blame, not the nature of man, but his own waywardness, if his views be disappointed.

The fears of every mind would have ceased, and a perfect calm been restored, had Parliament, with a manly firmness that despised cavils and ungenerous opposition, acceded to the prayer of the Petition. Of this we have seen many instances. When the Test Act, deemed the safeguard of the church, was partially repealed by the Irish Parliament in 1782, the measure passed almost unnoticed; the church did not fall; and many Englishmen are not sensible, that the great deed was done. So did it happen, when, in 1793, the elective franchise was extended to the Catholics. If legislators must wait, till churchmen shall say, "the proper time is come," and the timid, the interested, and the intolerant shall cease to have their fears, or feel their jealousies, the Greek calends, I conjecture, which never come, must be deemed the just measure of that auspicious period. But the Irish Catholics, let me repeat it, have gained much by the discussion of their cause. "I shall now," said the most eloquent of their advocates\*, "recommend to them to wait cheerfully and dutifully. The temper with

\* Mr. Grattan.



which they bear the privation of power and privilege is evidence of their qualification. They will recollect the strength of their case, which sets them above impatience; they will recollect the growth of their case, from the time it was first agitated to the present moment, and in that growth perceive the perishable nature of the objections, and the immortal quality of the principle they contend for; they will further recollect what they have gotten already, rights of religion, rights of property, and, above all, the elective franchise, which is in itself the seminal principle of every thing else. With a vessel so laden they will be too wise to leave the harbour, and trust the fallacy of any wind. Nothing can prevent their ultimate success, but intemperance; for this they will be too wise. The charges uttered against them they will answer by their allegiance."

The most  
obnoxious  
charges re-  
linquished.

I had really begun to fear, that the nature of the most virulent objections urged against us, was not, as the orator observes, *perishable*. I allude to the charges so often repeated against our moral and social principles, which charges their own inherent absurdity, the solemn disavowal of the persons to whom they were imputed, the known conduct of individuals and of nations, and the plainest common sense, had its voice been listened to, must have stifled, it should seem, in the breast of every honest man,



if into such breasts they could ever have found admittance. But they are gone, I believe; and this again we owe to the enlightened discussions of Parliament. The learned member for the town of Armagh may alone treasure up the 'precious deposit, and feed his spirit on its sweets. "I do not believe," observed a learned prelate\*, "that any Roman Catholic of this country thinks himself at liberty not to keep faith with heretics, nor bound by his oaths to a Protestant government, nor that the pope can release him from the obligation of his oath of allegiance to his sovereign. Of the questions, on these points, which some years since were proposed to foreign universities, and of the answers that were returned, I had a perfect knowledge. These abominable principles were most explicitly and unanimously reprobated by them. And I am persuaded, that the Catholics of this country are sincere in their disavowal and abjuration. I hold, that they are dutiful and loyal subjects, and I think them as well entitled to every thing that can be properly called toleration, and to every indulgence which can be extended to them with safety to the principles of our constitution, as many of those who do us the honour to call themselves our Protestant brethren." This is ample. The

\* Dr. Horsley.



same convictions were expressed by others, and tacitly, with a very few exceptions, assented to by all; and therefore, I presume, we may confidently hope, that the charges are utterly relinquished, no more to irritate and insult our feelings.

What could be more insulting than, time after time, to repeat: "You Catholics maintain, that no *oaths* made to Protestant governors, can bind you; but before we release you from the grievances, of which you complain, you shall take such *oaths* as the legislature shall ordain. You talk, indeed, of the obligation of such engagements, and you refuse to subscribe the oath of supremacy and other tests, whereby you are deprived of the best privileges of the British constitution; but we know, that the pope, by his dispensing power, which power you all admit, can free you from the bond of every oath." So we were reviled and taunted; and men could be found who, really with a solemn face, repeated these charges.

The Catholics of both countries treated ungenerously.

I have often thought, that, not on these occasions only, but on many others, the Catholics of these countries have been treated most ungenerously. The religion, which we profess, is what we received from our British, or Saxon, or Norman forefathers. We are not sectaries. We went out from no church; but other churches, on motives which to them



seemed sufficient, went out from us. We impute not this to them as a subject of blame: then why should we be blamed, if we stedfastly adhered to the ancient faith, and have continued to adhere to it, when all human motives have ceased to operate, and when the most powerful incentives, the love of wealth, of power, and of ease solicited a change? In the general concerns of life constancy gains admiration: in those of religion only—so, at least, it is with us—it is branded as a weakness.—In the case of the Irish Catholics, their constancy has amounted to heroism. With us the letter of the penal statutes was as oppressive; but they really felt their whole weight, when they were not permitted to have schools for their children, and were declared traitors if they sent them abroad; when they were not allowed to appoint guardians to them; when they were deprived of testamentary power; when they could not lend money on security, nor purchase freehold lands, nor hold long leases; and when a son turning Protestant might dispossess his father of his property, that is, reduce him to an annuitant on his own estate. “Thus,” exclaims an Irish author, “as creatures of the divinity, as fathers, as men, and as citizens, were these Irish on all sides persecuted, outraged, insulted, and enslaved, by the most flagrant and stupid penal



code that ever triumphed over common sense and humanity." A traveller meeting an Italian peasant, who, from his pallid countenance, it was plain, had breathed too long the noxious air of the Campagna, accosted him: "How, friend," said he, "do you contrive to live in this country?"—"We die," replied the peasant. It was almost so, from other causes, in Ireland. But they weathered the worst storms of oppression, and can still number four millions of souls!

Why the Irish did not embrace the reformed faith.

It has been asked, how this has happened? How it has happened, that the natives of Wales, speaking another language, pertinacious in their habits, and, from old impressions, hostile to England, should so readily, at the time of the Reformation, have embraced the new faith, while those of Ireland remained unmoved?—Different means were, doubtless, used, which means, as applied to his own country, an Irish member\* satisfactorily explained. When, in the reign of Henry VIII. the first attempt, he observed, was made, the sovereign's government was found not to extend beyond twenty miles from Dublin. The reformer, he said, marched through the country with the sword in one hand and the book of his faith in the other, preaching its contents in a language not

\* Mr. Lee.



understood by the inhabitants. And as the new doctrines, had they been understood, came from the mouth of an enemy at open war with the people, their habits, customs, and prejudices, they would naturally be opposed and resisted. The method of reformation attempted by Henry, with very little variation, was pursued by his successors, the efficacy of penal statutes, by him and them, being also joined to that of the sword. The Protestant religion, wittily added the same gentleman, was never tendered to the people, but in the form of an act of Parliament. It was not possible, that such means could succeed; and, I believe, it might safely be asserted, that, had not English settlers, taking their religion with them and dispersing it among their immediate dependents, entered the country, four millions, at this time, would not have comprised the whole census of the Catholic community.

The religion of the low Irish, to our apprehensions, forms a strange assemblage of strong faith and much superstition, that is, it is such a religion as, in its popular practices, might be supposed, by oral tradition, to have descended from their Celtic ancestors, transfused, by a natural commixture, into their customs, manners, and prejudices, and not changed by a free intercourse with other people, nor the ordinary operations of arts, of sciences, or the



general progress of social improvements. To such habits of thinking and acting, it is well known, how obstinately the untutored mind of man adheres. It is an adhesion to what almost seems his nature. Was it then to be expected, that the reformed doctrines, had they been presented with apostolic gentleness, could here have gained an easy triumph? I am not, besides, convinced, that these doctrines are so powerfully impressive, even in more favourable circumstances, as some persons are disposed to think. It is not from the state of my own mind that I so judge; but from the fact open to every eye, that the established church of these realms is, every day, losing ground, and that the number of dissenters from its rites and doctrine is, every day, encreasing. Doctrines, not enforced by pathos, energy, and the aid of imagery, take but a slender hold of the mind, and of an Irish mind, I am confident, take no hold at all.

The grant  
of political  
power.

What the Petitioners claimed is clearly stated: "It is," they say, "an equal participation, upon equal terms with their fellow subjects, of the full benefits of the British laws and constitution;" that is, to be made eligible to sit in Parliament, and capable of enjoying those places of trust, honour, and emolument, from which, by the ordinances of their own Parliament in 1793, and the subsisting statutes of this realm,



they are now excluded. To obtain this, it is necessary, that the oath of supremacy and the declaration against popery, taken by every member of Parliament, be repealed, and that the sacramental tests, which qualify for offices and municipal stations, be abrogated.

Here the stand was made. If any thing be wanted, said the opposers of the petition, to render religious toleration complete, to protect property, to secure civil and personal liberty, or to encrease the ease and comforts of the Irish Catholics, in any way that legislation can apply the means, we are disposed to apply them: *Political Power* alone, consistently with the safety of the state, we cannot grant.—Political power then, it seems, agreeably to this reasoning, is supposed to rest solely on *eligibility* to Parliament, and the *capacity* of enjoying offices. No other was the direct object of the petition. May it, therefore, be said, that what the Irish Parliament had conceded to the Catholics was not *power*? That the elective franchise was not power; nor the enjoyment and use of property, which gives a weight almost irresistible in the scale of influence? It must, certainly, to a common mind appear rather extraordinary, that the elective franchise, which *may be* possessed by the majority of the four million Catholics, and which, at least once in seven years, will be exercised, could have been



granted with safety to the state; and that the franchise of representation should, at the same time, have been refused, which could apply only to a few, men of approved principles, and of whom not ten, in twice that number of years, might be returned to Parliament! On the face of it this seems absurd; and I doubt not, on this side the water, that they who most strongly object to the latter, would have refused the elective franchise, had the grant been in their hands. They must then acknowledge, that in its exercise lies great *power*, call it political, or call it by any other name. It was ingeniously observed, that what constituted the difference between *civil* and *political* power was, that the first word was derived from the Latin, the second from the Greek.

The fears that some entertained——timidity, certainly, may enter into the complete definition of man—of the evils that must arise from eeding the elective franchise, have, I believe, all vanished. “It was no more than a phantom,” said an Irish member\*, which vanished as you approached it.” For, though it appears from the statement of the learned gentleman† most adverse to the cause of his countrymen, that, since the union, “the representatives of the Irish commons are almost all returned to Parliament by elections merely and

\* Mr. Lee.

† Dr. Duigenan.



purely popular," and that the Protestant landlords, since the year 1793, almost *universally* changed the tenures of their popish tenants into freehold leases, whereby the number of electors has been greatly encreased,—though this be the state of the country, no contests, no disturbances have arisen, than what we ourselves, at the season of every election, experience, and what are the unavoidable concomitants of the exercise of the franchise. That Catholics should support the candidate whom they think their friend, is, really, not unnatural; but I should like to know, as I have not any list by me, what proportion of the hundred members voted for them on this late occasion. It must have been expected, that the question of their emancipation, as improperly termed, would soon be canvassed; and if, under this view, with the whole of their united force, they were not inclined, or were not able, to return a favourable majority, what must we infer? Why; in the first case, that there is not that unanimity in the body, of which men vainly talk; in the second, that their portentous ability, to influence and turn elections, is a phantom. The first I believe to be the case; and that must ever render ineffectual, as to the object that is most feared, the strength of numbers. Catholics feel and reason like other men; are influenced by all



the impressions to which the mind is subject; have their apprehensions, their dislikes, and their friendships; look to their interests, and are swayed by views of preferment, honour, and common ambition. And where, it will be asked, is their religion? Their religion finds its place, as it does too much in all men, often far behind in the back-ground, sometimes in a situation more advanced, but seldom is it actively employed, when worldly views come in competition with its less impressive calls.—Of the Irish members that spoke in the house of commons nearly half were against the question, and these not particularly returned by the more Protestant cantons.

It would have been wise, I must ever conclude, not to have separated the franchises; and, therefore, when that of representation was lately claimed, to have acceded to the Petition. Persons of rank and the gentlemen of the old Catholic families, it is said, have ceased to retain any influence over their community at large.—Should this be so, sound policy, surely, directed, that an attempt should have been made to restore to them their lost consequence. The tranquillity and good order of society depend, in a great measure, on the influence of the higher ranks on the lower, and this influence, beside what rank itself and property give, is supported by the opinion which



the state expresses, and the countenance and favour which it shews to those who move in the higher stations. If the governors of a country fix a stigma on these men: if they say, that they cannot be entrusted with power; if admitted into Parliament, that they will betray the constitution; will deliver the fleets and armies into the hands of the enemy, if raised to the first command; that the laws, in their hands, will not be administered with integrity; that admitted into the councils of his majesty, they would turn the advantages of their station to the destruction of the country; and that the duties of a sheriff would be sacrificed to their own and the partial interests of their community——If this be said, and repeated by a hundred tongues, what ultimately must be the effect? The persons, on whom the reflections fall, will be degraded in the eye of the public, and sink in the estimation of their own people, who will naturally exclaim, that they from whom, in their state of degradation, neither favour nor effectual protection can be looked for, merit not their regard.—But give them the consequence, which Protestants of the same rank possess, and you at once secure to them the influence, of which the loss is now deplored. It was observed of the elective franchise, ceded in 1793, that it was a great boon, because, placing the Catholic tenantry on the



same footing with the Protestant, "it afforded to landlords the same inducements to *favour* and *conciliate* the one as the other."

But this very power of conciliation or this influence, it will be said, must accelerate the evil, at the approach of which the opposers of the Petition tremble. It must open wide, when the franchise shall be granted, the doors of St. Stephen's chapel, and crowd its benches with a lamentable return of Catholic members.—Fear is known to lend wings to motion; but let us, as the times now are, proceed deliberately. As long as Protestant property maintains its preponderance, which, as stated by the member for the town of Armagh, is, in landed estates, in the proportion of fifty to one, little can be apprehended. A few members, ten, perhaps fifteen, lost in the great mass of more than six hundred senators, should give no alarm. But as, in a commercial country, it is observed, land is often at market, and changes hands, and as the Catholics are become very active and enterprising, much property, in the course of some years, must find its way into their hands. Be it so; and then, it must be allowed, their power will be encreased with their property, and more seats will be obtained. Still, in the house, almost the same majority subsists.—Let me now suppose—the supposition can do no hurt—that Providence has caused



the righteous to prosper, and that, in the lapse of years, almost the whole land, and with it the trade of the country, are possessed by Catholics. In that case, the hundred members may be of the Catholic persuasion. This is the extreme of the evil to which the apprehensions of the most timid Protestant can soar, except that, by that time, a few English Catholics may have been added to the number. The great preponderance of numbers, however, still continues in the opposite scale.

May I now be allowed to express my firm conviction?—Were a hundred Catholics, Irish and English; were many more admitted into Parliament; were the 658 members all of that persuasion, every thing that is valuable in the laws and constitution of the country would be lodged, with complete safety, in their hands. It is really laughable, in this season of man's existence, to hear even legislators talk, as if they seriously believed, that religion had anything to do with politics and the administration of governments. The narrowness of intellect, which the supposition evinces, can be accounted for only by the narrow limits of the island, with which the mind, in its operations, sympathises, and which cut us off from all free communication with a more improved and a wiser world.

Two points have been argued, and argued on grounds, that, on one side, are far removed



beyond the reach of my limited understanding. It is asserted, in the first place, that the Catholics have no *right* to the benefits which they claim, and something is said about *expediency* as contradistinguished from *right*, which if accurately stated, would puzzle the acutest reasoner. This may rest. It is then admitted\*, that the question may be licitly discussed on the ground of expediency; but that, "at no time, under no circumstances, nor under any possible situation of affairs, it should be entertained as a claim of right."—I would ask, whether the elective franchise could constitute a claim of right; or the liberty of purchasing land, or practising the law or physic; or the enjoyment of the full powers of a parent; or the retaining possession of a horse; in a word, whether an Irish Catholic who, within a few years, was kept in a state of complete bondage, had any *right* to claim one single privilege of a freeman? For to me it seems, that the argument goes to prove, that of *whatever* any society of men, by the laws of the country, have been once deprived, to the recovery of that, they can never, "under any change of circumstances," be allowed to plead a claim of right. On the same principles the blacks, who by the *laws* of the islands are retained in slavery, possess *no right* to freedom, and their oppres-

\* By the Chancellor of the Exchequer.



sion is not a violation of justice. Or will it be maintained, that the few *capacities* which the Irish Catholics now claim, are of so transcendent a character, as to form of themselves an anomalous class, which may be retained without injustice, can never be demanded as a right, but of which, in certain circumstances, it might be *expedient* to allow, perhaps, a partial participation?

It was maintained, on the other hand, that, as the British constitution was founded on the basis of equal laws, every subject had a right to partake of its benefits, and that to be restricted in that enjoyment was inconsistent with the liberty, which was the inheritance of the lowest as of the highest man in the realm. The *Bill of Rights* might have been quoted, wherein the Lords and Commons having rehearsed certain claims, some of which are far less important than what the Petitioners now demand, declare, "that they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties." But then it is admitted as a principle equally evident, that, when the well-being of the country demands it, every legislature possesses an inherent power of imposing restrictions by the enactment of laws, to what extent the general advantage of the community shall require. Under this power, have the qualifications of



the electors and of the elected, in parliamentary representation, been regulated, the rights of succession, and the limitations of property; and, by the exercise of the same power, in former times, and recently in this country, and in Ireland, new laws have been made, and statutes favourable to the liberty of the subject suspended. It was necessary only to shew, that the *salus populi* was at stake. And this, we will presume, in the eye of the legislature, was the case, when, at different periods, the penal code was enacted, under which the Catholics of both islands, were so severely restricted from enjoying the common benefits of the constitution. But let me here observe in regard to this *salus populi*, that it has been, and may be, made the plea to justify tyranny and the most oppressive acts. It was so, and the case is in point, when, in a neighbouring country, the tremendous *Committee of Public Safety* sacrificed to their bloody ambition whatever in probity, in talents, and in rank was most illustrious. And, in a degree less obnoxious, I fear, no country has, at all times, been quite free from the charge.

The legislature that can impose restraining or penal laws, can withdraw the same; and not only *can* withdraw them, but is in justice bound to do it, when the causes have ceased which called for their enactment, that is, when the good



of the community no longer requires them. This, I believe, is not disputed. On this principle, the legislators of both countries proceeded, when they listened to the petitions which we presented, and repealed many oppressing statutes. The Irish Catholics again present themselves: they complain that, by existing statutes, they are still restricted from the enjoyment of seats in Parliament; from the highest offices in the executive government; from superior offices in the civil, military, and naval professions; from the office of sheriff; and, by qualified restraint, from offices in corporations; and they shew that, from this state of things, has arisen and is kept alive a hostile spirit of reproach and suspicion, which fixes a degrading stigma, which precludes them from the participation of honours and offices to which they may legally aspire, and which is highly detrimental to their interests and the freedom of trade.—No, say the opposers of the Petition; you have no *right* to any further relaxation of statutes: besides, it is not *expedient*; for the integrity of the constitution and the safety of the country imperiously demand, that the remaining checks be not removed; “The liberties of the country are upheld by a system of checks\*.”

Men of some good nature, I am told, aware

\* The Lord Chancellor,



that this sentence of perpetual interdict might be thought harsh, wished to qualify it by observing, that "an exclusion from holding certain offices neither *stigmatized* nor enslaved;" and that the statutes, which enacted such exclusion, were not penal, or "inflicted penalties."—This is the second of the two extraordinary points, to which I before alluded, and, I think, it couples well with the last. Do these kind men then really fancy, that we Catholics are, at last, brought to the condition of the eels, which the cookmaid observed, from being accustomed to it, did not mind being skinned? But the Irish have said, that they do mind it; that the exclusion from these offices, or rather from the capacity of holding them, fixes on the whole body a disgraceful and degrading stigma, and draws other evils after it. Besides, in truth, the subject speaks for itself. If, when my neighbours are promoted to places of honour and trust, I stand almost alone with an incapacity marked by every eye, can it be thought, that I am not, in their estimation, low and lowered; or that the state of degradation, as inflicted by a statute, is no penalty, because, perhaps, not technically such? And again let me ask, whether the former long list of repealed laws was not *penal* and impressed a *stigma*; and, if so, by what rules of reasoning, the remaining statutes are exempted from the same



operation? You are excluded, Sir, they reply, on account of certain tenets, which in themselves reflect no disgrace on you, but from which, were you admitted to power, the constitution in church and state might be exposed to some hazard.—If I am not a knave, this reasoning, if just, proves me, at least, to be a fool, while it supposes me weak enough to admit, as essential points of belief, any tenets whereby the constitution of the country could be endangered.

But now comes the most insurmountable obstacle. To obtain the representative franchise The oath of supremacy.—to which, at present, I confine myself—statutes must be repealed, or rather, what depend on statutes, the *oath of supremacy* and the *declaration against transubstantiation*, or rather popery. On this last not much stress is laid, and therefore we will not now disturb it. But on the *oath of supremacy* much and important matter has been advanced. It has been truly said,\* “that every state, claiming and exercising independent powers of sovereignty, possesses the right of binding its subjects by laws, not only paramount to, but exclusive of, any authority or controul exerciseable by any other state whatsoever; and that as far as any other state or power is allowed to exercise an

\* By Lord Ellenborough.



authority or jurisdiction breaking in upon this exclusive power or right of legislation and enforcement of authority, to that extent, such state, so intrenched upon, is not sovereign and independent, but admits itself to be subordinate to, and dependent on, the other, whether state or power." This doctrine, to my mind, is incontrovertible. It is then added: "The declaration, contained in the oath of supremacy, which expresses a denial and renunciation of 'any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, in any foreign prince, prelate, state, or potentate, within this realm,' is but the affirmance of a proposition, which is logically and politically true, as an essential principle of independent sovereignty, applicable not to this government only, but to every other government which claims to possess and exercise the powers of independent sovereignty." If the clause of the oath contain nothing more than the affirmance of this principle, consistently with the duty of every subject, it cannot be refused. The same great authority proceeds: "The principle I have advanced, is not only true as a maxim of government, but is essentially necessary to be insisted and acted upon, in all cases where obedience may become questionable, in order to give to the state that assurance and test, which it has a right to re-



quire and receive from its subjects, of their entire submission and fidelity in all matters, to which the power and authority of the state can extend." Than this nothing can be more just.

After these concessions, how can I justify the Catholics, who refuse to take the oath of supremacy when tendered to them?—They refuse it, because they conceive something more to be demanded from them than an acknowledgment of the independent sovereignty of the state, and the allegiance commensurate with it. They conceive, that they are asked to renounce, and by taking the oath, should renounce that jurisdiction, *purely spiritual*, which they believe, by divine appointment, to reside in the Roman bishop, as the first pastor or head of their church, and the centre of Catholic unity and communion, which jurisdiction, as understood by them, cannot, directly nor indirectly, interfere with the constitutional prerogative of the crown, the laws of the state, nor the complete obedience of the subject. To define this jurisdiction in a manner that shall preclude all misconception, when the mind, from early prepossessions, is prone to misconceive, is not easy; because, however carefully words be selected, they are susceptible of various constructions. The *exercise*, however, of the jurisdiction, and its limits may be sufficiently



ascertained, so as to create no jealousies nor suspicions; and this, in its proper place, I will attempt to do, before I close my reflections. From the immoderate extent to which the papal power, always denominated *spiritual*, was carried, so as to bring the public and private concerns of states, of societies, and of individuals within its vortex, a natural jealousy has been excited; and, some years ago, I should have allowed, that the allegiance of the Catholic subject might, with some appearance of reason, have been called "divided and incomplete." I cannot allow it now; not only, because I know, that it is not so; but because the Protestant public does, or should, know the same. In compliance with our scruples, within the lapse of not many years, in both countries, new oaths have been modelled, and presented to us, as tests of our allegiance and of the purity of our moral and social principles. These oaths we took. Satisfactory pledges they, therefore, were of our loyalty, and the legislature received them as such, or they deceived themselves, and duped us. But if, at that time, they were satisfied; with what face can men return to say, that the obedience of Catholics is "questionable," and their "allegiance divided?" Let me just add: by the clause of the oath, as it was worded, with the omission of the words *ecclesiastical or spiritual*, it was clearly ac-



known, that some spiritual foreign jurisdiction might be admitted, was innocent, and compatible with the duties of an obedient and loyal subject. But now this obedient and loyal subject, it seems, is not worthy to be admitted to the representative franchise, unless he take the old oath of supremacy, which, within the remembrance of us all, was not deemed a necessary test of allegiance! Thus do the views of men vary, or, it may be; what, in the ordinary concerns of government, between the sovereign and the subject, is deemed amply dutiful and loyal, ceases to be so in the higher legislative capacity of a representative of the people! And two measures of allegiance are thus established.

Perhaps, it may not be well understood, when the king is talked of, as the "supreme head" of the established church, what is meant by that supremacy. No distinct idea, I am confident, is entertained of it; at least, no such idea I have been able to collect from conversation or from books. Be it then allowed, that the primacy of the Roman bishop *may be* liable to some misconception. When it is said, that the king is the sovereign lord of all his subjects, of whatever degree or estate they be, ecclesiastical or temporal; that, in virtue of this sovereign rule, no foreign power, as has been observed, shall, or ought to, have any superi-



brity over them; that, as the political head over the church and all its members, he convenes, prorogues, dissolves, regulates and restrains synods or convocations, appoints or recommends to bishoprics and certain other ecclesiastical preferments; that the judicature of ecclesiastical causes is within the sphere of his cognizance; that, though he challenges no authority or power of ministry of divine offices in the church, and consequently can convey no power properly spiritual, such as is the power of order in the episcopal ministry, yet that the collation of external diocesan jurisdiction attaches to his prerogative: when, I say, on the subject of the king's supremacy, these positions only are advanced, it seems to me, (though I plainly perceive that I am got out of my depth), that nothing more is conceded, than what, in ancient time, was due to, and exercised by, the imperial crown of this realm; than what was considered as an essential portion of the royal prerogative in France, and in other Catholic countries, and what, by the *Concordat*, the present French ruler exercises; and what, finally, is not adverse to, and destructive of, that *primacy* of the Roman bishop, properly understood, which has been, and may be exercised, in well regulated states.

I must repeat, that my knowledge of these matters is very limited; but should the question



be as thus stated, it must be admitted, that the alarms, on both sides, are founded on misapprehensions—that Protestants fear the introduction of the papal power, because they know not what is meant by it, and raise the whole structure of their alarms on the historical fact of its former manifold abuses; and that Catholics draw back at the sound of kingly supremacy, because they conceive, that a power, strictly spiritual, is meant to be connected with it. It is a misfortune, in the conflict of human opinions, that the most appropriate words are not chosen, to which had attention been given, I apprehend, in speaking of the king's supremacy, the word *spiritual* would hardly have been adopted. The term *ecclesiastical* alone might have caused less difficulty, though this would have been highly improper.

As I pretend to no foresight really prophetic, I may be permitted to make another innocent supposition.—Should this kingdom then ever return to the faith of Rome, I have little hesitation in saying, that the prerogative of the king, as head of the church, excepting perhaps in the alteration of a few ambiguous expressions, would be required to undergo no change; that he would be, as he now professes to be, the sovereign lord of all his subjects; and that the whole external administration of the church would be subject to his cognizance and controul.



So sensible of this, from their former habits of church-government, were the Canadians, that when, in 1774, an act passed for making more effectual provision for the government of their province, they seem to have made no objection to a clause which allows them the free exercise of their religion, "subject to the king's supremacy." The clause is remarkable: "For the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared, that his majesty's subjects, professing the religion of the church of Rome, may have, hold, and enjoy the free exercise of the religion of the church of Rome, subject to the king's supremacy, declared and established by an act, made in the first year of queen Elizabeth, over all the dominions and countries, which then did, and thereafter should belong to the imperial crown of this realm." They are, however, exempted from taking the oath itself of supremacy, in lieu of which, for all persons who would otherwise be obliged to take it, an oath of simple allegiance is substituted.

Two considerations, on this point, present themselves:—1st. that the legislators of 1774 did think, that the sovereignty of the crown could be maintained without the aid of the oath of supremacy; and 2dly, that, by an oath of simple allegiance, the fidelity of a people lately conquered, and that people Catholic, could be



sufficiently secured. It was secured, we know from the history of the American revolution, which revolution the oath of supremacy taken by many Protestants, did not prevent. But what, probably, had been the case in Canada, had the terms of capitulation not been complied with, and the free exercise of religion, as the voice of bigotry then also deprecated, not been allowed? We had seen them in the ranks of the rebels. The concessions of justice and of sound policy produced their natural effects, rendering the Canadians deaf to every solicitation but what duty and allegiance prompted.

But the history of that celebrated oath—like a snow-ball acquiring magnitude as it advances—will shew, what opinion our ancestors entertained of its importance.—It was originally framed in the reign of Henry VIII. “merely” it has been unadvisedly said, “as a test of allegiance,” and in it, as it first stood, the king was declared to be “the only supreme head on earth of the church of England and Ireland.” This clause gave offence, as seeming to import a sacerdotal character in Henry, whose intemperance of mind was known, and whose hostility to the Roman bishop was known, on account of the conduct of the latter in the business of the famous divorce. On this the king was induced publicly to declare that, pretending to no sacerdotal power, he claimed



only a civil supremacy. The oath, on this declaration, was very generally taken.—On her accession to power, Elizabeth, however, altered this clause, and in its place inserted, “that the king (or queen) is the only supreme governor of this realm, as well in all spiritual or ecclesiastical things or causes, as temporal; and that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction,” &c. Nor did this wording satisfy; she, therefore, as her father Henry had done, in an admonition, also publicly declared, “that she pretended to no priestly power; that she challenged no authority, but what, of ancient time, was due to the imperial crown of England; that is, under god, to have the sovereignty and rule over all manner of persons born within her dominions, of what estate soever they be, so as no foreign power shall or ought to have any superiority over them.”

The oath, as above altered, still possessing a positive and a negative clause, was directed to be taken by all ecclesiastical persons, by judges, justices, mayors and lay officers, and “all persons having fee or wages from the crown.” But in the fifth year of her majesty, the obligation was extended to other persons, and to the members of the lower house of Parliament. In regard to those of the upper house, this notable exception is made: “For as much as the queen’s



majesty is otherwise sufficiently assured of the faith and loyalty of the temporal lords of her high court of Parliament, this act shall not extend to them." Yet many of these lords, it was known, were strenuously attached to the religion of Rome.

This oath of Elizabeth was refused by many, and the opposition of the Catholic churchmen, particularly, daily increased. But let it be observed: a warm spirit of controversy, between the churches, had now risen; and he must be ignorant of the nature of this spirit, who does not know, that it hurries the mind into the extremes of assertion and negation. Too much was claimed, on both sides, and too much refused. The Protestant polemic raised too high the regal supremacy, and depressed too low the primacy of the Roman bishop; while to the Catholic this primacy was every thing, and the supposed prerogative of the crown a manifest usurpation of sacerdotal power. It is proper, I should here add; that, as the Catholics, after some time, from the uneasy state of the country, were induced to emigrate, they sought education and preferment abroad; were countenanced by foreign courts; and not a little by that of Rome, from which latter source they gradually imbibed higher notions of the papal prerogative, and, what was the obvious con-



sequence, a keener dislike of the *supremacy* of Elizabeth, and of the oath connected with it.

If from their ancestors, educated as they also were abroad in papal colleges, our clergy, principally, should have inherited some portion of the same prejudices, can it excite much wonder? Let wonder keep its proper place; that is, that the ecclesiastical members of the establishment, secured and fenced round as it is, should pretend still to fear the power of Rome; and still more, that the British government, in the year 1805, should also entertain the same apprehension, and really deem the oath of supremacy one of the bulwarks of the constitution!

During the milder reigns of the Stuarts, the oath, we may presume, kept its ground, though it be a fact, that some Catholics took their seats in the lower house. This they must have done by connivance, or by taking the oath, if, as the act of the fifth of Elizabeth required, it was regularly tendered. It was tendered, and many, certainly, took it\*.—So things con-

\* In the reign of Charles II. many of the laity and some of the clergy took this oath, and works were written in its vindication. "I am satisfied," observed a priest, named Andrew Bromwich, "that, under God, belongs only to his majesty the supreme coactive jurisdiction, sovereignty, and rule over the persons of all his subjects, of what estate, or condition soever. I have professed before the bar of justice, that neither the pope, nor any foreign person, hath right to exercise any external power or coercion by civil or corporal punishments, without his majesty's authority, upon his subjects within



tinued to the close of the reign of Charles II. when, in a paroxysm of terror excited by the wild report of Oates's plot; and when the commons, it has been said, could not then obtain, what by the revolution they did obtain, the exclusion of a Catholic from the throne; and when, to their apprehensions, this boasted palladium, the oath of supremacy, did not hold out sufficient security—the statute of the thirtieth of Charles, with the *Declaration against popery*, was enacted. The title of the act is, “for the more effectual preserving of the king's person and government, by disabling Papists from sitting in either house of Parliament.” It then states: “Forasmuch as divers good laws have been made for preventing the increase and danger of popery in this kingdom, which have not had the desired effects, by reason of the free access which Popish recusants have had to his majesty's court, and by reason of the liberty which of late some of the *recusants* have had and taken to sit and vote in Parliament: where-

his dominions. I do not mean, that the king can exercise any power of the keys, or any act of jurisdiction purely spiritual, or internal; as to preach, minister the sacraments, consecrate to holy orders, absolve, define, or excommunicate: because these things belong to those only, whom the Holy Ghost hath placed to rule the church of God.” (Ap. Dodd. Vol. III. p. 359.) Another learned clergyman wrote a Treatise to shew: “That the *oath* neither did nor could mean to attribute any power *purely spiritual* to the prince, or take it away from the pope; but only meant *external* and *coercive* jurisdiction in external courts, in the same sense as *Doctors Commons* is called the *spiritual court*.” (The Appeal, p. 4, by John Sergeant.)



fore," &c. By this law, the Catholic peers also were excluded from their seats, which till this time they had occupied, unless they took the oaths of allegiance and supremacy, and subscribed and audibly repeated the *Declaration*. Yet, by what means, seats in Parliament were procured by *recusants*, as they were called, that is, by *convicted* papists, that is, convicted by refusing the oath, when legally tendered, I profess not to understand.

The act, bishop Burnet observes, passed without any difficulty in the lower house, and with very little opposition in the upper, though it fell so heavily on many peers, with whose "faith and loyalty," as applied to their ancestors, Elizabeth had declared herself satisfied.— But even this measure was not extended to the Catholics of Ireland, who continued to sit and vote in both houses, till as late as the third year of king William. The act which excludes them is very much in the style of that of Charles II. "Forasmuch," it says, "as great disquiet and many dangerous attempts have been made, to deprive their majesties and their royal predecessors of the said realm of Ireland, by the liberty which the popish recusants there have had and taken to sit and vote in Parliament; be it enacted," &c.

In the hands of William, however, and in the first year of his reign, the oath of supremacy



was to undergo another change, in compliance with the wishes of the Protestant dissenters. Not admitting, that the king was the head of their church, they objected to the clause of Elizabeth which asserted, that "the king is the only supreme governor of this realm, as well in spiritual or ecclesiastical things or causes, as temporal." Their scruples were listened to, and the clause was expunged, which brought the oath down to its present negative state. But even thus mutilated it did not give universal satisfaction. At the time of the union with Scotland, a few years afterwards, that country was exempted from the obligation of taking it; and, in two recent instances, it was again set aside, when regulations were formed for the governments of Canada and the kingdom of Corsica.

Such, in a few words, is the history of this celebrated oath, to which, in the present day, a degree of solemn consequence seems to be given, that it possessed not, either at the time of its enactment, or in its succeeding stages. "From the reign of Elizabeth down to the present moment," observed a learned member\* of the commons house, "whatever rigorous measures have, from time to time, been adopted against the Catholics, none of them have been

\* Dr. Lawrence.



considered as fixed, permanent, immutable, fundamental laws, but as temporary securities against some immediate danger of the crisis either real or supposed;" that is, they were regulations, such as the circumstances of the times seemed to call for. Thus the oath of supremacy, as first established and modelled by Elizabeth, applied to few persons: in her fifth year, it took a larger scope, and involved the members of the lower house, but the peers were excepted, as "faithful and loyal:" in times succeeding, the non-compliance with it was connived at, or it was taken by certain Catholics, and the *declaration* was introduced to bolster up the palladium: backed by this declaration it now reached to the peers, not because their religious principles were really feared, but because the public mind was alarmed, and the duke of York was hated: king William, on his accession, importuned by solicitations, not following his own bias, which would have inclined him to unite the energies of all against the common enemy, expunged the affirmative clause to please the Protestant dissenters, but directed its operation against the Irish Catholics of both houses of Parliament: at the union, in the reign of Anne, Scotland was exempted, because the people were Presbyterians: and the Canadians, in 1774, because they were Catholics!



For denying the supremacy, which Henry claimed, Sir Thomas More and bishop Fisher lost their lives. But deprived of its affirmative clause, and cut down to its present negative form, what does the oath require? Not that we should say or think, that the king is the head of the established church, which is not affirmed, but that no foreign prince or prelate has or ought to have any jurisdiction within the realm.

Briefly as might be, I have considered the *incapacity* of sitting in either house of Parliament, an incapacity which restricts the free choice of the people, and from which the petitioners prayed to be relieved. Their second object was to be relieved from the *inability* of enjoying certain civil and military offices, which, as evidently, limits the prerogative of the crown. The crown, indeed, can appoint them to such offices, but, after a certain time, they are liable to be called on to do an act, which their religion does not allow.

As by the limitation of the crown, settled at the revolution, the king must be a Protestant, and hold communion with the church of England, it has been thought by some persons, not on the whole adverse to the Petition, that there was a propriety, at least, in his ministers and immediate advisers being of the same religion.

The higher  
offices of  
state.



They would not say, were the restriction removed, and a Catholic, at any time, from a conviction of his superior qualities, called to the ministry, that the constitution would thereby be exposed to any danger; but deference, they thought, was due to all the established forms of government, when the common rights of the subject were not manifestly injured, and deference was due to opinions generally admitted, and even to many prejudices. To the highest offices of trust, they, therefore, would not admit Catholics, particularly to those of ministers, of chancellor, and of judges.

This compliment I cannot pay to forms, nor opinions, nor prejudices, in the face of what appears to me an evident principle, which is, that, in a free country, the rights, or privileges, or claims of all men are equal. Limit this principle, and at once you introduce a system of arbitrary exclusion, boundless and tyrannical. At one season, and under one impression of dislike or terror, we should behold one class of men restricted; and as other motives, at other times, continued to operate, or pretexts could cover the designs of party, a second, and a third, till whatever, in any government, was lucrative or honourable remained exclusively at the disposal of a faction. I cannot therefore admit, that Catholics, without a manifest in-



justice, can be limited in the capacity of being raised to any office, however high, or to any trust, however responsible.

But had I been disposed, in argument, to make concessions, and admit a qualified limitation, the violence displayed by a noble secretary of state\* would have precluded all cool reasoning on the subject. What, he exclaimed, shall we surrender the state into the hands of the Catholics? Many concessions have already been made to them, and they are not satisfied. "Recollect, that we hold in our hands the great offices and both houses of Parliament, and that therein are vested the power, jurisdiction, and sovereignty of the empire. Be firm in your present situation, and your establishments are safe: but every additional step you take may lead to the vital prejudice of the country."

Did the Irish Catholics, now, really petition for any thing, which, if conceded, could possibly draw the surrender of the state into their hands, and the sovereignty of the empire, or that could affect the vitality of the constitution? They barely petitioned, that the laws still in force, which, by their indirect but sure operation, "kept alive an ignominious system of reproach and suspicion," might be repealed, and a *capacity* thereby granted of enjoying certain offices. To the *capacity* alone they looked,

\* Lord Hawkesbury.



which would wipe away reproach, by placing them on an equal footing with their fellow-subjects. But it really should seem from the light, or rather obscurity, in which the question has been viewed by many persons, that it was conceived, the moment the repeal should be effected, that his majesty's heart would instantly become Catholic, and that his throne would be surrounded, all offices filled, and the fleets and armies of the empire commanded by Irish Catholics!

The question might well be reversed. While the Catholics in Ireland, that is, the people, are shut out from that share of power, which their property, their talents, and their numbers, agreeably to the spirit of a free constitution, naturally claim, the Protestants, by their ascendancy, engross the whole of that power, and with it all the emoluments of the state; in other words, they form the state itself, realising the solecism of a government, in which the mass of the people have no share, and consequently no security for any minor advantages which they are permitted to possess.

I would ask, how many persons, from the whole population of the united kingdom, attain to the offices in question?—But all *may* attain to them; and this it is, that forms the character of a free country, and gives that energy to enterprise and industry whereby it prospers.



Apply the principle to the law, the army, the navy. The Catholics alone stand marked and circumscribed: they have a circle drawn round them, the lines of which they are forbidden to pass. Then, I say, this damps their ardour, and, in the eye of the public, degrades them; and from this degradation, it was the wish of the petitioners, to free themselves and their brethren. "I will add," says Mr. Grattan, whom I love to quote, "the many minor injuries done to the Catholics in ways that must be felt, and cannot be calculated; the inestimable injury done to the Catholic mind by exposing it to taunts and insults, such as are uttered by the vilest of the Protestants against the first of the Catholics. I am to add the mischief done to the morals of the country by setting up a false standard of merit, by which men without religion, moral or public integrity, shall obtain, by an abhorrence of their fellow-subjects, credit and consequence, and acquire an impunity for selling the whole community, because they detest a part of it."

To the examples adduced from other states, which, actuated by a more enlightened policy, availed themselves of the talents of their citizens, without any consideration of their religious opinions, the enemies to the petition were able to reply by other examples, adduced from other countries. But the question to me is,



not whether bigotry may be covered by bigotry, and absurdity find an excuse for its proceedings; but whether, in proportion as kingdoms are wisely governed, all the talents of the country are not brought into action; and whether, when in France or Germany, this has been done, good not evil has been the result? I know, that England, in her contracted policy, may appeal to what, in her better days, was the conduct of Holland, and what was the conduct of some other states of the reformed religion. She may also appeal, I believe, to the inquisitorial courts of Spain and Portugal. But in these is this difference. One religion alone is there acknowledged; whereas with us various persuasions are legally tolerated; and, in other states, particularly in Germany, as this is the general condition of the people, all partial distinctions now vanish, and the abilities of every man become the property of the country. A strong case was made out,\* apposite in all its circumstances, from the kingdom of Hungary, possessing a population of seven millions of inhabitants, varying widely in their religious tenets, and long convulsed by the difference of those tenets, and the restrictions founded on them. In 1791 a diet was called, which passed a decree, by which the full and free exercise of religion was secured; places of worship directed

\* By Sir John Newport.



to be built for all sects; and the Protestants of both confessions permitted to depend on their own spiritual superiors, freed from the oaths which had been before exacted. Then followed the great clause: "The public offices and honours, whether high or low, great or small, shall be given to natural-born Hungarians, who have deserved well of their country, and possess the other requisite qualifications, without any respect to their religion." Hungary, I need not say, is a Catholic country; and be it observed, that its church establishment is peculiarly opulent. And what, after fourteen years of severe trial, has been the result? Precisely such, as shallow reasoners, in the alarms of their little minds, could not have predicted; but what a real statesman must have confidently foreseen——prosperity and internal peace, with an increased attachment to their sovereign, their rights and their liberties. Nor does the Catholic church-establishment feel any alarms for its security; on the contrary, it feels itself more secure, as it has no longer any enemies goaded by restraints and privations to wish and to attempt its overthrow.

Blind to this irresistible fact, and to many arguments that stood on their own internal strength, men persisted to maintain, that whatever might be the condition or policy of other states, they did not apply to England, where



the monarch was possessed, comparatively, of a very limited power, and almost the whole authority, and the whole responsibility, were delegated to his ministers. "A Protestant king" they said, "surrounded by Catholic ministers, would be a solecism in fact, as well as in law; for there must be a perpetual contradiction between the duties of the one and the other."

Again it is assumed as a fact, that the king must be *surrounded* by Catholic ministers, because, possibly, in the lapse of years, one might be chosen. But such, I have often observed, is the usual line of argument, when a cause is weak. Equally unfounded is the supposition, were the case to happen, that a perpetual contradiction between duties must be the consequence. Or is it expected that we should think, that every Catholic is a bigot, and that were he called to the councils of his majesty, to administer the laws of the country, or to command its armies, his attention would be directed not to the duties of his station, but to theological controversy and the furtherance of his faith? When men pretend thus to argue, it cannot be, that they should be serious; yet, if we may judge from their features, they sometimes seem to be in earnest. It is really important, as treaties and alliances, for the advantage of the empire, must be formed with



foreign states, that our ministers and legislators should stand well in their opinion; but it cannot be, if such flimsy reasoning be permitted to gain currency, and to meet, in its course, the universal ridicule of Europe. How loud would be the reflections of these men on the bigotry of the French nation, if, when they called on Henry IV. to embrace their religion, they, at the same time, had demanded, that he should dismiss his favourite Sully, because he was a Protestant, and therefore "that a perpetual contradiction must prevail between them." I ask, if such contradiction did prevail?

I am likewise so unfortunately organized, as not to be sensible, that the argument drawn from the constitution of the country carries with it any weight. I even suspect, that a contrary inference should be drawn. The king it is said, is possessed of a very limited power, and the whole responsibility is lodged in his ministers. Why then there is nothing to be feared from the king, whoever be his advisers; and these advisers must answer to Parliament, whose eyes are ever open, and to a jealous public, for every attempt to violate the laws. Were it otherwise, as in states purely monarchical, it must be plain, how easily a weak prince would be misled by a designing minister, and measures, which could not be obviated, carried into execution. Let me suppose, there were, at this



time, one or more Catholic ministers in the cabinet, and that they had formed the plan of erecting their religion on the ruins of the establishment, and had prevailed on his majesty to cooperate in the undertaking. How will they proceed? Proceed they cannot, till Parliament also shall have been seduced, and a blind thrown over the eyes and the understandings of the nation. Yet, marvellous as it may seem, this argument from the limited nature of our monarchy, if we may judge from the confident tones in which it has been produced, is deemed irrefragable.

I think, I may pass over the compliment paid to the zeal of Catholics for the propagation of their religion, because it rests on no observation, and is brought forward merely to serve the exigence of the moment,—in order to advert to a reflection which, when I heard it uttered, made me smile. The orator gravely observed: \*  
 “If religion be necessary for the happiness of mankind, states must be in earnest about it, as well as individuals. The people of every country will look, and have a right to look, to what their civil governors think, and how they act. If they are zealous, if they are united, it will have a considerable effect in producing the same qualities in the community, over which

\* Lord Hawkesbury.



they are placed; if they are luke-warm, if they are divided, what can be expected from the people." The names of Chancellor Shaftesbury and of Secretary Bolingbroke immediately offered themselves to my recollection; and my mind, almost involuntarily turned to some more modern statesmen, whose practical piety, I thought, was not remarkably edifying to the people, however flaming might be their orthodoxy, or dutiful their attachment to mother-church.

A consideration, though rather, at the present moment, digressive, has often occurred to me, which seems little to be attended to, but which applies more directly to the English, than to the Irish Catholics.—The heavy load of taxation is felt by all, as are the consequences of taxation, the reduced means of supporting either rank or family. A Protestant gentleman, in the first instance, equally feels the pressure; but he knows, that, in the state, its offices, and at its disposal, are various stations, some of labour and some of mere emolument, but all honourable, which if he can obtain, some part of the money which flowed from him into the coffers of the state, will return to his possession. He obtains the station, and is, to a certain extent, indemnified. How is it with the Catholic? He pays his full proportion, and receives not a doit back. He may not even aspire to the charge



of an exciseman. There is no equality, at least; and, I suspect, no equity in this state of proscriptive restriction. To draw a simile from agriculture: we are very much in the condition of a piece of tillage in the hands of a bad tenant, who takes from it crop after crop, but never throws into it a single handful of manure, nor allows it the advantage of lying fallow. The consequence of this state of things must be certain ruin, accelerated in proportion to the quantity of property taken from such proscribed persons, that is, in proportion to the aggregate increase of taxes. And from whom is this property taken? In England, from a *few* (after the immediate exigencies of the state are satisfied) for the benefit of *many*: in Ireland, from *many*, that a *few* may fatten on their spoils. Would men labour gratuitously for the country, the distinction would not be so severely felt; but when we behold the loaves and fishes so bountifully distributed, and even the crumbs from the great man's table refused to us, common nature will repine, and not, perhaps, think so highly of a constitution thus thrifty and partial to her children. "When I find," said a learned member\* of Parliament, whom I have more than once quoted, "the distinction of political power so studiously

\* Dr. Lawrence.



taken, as that in which the Catholics are never to participate, I do rather suspect, that the zeal, which blazes so furiously, is a little inflamed with a desire of monopolizing that political power, and the profits and emoluments which follow in its train."

The reflection, however severe, may well apply to Ireland, when the disproportion between Catholic and Protestant population is considered. It is easy to say, and without some attention it seems to be true, that the Catholics are there excluded from little; but when the eye, as mine now does, moves slowly over the list of places, and the mind then calculates the salaries, the contingent emoluments, and the patronage annexed to them, without taking in the honours and distinctions also, "which follow in their train," a very different judgment will be formed. It is plain, that the exclusion comprises whatever, from the lord-lieutenant to the sub-sheriffs of counties, in the scale of civil and military preferment, is great and valuable. But what political power would be derived from being post-master-general, or a master in chancery, or a member of his majesty's most honourable privy council, I do not distinctly conceive.

The petitioners, moreover, complained, that they were "disabled from holding or exercising (unless by a special dispensation) any corporate



office whatsoever in the cities or towns in which they reside," by which, they added, a species of monopoly was established, contrary to the spirit, and highly detrimental to the freedom of trade. Even the Corporation of the Bank of Ireland is shut against them, of which they cannot be governors nor deputy-governors, nor be any of the fifteen directors.—The injury this interdiction does to them, in the line of fair commercial competition, is manifest; but the moral degradation, in the eyes of their fellow-citizens, which it causes, though not a subject of calculation, is an evil far less tolerable. The lord-lieutenant *may* grant a written dispensation from taking the qualifying oaths, but *no instance* of his having done it, it is said, has yet occurred. How true then was the language of the petitioners, when they spoke of "the humiliating and ignominious system of exclusion, reproach, and suspicion," which the existing statutes still generated and kept alive.

While my eye, as I said, moved over the list of restrictions, and surveyed the other parts of the act which contains it, I mechanically, as it were, could not help repeating to myself:—Were I an utter stranger, a retainer in the suite of his Turkish Excellency, what must be my thoughts? Why, certainly; that men, who deserved to have the privileges of subjects thus



scantily meted out to them, and after all to be restrained from every higher post of honour and trust, must be descended from some degenerate and proscribed race, and themselves not sufficiently reformed to gain the good-will of their rulers, or to be fitted to any purposes but those of low offices or menial service.—By this same act, a Catholic who does not publicly swear to a freehold estate of ten pounds yearly value, or to personal property of three hundred pounds above his just debts, is not permitted to keep in his possession “arms, armour, or ammunition.” How irritating—however much we may affect to be surprised—is such a system to the honourable feelings of manhood! And yet from the ranks thus mistrusted are the thousands drawn who now fight the battles of the country.

But now comes in the way the *Sacramental* The Sacramental Test. *Test*, like the *oath of Supremacy*, another strong barrier, and another bulwark of the constitution, and which, as it must be taken to qualify for offices, must be repealed for these Petitioners.—Some of the difficulty, that might seem to attend this measure of repeal, is, I conceive, greatly relieved in regard to Ireland, where, for some years, the Test has been partially removed, and removed without causing the least disturbance. Then if they look over into Scotland, it will be found, not at all to be



known there. So that, as the bulwark is considerably undermined, the remaining structure might be taken down without endangering the solid edifice of the state.

*Its history.*

The history of the passing of this *Test* law is not less curious than that of the oath of supremacy, and is immediately connected with it. It passed in the year 1672, the twenty-fifth of the reign of Charles II., five years before the enacting of the *declaration against popery*, which has been mentioned. At the time, the nation and Parliament were all in a ferment. The king, in virtue of his being *supreme head* of the church, by the advice of his ministers, had issued a *Declaration*, which suspended the execution of all penal laws, as well against Papists as Non-conformists. Those ministers, at the head of whom was the Lord Chancellor Shaftesbury, and among whom was the Lord Treasurer Clifford, a Roman Catholic, formed the celebrated junto of five, called the *Cabal*. The *declaration*, as might well have been foreseen, illegal as it was, gave great offence; and, at the same time, we were engaged, in alliance with France, in an unpopular war against the United States. Money was wanted, and a session of Parliament became necessary. Parliament met. The lower house, says the historian, "was all in a flame;" and, in this temper, they began to argue the matter of the Declara-



tion, the issuing of which was easily proved to be contrary to law. Its abettors, however, fancying they saw a difference between penal laws on the subject of religion, and all others, maintained, that the king's supremacy gave him a peculiar authority over the first. This was weak; and the house soon coming almost to an unanimous resolution, that the Declaration was against law, addressed the king to recal it. Nor were they yet satisfied. A bill, therefore, was brought in requiring all persons, who held any employment or place of trust about court or in the kingdom, to receive the sacrament according to the rites of the church of England, and, besides the oaths of allegiance and supremacy, to subscribe a *Declaration* against transubstantiation.

The court was extremely anxious to avert this measure, which, if carried, would deprive the king of some favourite counsellors, particularly of his treasurer Lord Clifford, and prove a fatal blow to the views of the Duke of York. In the upper house, the treasurer signalized his zeal, in conformity with the wishes of his majesty, in support of the *Declaration*, which the commons had so roughly treated; but was opposed by the Chancellor. The debate continued, and, though, on a division, the court had a majority, the general sense of the house was manifest.



What was now to be done? If the king acceded not to the wishes of his Parliament, money would be withheld, and the war must terminate. This the French ambassador saw, and joining his advice to that of the crafty Shaftesbury and many others, prevailed on Charles to adopt a more temporising plan; to part with the Declaration; and to consent that the Bill should pass. Should his arms prove victorious, they assured him, success would add to his power, and he might easily recover what, in the present extremity, he was compelled to surrender.

But a bargain yet remained to be settled; and as a large supply was wanted, it was proper to know, what the commons would give in exchange for the *Declaration*, and as an equivalent for the new Bill. Two sums were proposed, the less of which, 600,000*l.* was enough to procure a peace, but not to continue the war; and this was pleasing to the popular party. The court demanded double that sum; but prudently left it to the leaders of opposition, two gentlemen who, during the session, had conducted all measures, to propose to the house what should seem most adviseable. Their pulses had been felt; and they proposed the larger sum, which was carried. Reproached with this conduct, they replied, that they had been assured, the whole agreement would have



been broken, had the first proposal been adhered to. They added; "we have got good penny-worths for our money—A sure law against popery, which has clauses in it never used before." Lord Cavendish, however, was heard to observe, "that when much money was given to buy a law against popery, the force of the money would be stronger in order to the bringing it in, than the law would be for keeping it out."—The Protestant Dissenters, meanwhile, whom the Declaration had favoured, and whom, to save the Catholics, the court attempted to play off against the church, acquiesced in every measure against popery, and thus permitted themselves to be implicated in the penalties induced by the Sacramental Test. "That an effectual security may be found against popery," they said, "we will not interpose; and when that is over, we will try to deserve some favour." The favour has not yet come, whatever may have been their attempts to deserve it; and I have heard it lamented by modern dissenters, that the crafty policy of their ancestors, on that occasion, manifestly over-reached itself.

Such is the history of this Act, entitled *an Act for preventing dangers which may happen from Popish Recusants*, on the passing of which the historian finally remarks: "I never knew a thing of this nature carried so suddenly, and so artificially, in the house of commons, as



this was," alluding to all the circumstances of the stipulated bargain. The historian, I need not say, is bishop Burnet, whose statement I have accurately abridged. In him, it may be allowed, are some hearsay reports and some gossiping tales, intermixed with much valuable and interesting information. His sources were abundant, and his memory retentive; and, since the violence of party has subsided, the *History of his own time* is consulted, as a repository of many important facts.

I must be allowed the liberty of a few obvious observations.—The reader has seen, in what circumstances, this law was proposed, and by what means it was carried; and though it may still be esteemed, as it was at the time, "a good pennyworth for the money," the mind is not easily induced to adopt the high and solemn epithets, which, now and on many recent occasions, have been so profusely lavished on it. It has been called not the bulwark only of the state, but the safeguard of the established church, as if, when compared with its mighty powers, the thirty-nine articles were but a mound of straw. Readily, indeed, I admit its excluding efficacy, as I do that of the *Declaration against Popery*; for as long as they are upheld, we are effectually precluded from all participation in the government of the country. What I mean to say, is, that the Sacra-



mental Test now called a fundamental law of the realm, was, in its first enactment, a measure of irritation, directed against individual persons, and chiefly against the Treasurer Lord Clifford, whose speech in favour of the king's declaration had given great offence. "You," said Charles to him, "who sat so long in the house of commons, should have considered better what they could bear, and what the necessity of my affairs required." The Test, moreover, was an unnecessary measure, as the *Declaration* against Transubstantiation would have sufficiently excluded the Catholics; in which case, many profanations of a sacred rite had been avoided, the connection betwixt which rite and political opinions is not to all men evident. As to the Protestant Dissenters, whom it was, certainly, meant to implicate, it is now, at least, very limited in its effect.

It may to some persons seem extraordinary, that the oath of supremacy was not rather enforced, and extended to offices. But are they aware, that the royal supremacy itself, on account of the use which Charles had made of it, was, at the time, in great discredit, and that many Catholics, as we have seen, especially the Lord Treasurer, had taken the oath? Its importance has thus varied with our sentiments: when we took it, it was of no value; when we refused to take it, it became a bul-



wark; and could the present Lord Clifford be induced to imitate the example of his grandsire, he would again reduce it to insignificance. I may be, perhaps, wrong in my inference, but it appears to me, as these Catholics, when they had taken the oath of supremacy, were still followed by new oppressive statutes, that their religion itself, not the admission of any foreign jurisdiction, which they disclaimed, was deemed a sufficient object for penal restrictions. Were the case now to happen, in this enlightened age, when the papal power is alone feared, we should, doubtless, behold the Declaration against popery and the Sacramental Test vanish at a word. This must have been meant, when it was said, that the fate of the Catholics was in their own hands.

It has sometimes surprised me, not to have heard in conversation, nor to have read in the report of the debates in another place, the conduct of Lord Clifford adduced to prove, what danger to the religion of the country might be apprehended, were Catholics admitted near to the throne. But, I suspect, some comparison was feared. It was feared, that the question might be asked, from whom the greatest danger threatened? From him, whose conduct was open, and whose views were publicly professed; or from his colleagues in office, Protestants in name, but men void of principle, and who were



ready to run any lengths, while their interest and their ambition could be gratified? I chiefly allude to Buckingham, Lauderdale, and Shaftesbury, from whom Arlington, in his heart a papist, should not be far separated, and whose characters, with which he was well acquainted, are delineated by the historian. I may add to them Sir Thomas Osborn, who received the white staff, when, on the passing of the bill, it was surrendered by Lord Clifford, and of whom the same Burnet says, "that he did not seem to have any regard for truth, or so much as the appearances of it." That Lord Clifford was not extremely censurable in his attempt to introduce the Catholic religion, if he really meant its introduction, I would not be thought to insinuate; for when a nation has clearly announced its sentiments, and the law has given its sanction to them, it becomes the duty of individuals to respect that sanction, and to submit, till, by constitutional means, they can procure a redress of grievances, if grievances shall have fallen on them and the society of which they may be members. On no other principle, I think, can internal peace and the tranquillity of any nation be maintained. And what did Lord Clifford gain? He gained dismissal from office; an increase of public enmity to his master and to the Duke of York; to the prejudices of Englishmen against his re-



ligion a heavier weight; and to himself and to those of his communion two inveterate Tests, under which they and their descendants have, to this day, suffered. This also is a case in point to prove, what I before insisted on, that whatever might be the attempts of a Catholic minister, he must fail in the execution, and fall a prey to his own machinations. The machinations, however, on this occasion, properly belonged to the king and his brother; yet even these failed, and failed, though aided by other members of the junto. In an absolute government, uncontrouled by the jealous eye of Parliament and people, could this have happened?

The Decla-  
ration  
against  
Popery.

The two *Declarations*, one rejecting transubstantiation, the other adding to this rejection, “that the invocation or *adoration* of the Virgin Mary or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous,” demand a passing notice. Speaking of them, a noble secretary of state observed: “The legislature enacted a Declaration against transubstantiation and other popish articles of faith, a Declaration most necessary at the time it was adopted, but which might be stated, perhaps with some degree of plausibility, to be a mere doctrinal test, and though applicable to doctrines which are at variance with the religious opinions of the established church, not more so



than many of the sentiments of certain classes of dissenters."—The first, I need not repeat, was a part of the "good pennyworth," joined to the sacramental test; the second was enacted in aid of the oath of supremacy, and to disable papists from sitting in either house of Parliament. The *necessity* of either at the time of their adoption, is not easily discovered. The sacramental test, in the first case, was certainly sufficient; and, in the second why was more than the oath of supremacy demanded, if the admission of a foreign jurisdiction, as is now pretended, was alone feared? But how guarded is the concession, that the Declaration "might be stated, perhaps with some degree of plausibility, to be a mere doctrinal test." What is a *doctrinal test*, formally and substantially, if this be not, in which the rejection of certain theoretic doctrines is alone expressed? And what may be deemed very peculiar in this test is, that, not satisfied with the adduction of tenets which we admit, and the Declaration, that they are "superstitious and idolatrous;" it boldly imputes to Catholics an opinion, which they themselves readily pronounce to be "superstitious and idolatrous," namely, that *adoration* is due to the "Virgin Mary or any other saint." Catholics *honour* the saints, but *adore* God alone.

Be it then candidly admitted, that the De-



claration is a test purely doctrinal; that, in its original enactment, when Titus Oates had created the wildest terrors, it was admitted as such; that, under the same conviction, it continued to be subscribed; and that now, in the nineteenth century, when each member of Parliament, before he takes his seat in either house, has its contents repeated to him, he is instructed to believe, and honestly does believe, that, by denying the doctrine of transubstantiation, and declaring the invocation of saints and the sacrifice of the mass to be "superstitious and idolatrous," he is peculiarly qualified to discharge the duties of a legislator, to protect the liberties of the people, to support the prerogative of the crown, and to weigh in a just balance the general interests of the empire. Were not this his conviction, that is, the conviction of both houses of Parliament, can it be thought that, without ever having made a single effort to effect its repeal, they would silently, through a series of one hundred and twenty-eight years, have submitted to a test which, in every other view, to say the least of it, must be deemed nugatory. It plainly enough says, that he who takes it is not a Catholic; but does it give any other security?

A clause in the Act of 1791, which did much for the English Catholics, compels them, under the old penalties of recusancy, to attend the



service of their church on sundays; but this very service (principally composed of what is called the *Mass*) the declaration, in other words, the law, pronounces to be "superstitious and idolatrous." Were the legislators aware of this, when they passed the act; or did it occur to no one to say: "Truly, when I took my seat in this house, I recollect my Declaration, that the "mass was superstitious and idolatrous:" let us, therefore, be consistent, and rather forbid, than require, the Catholics to frequent so damnable a form of worship."

Perhaps, it is not much less uncandid, when the Declarations, bearing solely on doctrines, and the Sacramental Test, were enacted purposely to exclude Catholics from Parliament and offices, now to complain and make it a subject of reproach, that they obstinately refuse those tests, which his majesty's Protestant subjects cheerfully subscribe. It was meant, that they should refuse them; or, in the temper of men's minds, invention would have been tortured, to devise, if possible, some more effectual measure of exclusion. Thus when it was perceived, that some Catholics took the oath of supremacy, apprehensive that the liberal sentiment might generally prevail, the legislature of Charles II. called in the aid of the Declaration. This, they were aware, could not be surmounted. Some perplexity here hangs



on my mind. It is pretended, that our toleration is complete; and, as far as the practice of religion is concerned, it seems to be so: but when I find, that my religion is proscribed, that is, that I must renounce tenets purely doctrinal, or live deprived of many of the best privileges of a British subject, I cannot be prevailed on to believe, that I do not suffer on account of religion. Let it not be said, that it is the refusal of the oath of supremacy alone, that consigns the Catholic to his state of degradation: he believes in transubstantiation, in the invocation of saints, in the sacrifice of the mass, and he refuses to take the sacrament, according to the usage of the church of England; and for this he is excluded from offices, and, in part, from any seat in Parliament. It is religion then that principally excludes the Catholic. I even have my doubts, were every English and Irish Catholic, to-morrow, to take the oath of supremacy, that they would not be much nearer to the accomplishment of their wishes. Phantoms would still remain; for the timid, the interested, the bigoted, and the intolerant form a numerous family. Shall we destroy, they would say, the noble system that our ancestors, in their wisdom, framed, on the integrity of which depend the safety of the state and the beauty of the British constitution? Oaths and tests are essential to its secu-



rity: "our liberties are sustained by a system of checks."

When I just now, as it seemed, took my leave of the Sacramental Test, which, I observed, was meant to implicate the Protestant Dissenters, though its present effect on them was become very limited, it occurred to me to add, that government itself could entertain no very high opinion of its importance, as it daily permitted thousands to enter on their charges, without taking it, and to continue in them. The *Act of Indemnity* then presented itself to my mind, which annually, I believe, passes, under the title of *An Act to indemnify such persons as have omitted to qualify themselves for offices and employments*. The acts of the six last years, I observe, include a great portion of the twelve months in each, and are so contrived, as to render all prosecution for non-compliance impracticable. Were such persons only indemnified, as, from circumstances, had it not in their power, within the allotted time of six months, to take the test, it would be just; but when all are included, the negligent, the wilful, the unbelieving, and the profane, and, by the certainty of being legally secured from every penalty, which the statute originally enacted, and still enacts, are invited to disregard the law, what can a thinking man say—but that the whole business is a farce,

The Annual Bill of Indemnity.



and that his common sense is insulted, when he is told, that the Sacramental Test is a fundamental law of the realm, and the best security of its constitution in church and state? The annual bill of indemnity, it has been said, is equivalent to a periodical suspension of the law, or, more properly, is equivalent to its complete annulment.

Yet, since the twenty-fifth of Charles II. other statutes have passed, enforcing compliance with this law, the obligations of all which are kindly swept away by the act of indemnity. "Whereas divers persons," it says, "have, through ignorance of the law, absence, or some unavoidable accident, omitted to qualify themselves in such manner, as is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: For quieting the minds of his majesty's subjects, and for preventing any inconveniencies that might otherwise happen by means of such omissions; be it enacted." It then states that, if, notwithstanding these omissions, the oaths be taken, the Declarations subscribed, and the sacrament received, within the period fixed by this act, that is, the 15th of December, 1803, and the 25th of December, 1804, all and every person or persons, shall be, and are hereby indemnified, freed, and discharged from and against all penalties, disabilities, and incapa-



cities, and are fully restored to the same state and condition, as they were in before such neglect or omission.—The term of three months, after entering on any office, was first allowed for taking the sacrament, which, in the reign of George II. was enlarged to six. When the system of *dispensation* began, I have not found, though probably rather early, and, I should conceive, principally with a view to favour the Scotch, whose heterodoxy has long been treated with peculiar indulgence.

Why, it may be asked, do not Catholics avail themselves of this act of indemnity?—In certain cases they do; but they apprehend, that, to some minds, it might have the appearance of *occasional conformity*, and, therefore, they rather submit to the regular operation of the statute.

But had Parliament, it is said, on a late occasion, been ever so well inclined to grant the The Coronation Oath. prayer of the petitioners, the king, under the *coronation oath*, must have refused his assent: “Know, O king,” said the counsellors of Darius, “that the law of the Medes and Persians is, that no decree nor statute which the king establisheth, may be changed.”—I have again doubted, whether men were serious who maintained this argument; or, if they were serious, they will surely own, that it is a last shift, allowable, perhaps, when every other



ground of argument has sunk under them. They know, what the coronation oath is. Having sworn to govern the people of England and the dominions thereto belonging, according to the statutes in Parliament agreed on, and the laws and customs of the same, and to cause law and justice in mercy to be executed, the king is asked by the archbishop, appointed to perform the ceremony: "Will you to the utmost of your power maintain the laws of God, the true profession of the gospel and the Protestant reformed religion established by law? And will you preserve unto the bishops and clergy of this realm, and to the churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them?"—The king answers: "All this I promise to do."—A solemn *contract* is understood thus to be formed between the king and the people in their various estates and orders, from which contract, it is evident, he cannot recede, without the consent of that people freely and fully expressed: and, from this moment, protection and allegiance become correlative duties.

The oath, as it now stands, was settled on the accession of William and Mary to the throne, in the year 1688, and the preamble to the Act is thus worded: "Whereas by the law and antient usage of this realm, the kings and



queens thereof have taken a solemn oath upon the Evangelists at their respective coronations, to maintain the statutes, laws, and customs of the said realm, and all the people and inhabitants thereof, in their spiritual and civil rights and properties: But forasmuch as the oath itself on such occasion administered, hath heretofore been framed in doubtful words and expressions, with relation to antient laws and constitutions at this time unknown: to the end therefore that one uniform oath," &c.—The antient oaths, as may be seen in our historians, differ very little from this of king William, unless in what regards the church then established, the liberties and immunities of which are often more fully expressed, though it may be thought that, at this time, there is no very culpable omission. As, however, the power of churchmen was then notoriously great, it was natural, while he held the crown in his hand, and the wording of the oath was not so strictly defined, that the archbishop should fully state the rights and privileges of the church and of his order. It is remarkable, that the oath which was taken by Edward III. at his coronation, was also taken by James I. and his two immediate successors.\* But although the words of

\* This is noticed by Prynne in the introductory Epistle to his folio work, in 1307 pages, entitled the *Exact History*, where much curious matter on the Coronation oaths may be found. Blackstone on the subject (vol. 1. c. 6.) refers to another work of the same author, called *Signal Loyalty*.



the coronation-oaths, from the time of the conquest, were not uniformly alike, their substance never varied, and the obligation contracted by the king was the same, to maintain the laws, and the rights of the people, and the privileges of the established church: in the language of the preamble just stated; "to maintain all the people of the realm in their *spiritual* and civil rights and properties."

This being so, it will not be denied, that Henry VIII., when, in direct opposition to the sense of the people, he innovated in their religion, was guilty of a violation of his coronation oath; and that on this basis was laid the first stone of the Reformation fabric. How the conscience of Elizabeth stood, when she reversed what her sister Mary had re-established, I know not: her subjects, at all events, were then better disposed to go with her, than they had been in the reign of Henry. But we will pass to William and Mary, the founders of the present oath. Hardly was it cold from their lips, when they consented to the abolition of episcopacy in Scotland, (which episcopacy, says Burnet, the Scots, in their *claim of rights*, had declared to be a great and insupportable grievance) and to the establishment of the presbyterian form of worship. No act of Parliament, however, passed in England, giving a legal form to that consent. William himself



objected to the measure, observing, that he would not bind his successors by making a perpetual law. But when Anne was on the throne, in 1703, an Act passed, not only confirming the *claim of rights*, on which the Scots had offered the crown to William, (one article of which, as observed, was against episcopacy) but declaring it high treason to endeavour any alteration of that *Claim*. And thus concludes the bishop,\* “a fatal stroke was given to the episcopal interest in Scotland.”

This brings us to the celebrated *Act of Union*. As affected by the Act of Union with Scotland.  
 —The Scotch, before they would accede to the measure, passed a law in their own Parliament, with the royal assent, for securing the Presbyterian government, wherein it was enacted, that “the worship, discipline, and government of this church continue, without any alteration, to the people of this land in all succeeding generations.” It is then added, that this Act of Parliament, with the establishment therein contained, shall be held in all time coming, as a fundamental condition of any treaty or union betwixt the two kingdoms, and shall be inserted in any future Act passed for that purpose in the Parliament of England. The queen, or any future king at his accession, is also to swear “inviolably to maintain and

\* History of his own time. Vol. II. an. 1703.



preserve the foresaid settlement of the true Protestant religion, with the government, worship, discipline, right, and privileges of this church."

When the matter came to be debated here, it met with little opposition in the commons; but, in the upper house, the debates were longer and more solemn. The archbishop of Canterbury moved, that a bill might be brought in for securing the church of England, wherein all acts, at any time passed for the establishment and preservation of this church, its doctrine, worship, discipline, and government, may be declared to be in full force for ever; the act, in like manner, to form a fundamental and essential condition of the union; and that every succeeding king or queen, shall, at their coronation, swear to maintain the said settlement of the church of England, and the doctrine and discipline thereof, as by law established, "in England and Ireland, and the territories thereunto belonging."

It merits some remark, that the king is thus laid under the hard obligation of swearing to maintain two religious establishments, in their tenets extremely opposite, but which are both declared to be true churches. "The *true* Protestant religion, and Presbyterian church government" are the words of the Scottish act, incorporated into the act of union which followed.



The bill passed into a law: but some arguments, on the occasion, were urged and replied to, which, as applicable to the present crisis, are peculiarly interesting.—It was objected to one clause of the bill, that its wording was not so strong as that of the Scottish Act, declaring its provisions, on the subject of religion, to be *unalterable*.—Where a supreme legislature, it was replied, is acknowledged, “nothing can be unalterable.”—When so many votes of persons, admitted to a share in the legislature, were attached to Presbytery, the church, they insisted, must be exposed to danger; and they recounted the rigour with which the episcopal clergy had been treated in Scotland, to shew the implacable temper of their adversaries. On this point much eloquence was displayed by certain bishops and by some lay lords. An answer, however, was ready; that the chief dangers were from popery and the ambitious views of France: as to violence, that there had been too much on both sides, to allow any just grounds of reproach on either; and that “a softer management would lay those heats, and bring men to a better temper.” It was added, that the cantons of Switzerland, though very zealous in their different religions, were yet united in one general body, and that the German diet was composed of men of three different persuasions, so that several constitutions



of churches may be placed under one legislature. If there was danger on either side, it was much more likely, that 513 English members would be too hard for 45, than that 45 would master 513, especially when the crown was on their side; that, in the house of lords were 26 bishops to outweigh the 16 votes from Scotland. It might be true, that all in England were not zealous for their church; but would the Scotch members be more so in their way, while the favour of the court lay in the English scale? Thus reasoned many noble lords, particularly Lord Somers; and the question of the union was carried\*.

What now can be said:—that Anne, bound by her coronation oath “to maintain the established religion of the country,” like her predecessors Henry VIII. Elizabeth, and William, violated that oath, and thereby broke the compact with her people; or rather that, assenting to the opinions of that people, conveyed to her by their representatives in Parliament, she acted as the principles of the constitution manifestly directed? If the contrary doctrine be maintained, what perplexing difficulties present themselves! And let it not be pretended, that Presbyterianism, because a branch of the Protestant religion, might be thus established;

\* History as before. Vol. II. an. 1706.



but not the religion of Rome. I perfectly understand in what the difference is made to consist: still the difficulty remains unaltered, for the religion of Scotland was not that of the English church, and this the queen had solemnly promised to maintain. Besides, the Scottish kirk then was, and always had been, extremely hostile to the church of England, whose violence against the episcopal form of worship, within a few years, it became necessary to check by act of Parliament. But the union could be carried only by concessions, in conformity with which, it was also agreed, "That none of the subjects of that kingdom shall be liable to any oath, test, or subscription within that kingdom, contrary to, or inconsistent with the foresaid true Protestant religion and Presbyterian church-government, as above established; and that the same, within the bounds of this church and kingdom, shall never be imposed upon, or required of them, in any sort." It is also declared, that the usual oaths, that is, the oath of supremacy and the Declaration, shall be taken by members of Parliament in both houses, "until the Parliament of Great Britain shall otherwise direct." This evinces the opinion then entertained of the fluctuating character of the oaths. It is moreover remarkable, that the last clause should have been inserted in the Irish Act of Union.



On the same principle, which directed the conduct of Anne, surrounded as she was by able interpreters of the law, his present majesty, it may be said, has proceeded in assenting to the various bills, that here and in Ireland have passed to repeal many penal and debilitating statutes. They led not, indeed, as in Scotland, to the establishment of a different religion, and therefore required less solemnity of deliberation; still they were precursory to an act, which cannot be very distant, that shall give to all British subjects an equal participation of rights and privileges. The religion of the state, I know, is little, if at all, here concerned; but we have seen two acts, those of Canada and of our transient kingdom of Corsica, which, if they stand in need of any defence, must be defended on the principle that established the kirk of Scotland.

But I am combating a phantom; and till it can be shewn, that the repeal of a few statutes, which the Irish petitioners claim, and which repeal would place them on the footing of other subjects; till it can be shewn, that this measure would prove more dangerous to the state and its religion, than the establishment of a church, at the time, notoriously hostile, the *Act of Union* must remain a reply to every difficulty. The truth, however, is, that, in the two cases, there is not a single point of similitude, on



which any comparison might be made to rest. But the Scottish union reminds me to add, that had the Irish Catholics been as steady in their views as their northern brethren, they might have gained, in negotiating their own union, not as much as they (the Scotch) did, but they might have gained all that they wanted. In a moment of thoughtless confidence they threw away the golden opportunity; and now hope to obtain by petition, what should have been made an unalterable condition of the projected union. The characters of the two people widely differ. One is wary, distrustful, and provident; the other, frank and open-hearted, heedless of the present, and little careful of the future. There was also another difference. The Parliament of Scotland stood by the people, professing with them the same religion, and feeling with them one interest for its maintenance, and one interest for the *general* prosperity of the country. It was not so in Ireland. Here the Parliament deserted the people, whom it could hardly have been said to have represented, and whose religion it had wished to exterminate; and, with a partial eye to itself and to the few whom it favoured, on this contracted plan negotiated and modelled the union. Nothing could so strongly evince the low condition, to which the Catholics had been reduced, as this Act of Union. They had the conduct of Scot.



land before their eyes, and had not the heart to make it the rule of their own proceedings. But let me repeat it; the Irish Parliament had deserted the people.

Before I quit the subject of the coronation oath, I must say a few words to the member of the town of Armagh, who on it has profusely scattered the flowers of his usual eloquence. He hesitates not to assert, and that in reply to a learned writer whom he charges with ignorance or culpable omission, that, by the 5th of Anne, that is, the Act of Union, *additions* were made to the coronation oath. "Of these additions," says he, "the author was either ignorant, or he designedly omitted them."—He was neither ignorant, nor omitted them; for *no additions* were made to the oath, but it now stands as it was framed at the Revolution. I would advise the learned orator to look into the Act of Union, and then turn to Blackstone, who, having given the words of the coronation oath, observes: "This is the form of the oath, as it is *now* prescribed by our laws." I will besides add for his information, that his present majesty, agreeably to the stipulation of the Scottish statute, *on the day of his accession*, subscribed the oath for the security of the church of Scotland, in a council held at Carlton-house; and that the coronation oath was taken by him, eleven months afterward, during



the solemn ceremony ordained for the occasion.

“I would ask,” said the noble secretary of state, “whether if this Petition of the Catholics were granted, we really believe they would be satisfied, and whether we have any ground of confidence from past experience, that nothing further would be demanded, which it might be indispensable to refuse, and yet which must be refused, after this concession, with considerable difficulty and disadvantage.” He states, that discontent and a desire of further favours have hitherto been the effects of concessions, and adds: “Are there no questions behind this, which may be brought forward as soon as it is conceded?” The abolition of tithes is then mentioned, a point, he observes, on which all the passions, prejudices, and interests of the people, little concerned in the present question, would be naturally and easily embarked. From the time of the enactment of the penal code of queen Anne, through the series of many years, Ireland remained in a state of repose and tranquillity; when that was repealed, and the policy of concession adopted, disaffection, insurrection, and, ultimately, rebellion lacerated the country. Concession seemed to have been too often made to clamour, and therefore led to new demands. —The same subject was repeated and enlarged on by other speakers, particularly by his Grace

Would the  
Irish be  
satisfied,  
had their  
Petition  
been  
granted.



of Canterbury, who viewed the Petition as the natural consequence of the various concessions made in the present reign; "of which series, the subject matter of the present Petition, if granted, would assuredly not constitute the ultimate term." Yet, in his judgment, "many of them were absolutely necessary, most of them extremely reasonable, and perhaps all of them in policy expedient." Having obtained all that belonged to toleration, it is but natural, he thinks, that the Catholics should now desire, at least, the acquisition of power. He then mentions the heads of the many grants recently procured by them, and adds: "after this long string of statutes, each of which, in its turn, was supposed to comprehend and redress all that was of grievance among them, naturally followed the Petition then on their lordships table." Its substance was compressed into one short, but pregnant sentence: "an equal participation, on equal terms, of the full benefits of the British laws and constitution," which, in their language signified, admission to places of power and trust, without giving that security for the due discharge of them, which was demanded from every other subject of the realm, —to legislate for a Protestant country, to dispense the laws, to command the armies and navies, and to take share in the executive councils. Such a demand struck, he thought, at



the principles of the revolution.—The lord chief justice took another view of the same question. “I think,” he said, “that the real aim and object of the friends of this Petition, if they can obtain the representative capacity, is, through the means of such representatives, to procure for the body some further advantages in the way of a recognised church establishment, under the immediate authority of Parliament.” To grant this, he observes, exceeds the competence of Parliament itself, constituted as it now is by the recent Act of Union, of which union “the continuance and preservation of the united church, as the established church of England and Ireland, shall be taken and deemed to be an essential and fundamental part.” Consistently with this treaty, every other church, which should have any thing allowed to it, beyond what is commonly understood by the word toleration, must be considered as so far established, and the union of course would be substantially violated. But if even this were granted, were the Catholic religion established, in some degree, in Ireland, in the communion and participation of privileges with the Protestant church, this would not satisfy, but would be followed by fresh demands and increased importunity. “Would not the broad banners of papal supremacy be immediately unfurled, and the exclusive domination of the Romish



church in Ireland be authoritatively claimed on the ground of this very concession, and of that majority in the population of that country, which alone confers the right, as they contend, of establishing the Protestant religion as the religion of the state in this country."——It was observed by another noble lord,\* that the use which the Catholics would make of power, would be to attempt the recovery of the forfeited estates, or even, as the only means of attaining that desired object, the separation of the country from Great Britain. "The fluctuation of property in a commercial country," he added, "and the relative numbers of persons composing the several sects, connected with the known perseverance of the Roman Catholic body, renders it unsafe to trust to their not being able futurely to do injury, because now they are unable. Their unremitting zeal in pursuit of political influence and authority, their implicit submission to one ruling and foreign power to the exclusion of the supreme authority of the state, their being all governed by one common principle, and firmly linked together by one general rule of action, render it not wise to intrust them with power upon a supposition that, because it might be at the commencement inconsiderable, it could not hereafter be rendered dangerously great."

\* Lord Carleton.



In this abstract of opinions, repeated in the other house, and echoed out of doors, is contained the substance of what the most fertile and timid minds conjectured, would sooner or later, be the certain consequences of acceding to the prayer of the Irish Petition. I, whom nature has cast in a duller mould, cannot rise to such fervid heights of fancy: for, on what basis are these conjectures founded? The Irish themselves have solemnly disclaimed all such views as are imputed to them. But they are not satisfied, it is said, though so much has been done for them; and therefore, they never will be satisfied. Is this inference just? I would ask any Englishman, whether hitherto, oppressed as the Irish long were by penal statutes, and still harassed as they are by restrictions, dissatisfaction has or now does appear to him any thing very wonderful? Favours, if the grants of justice must be called favours, they have received: but they do not enjoy, as they express it, "an equal participation, on equal terms, of all rights and privileges;" and if, till this be obtained, they can sit down resigned and satisfied, I have no difficulty in saying, that they deserve not the "equal participation" which they affect to claim. Why was any thing granted, if it was meant, that any thing should be withheld? It is a compliment to the British constitution, that, permitted



to partake of some of its benefits; they still desire more. To hear some men talk, one is disposed to ask, if they would not esteem, not, indeed, for themselves, but for others, the situation of Tantalus not void of all satisfaction, who, up to the chin in water, saw the stream playing round him, and a bough laden with fruit bending to his lips, but was withheld, by a divine decree, from tasting of either?

It is the manner of conferring a favour that often gives to it its greatest value; and we are informed, that some, at least, of the favours, granted to the Irish Catholics, were attended by circumstances peculiarly ungracious. Such, we know, was the case in 1793, connected with the events of the preceding year, as detailed by an eminent speaker in the house of commons.\* Having mentioned some of those circumstances, he says: "These were the causes, why the repeal of 1793 did not satisfy; and in addition to these, because the Irish government took care that the Catholics should receive no benefit.... so that the aversion of the government stood in the place of disqualification by law, and the hostility of the Irish minister succeeded to the hostility of statute." He adds, that so sensible were some Catholics of this, that they would have preferred their situation before the repeal of 1793, to the situation which followed; "in-

\* Mr. Grattan.



asmuch as they experienced in the then Irish government a more deadly and more active enemy than before they had experienced in the law."—Since that time, the general situation of things has amended; but we know, what the state of the Catholic community still is, not so much harassed by statutes, but harassed by a spirit of reproach, and party enmity, which those statutes, as had been said, greatly contributed to generate. And through the removal of the present disabilities, in themselves comparatively of little moment, it is, that the petitioners hoped to efface the degrading stigma of their country. This observation cannot be too often repeated. We, running over the various periods of time, since, to the honour of his present majesty, oppressive and penal statutes have been repealed, count, on our fingers, as did his Grace of Canterbury, the times of those repeals, and express astonishment, that complete satisfaction has not yet been obtained, and that more is yet asked for. In this dry calculation I discover few symptoms of benevolence, and few of patriotism. Let me see, not in corporate bodies, or among the ranks of the Protestant ascendancy, but through all the orders of the Irish community, without distinction of name or religious persuasion, a sense of "mutual interest and of mutual affection" prevail; and then, if Petitions for the re-



dress of grievances shall continue to assail the doors of Parliament, I will allow, that concessions to the Catholics have not experienced a suitable return.

From the narrow maxims of commerce, to which from childhood our ears and hearts are exposed, few minds are wholly free. The appellation of *nation boutiquiere* was not, without some reason, applied. "In days of yore," observed a gentleman\* in the house of commons, "those, who composed the mercantile world, were imbued with the notion, that the poorer you could make other countries, the richer would be your own. England unfortunately imbibed this notion." She imbibed it, I will add, and she retains it. Nor does she retain it in commercial transactions only; but she carries it through the business of life. Hence, if the question be, what portion of her constitution, of her laws, of her privileges, of her liberties shall be communicated, she sits down and calculates, to what degree her moneyed interest is first concerned; and then, in a moral view, whether if she retain the whole constitution to herself, the monopoly may not redound to her advantage. I recollect, some years back, how disconcerted many of us were, that France should pretend to make herself, after the example of England, a free country.

\* Mr. G. Ponsonby.



So in Ireland, the monopoly of rights and privileges, which a system of conquest and coercion originally established, has been perpetuated through successive generations, and is still, in part, retained, under the various subterfuges of calculation, that the Irish Catholics cannot as yet, with safety, be admitted into the general firm, or, were they admitted, that hereafter they would abuse the concession by further demands, or by attempts to overturn it. "Have we any grounds of confidence," said the noble secretary, "that nothing further will be demanded, which it might be indispensable to refuse?" A generous man, acting with a generous and open-hearted people, should entertain no suspicions.

Then how unconciliating, to say the least of it, is the reflection, that from the time of the enactment of the penal code of queen Anne, under all its pressure, the Catholics remained quiet; but when that was repealed, disaffection commenced, and insurrection, and rebellion. But the member for the town of Armagh, I am sure, can tell us, that as insurrections and massacres, in all circumstances, are the natural *pabulum* on which an Irish Catholic loves to feed, he wanted not the *stimulus of repose* to urge him to their commission. He is better versed in the history of his country. In the reflection, however, as it comes to our ears,



and to the ears of every Irishman, is contained a volume of cruel invective. And is this decent? Is this prudent? Four millions of men, nearly a fourth part of the population of our home-empire, are told, that they are only fit for chains—that when these hung round their necks, they were quiet and amenable to the laws; when they were unrivetted, they became disaffected and rebellious! And a minister of the country says this! The Irish people, I have just said, are generous, open-hearted, and grateful; but they are irritable, not patient of insults, and quick in their resentments. By good usage they may be easily governed; it is mockery and insult that provoke reaction. I can repeat it, under the fullest evidence that the case will allow, that, had lord Fitzwilliam not been recalled, and his plans for the benefit of the country been realized, evil-designed and traitorous demagogues would have found no ears to listen to their suggestions, and that the year 1798 would not have been disgraced by rebellion. If the reasoning of some persons be attended to, we must admit, it has been observed, that “the ordinary principles of action, the human motives that direct other men, are not to be found in the Catholic: that nature in him is reversed.” When he is most easy, he is most dissatisfied; when oppressed, he is cheerful and resigned. It might be well, if



the word *emancipation*, susceptible of much sinister meaning, and by few correctly understood, had not found its way into the common speech of the people. I before allowed, that it was improper, applied to the present state of the country, as apparently affected by existing statutes: but if we carry our views farther, and, listening to the words of the Petition, consider the degradation, the insult, and the reproach, which, as the indirect effects of those statutes, still adhere to the name of Catholic, we shall be compelled to own, that the word *emancipation* was not wantonly selected.

But *tithes*!—The abolition of these will <sup>Tithes.</sup> be demanded, it is surmised, if the Catholics shall ever be admitted to political power.

Let me ask—have they who now enjoy the elective franchise, itself a strong branch of power, and who most feel the pressure of tithes, as yet made their abolition, or even the consideration of the subject, a condition of support to any candidate who has requested their votes?—What events may be in the womb of time, I neither pretend nor wish to know: but I do know, that tithes, in this country, from the general mode of collecting them, are a heavy burthen, and that, in Ireland, from other causes, they are intolerably grievous to the Catholic. He pays his tithe to the clergyman of the establishment, not cheerfully, indeed, but because



the law compels him, reflecting, that from him who takes it, he has received no service, nor could, perhaps, have received any, had inclination led him to his church. Thus does a noble \* lord geographically delineate the ecclesiastical divisions of the country: "There are about 2400 parishes, which have been thrown by unions (many of them very improper, and some very recently made) into about 1100 benefices, some of which extended over vast tracts of country. Many of the parishes have no church, which was the case of a parish in Dublin, said to contain 20,000 inhabitants. Many of the benefices had no glebe, the ancient glebe having been confounded with, and lost in the lands of lay-proprietors. Many more of the benefices had no glebe-house, so that the clergyman had no means of residence within his parish: unfortunately too, benefices in this deplorable state had been deemed the most desirable—a parish without a church, without a glebe-house, and (an almost necessary consequence) without a Protestant inhabitant."—And this is the establishment, from the fear of disturbing which at some remote period of time, four millions of men are to be refused the rights of citizens, and held in degradation! Indeed, such a fabric stands in need of no common stays to prop it up.

\* Lord Redcsdale.



Did the statement of the learned lord stand in need of confirmation, I would refer the reader to *Statistical Observations* on the county of Kilkenny, lately published.\* In this *survey* he will find, arranged in columns, “the distribution and state of the parishes, with their churches, residence of the incumbents, and glebes.” The word *ruin* generally marks the first, and residence and glebes very accurately correspond. Among the various *unions* that have been made, I observe one of nineteen parishes in which there is not a church, and another of thirteen, called the golden prebend, which has one church. The author thus sums up the whole: In the county are one hundred and forty-seven parishes now distributed into fifty-five benefices, widely dispersed: thirteen incumbents reside within their parishes, nine of them in glebe houses, and ten curates: twenty-eight churches are fit for service besides the cathedral. Some clergymen reside near, though not in their parishes; some attend on sundays from Kilkenny and other places, and sometimes incumbents in one parish are curates in another.—Having before observed, that the inhabitants and rich farmers in the county are almost all Catholics, who bear impatiently the burthen of tithes, the author, himself a Protestant, proceeds to describe what he calls “the

\* By Mr. William Tighe.



Roman Catholic Establishment:—"The clergy having numerous flocks, are always resident; their unions or *annexes*, as they are called, are formed of contiguous parishes; of these are twenty-five belonging to Ossory, and two to Leighlin: non-cures and non-residence are of course not permitted. From their attention and constant residence, they generally command the respect of their flocks, which of course are rather encreasing. The clergy are appointed by the bishop: the bishop is elected by the chapter. If the election is unanimous, it is confirmed by the pope; if not, the bishops of the province recommend: the metropolitan has jurisdiction in appeals only, not in visitations."

The Catholic then having paid his tithe to the clergyman without a church, without a house, and without a parishioner of his own faith, is called on by his priest. From him he has received the regular service of his ministry, he has instructed his children, and, on many occasions, been his adviser and his friend. He, therefore, gives, and freely gives, what he can, towards his maintenance; but to do it, he must pinch from his own slender means, and from the comforts of his family. What heart will now make it a subject of reproach, if, when to the agent of a stranger he paid down the tenth part of his little property, he thought the case hard, and almost mechanically held back his



hand. But he might relieve himself from this double burden, if he pleased. He might so; but he might not find either clergyman to instruct him, or church to enter. Besides, as things now are, the state recognizes his religion, and requires from him, (so at least it is in England) under penalties, that he frequent the service of his chapel.—It is plain however, that the tithes are paid to the Protestant incumbent, and that without creating any difficulties in the collection, or is it probable, that the livings, on which residence is impracticable, should be “deemed the most desirable?” I may also ask, what becomes of the lessons of the priests, who, says the noble lord, “teach their flocks, they being their lawful pastors, that tithes should be paid to them?”

With what ease might all difficulties be removed.—Heavy sums, in grants and pensions, flow, it is well known, in a thousand channels, from the Irish exchequer. Let but a few streamlets be directed to the cabins of the Irish priests. They would be easily satisfied; the burden of double tithes would be taken off; and general satisfaction would follow. If you seriously wish to maintain your establishment inviolate, recur to such means. Besides, the measure would signally contribute to make the priesthood more independent of the people, and to give them a degree of authority and of free-



dom, which, on many late occasions, I have heard it lamented, they either had not, or dared not exercise.—The number of parish priests amounts, I think, to about 2,500.

Other objections considered.

Another noble lord, whose words I quoted, proceeds to fancy, that the object of the petitioners and of their friends, is to obtain the representative capacity, and then “through their representatives to procure for the body some further advantages in the way of a recognized church establishment, under the immediate authority of Parliament.” But unfortunately, having started this alluring plan, he instantly himself destroys it, by shewing that, constituted as it now is by the late Act of Union, Parliament is not competent to make such a grant. I know not that this doctrine is strictly constitutional. When in the Parliament of queen Anne, as I mentioned, in a case precisely similar, something was said about the word *unalterable*: “nothing is unalterable,” was the reply, “where a supreme legislature is once acknowledged.” Therefore I must think, if, at any future period, it should seem expedient to the legislature, from such motives as the greater happiness and advantage of the country, not only to grant a partial, but a complete, establishment of the Catholic religion, it would be competent to do it. To deny such a competence, is to limit the authority of Parliament,



and deny its supremacy. But we are not yet come so far: I will only observe, that it was cruel in the noble lord, when he raised the beautiful phantom, so soon to disperse it in the air.

His own imagination, however, was not yet exhausted. Were even this granted, he adds, were the Catholic religion, in some degree, established in Ireland, this would not satisfy; it would be followed by fresh demands and increased importunity. "Would not the broad banners of papal supremacy be immediately unfurled, and the exclusive domination of the Romish church in Ireland be authoritatively claimed on the ground of this very concession?"

It is not easy, with becoming gravity, to reply to such extravagant figures of oratory. Suffice it, therefore, for me to say, that I really believe those "broad banners of papal supremacy" to be safely lodged in the archives of the Vatican palace, there to moulder by the side of the diploma of the donation of Constantine, and many similar records of ancient days. It is possible that, for political purposes, they may be sometimes brought to light by the new emperor of the French; but should they, in the van of an invading army, be unfurled on the Irish shores, I have no hesitation in saying, that they would meet with no other respect than to be seized and deposited in the



castle of Dublin. But this is trifling: the Irish Catholics have solemnly abjured "any intention to subvert the present church establishment for the purpose of substituting a Catholic establishment in its stead." The flights of oratory are thus put down by an oath.

In the succeeding words is more seriousness, which assert, that they may continue to found their claim, "on that majority in the population of the country, which alone confers the right, as they contend, of establishing the Protestant religion as the religion of the state in this country."—In all the concerns of legislation, a reflecting mind does not readily detach itself from numbers; that is, in other words, does not readily detach itself from the *people*. And if numbers are not to be considered, to what extravagance does not the argument go? It goes to establish in legislation the completest despotism. For if a minority in the population can claim a preference to favour, that minority, surely, may be reduced, till it shall amount only to the few favourites that surround the throne, or to that party to whose participation and enjoyment, the legislative authority, in whomever it may be lodged, shall be disposed, by its statutes, to secure exclusive rights, liberties, and privileges. This is despotism, sanctioned only by the sword, or what is called the right of conquest. And by



this right, Ireland, I presume, has been and is governed. If since the union, when that country is become an integral part of the empire, it can be shewn, that, by conferring on it an equal participation of rights, as they are claimed, the safety of the whole, the *salus populi*, would be endangered, the refusal of those rights is justified on the plainest principles of government. But before the union, when the effect of equal laws would have terminated in the loss only of the Protestant ascendancy, which in the eye of a real patriot should not bear a feather's weight, I cannot understand, how an honest man could have reasoned. Let me coolly ask the learned and right honourable chief justice, on what principle he really thinks, the Protestant religion has been established the religion of this country?

Wilder conjectures are yet to come.—Give them political power, it is said, and though the accomplishment of their plans may yet be distant, the time will come, when, by the dexterous use of that power, they will gain such an ascendancy, as “to call for three hundred members to resume their functions in an Irish Parliament;” dissolve the union; separate the countries; recover the forfeited estates—and let me complete the climax—create a navy; make war on England; dethrone the



reigning house of Hanover; and fix the seat of empire, under the revived dynasty of some Milesian chief, on the banks of the Shannon! —“ I will look no further,” fearfully observes the author\* of the first part of the prediction, “ into so tremendous a prospect.”

Reader—I wish to be serious; but how be so in such a mass of extravagant surmises, of which, I maintain, the closing portion is not at all more extravagant than what precedes it: for the leaver, by which those mighty changes are to be accomplished, is acknowledged to reside in the political power of a few Catholic members elected to seats in the Imperial Parliament! However, though the “ prospect be so tremendous,” there is some satisfaction in observing that, to effect this Revolution, recourse will alone be had to constitutional measures, and these, consequently, of a moral nature. The four million Irish Catholics are not to transport themselves to England, and drawing up in palace-yard, dictate laws to Parliament; but the siren voice of Irish eloquence will lull to sleep the understandings and opposition of the five hundred and fifty-eight English members, and smooth the way to the series of great events. If history speak truth, at the times of seizing the estates of the old

\* Mr. Foster.



Irish possessors, means not quite so gentle were used; and the recent Union itself, I suspect, was even more roughly managed. But to this speedy, or even remote, resumption of forfeited estates, the Catholics themselves could hardly have looked, when they consented to swear, as they do swear, "that they will defend to the utmost of their power the settlement and arrangement of property as established by the laws now in being." But this may have been a feint, more effectually to veil from suspicion their deep-laid designs.

That such designs may have been engendered or entertained within the brains of some late visionaries, I do not deny; but is it prudent or is it generous, that they should be kept alive by men high in official stations, and then made a subject of reproach to the Irish Catholics, in whose heads they really have no place? From the readiness with which these wild plans seem to be conceived, and the flippancy with which they are uttered, I think, an Irishman is authorized to say: "In imputing these designs to us, you betray the feelings of your own hearts, and plainly say, were you in our situation, what you would attempt: you would not sit silently under the pressure of debilitating statutes, but would aim at political power, and when you had it within your grasp, all its energy should be called out, to crush



opposition, to gain ascendancy in church and in the state, and not to rest, till superiority and empire crowned your labours."—Would the Irishman be very wrong in these surmises? Or it may be, that men reason, not, as they may deceive themselves, from the supposed designs of others, but from the knowledge, which each one possesses, of the common propensities of his nature. Under these propensities, where is the man of any nation who bears, without repining, the sight of exclusive eminence in a fellow-citizen not more deserving than himself, and to which he is forbidden to aspire; or who, were it in his power, would not rescue himself from the degrading situation? No people, under the canopy of heaven, would bend so reluctantly to such a state of things, as the Protestant people of this country; and were they placed in the precise situation of the Irish Catholics, would struggle with more violence for what they would call freedom. In them it would be noble: in their fellow-subjects it merits every epithet of harsh reproach!

I quoted another passage, which, as I do not clearly understand it, I will repeat. "The fluctuation of property in a commercial country," it is said, "and the relative numbers of persons composing the several sects, connected with the known perseverance of the Roman



Catholic body, render it unsafe to trust to their not being able futurely to do injury, because now they are unable. Their unremitting zeal in pursuit of political influence and authority, their implicit submission to one ruling and foreign power to the exclusion of the supreme authority of the state, their being all governed by one common principle, and firmly linked together by one general rule of action, render it not wise to intrust them with power upon a supposition that, because it might be at the commencement inconsiderable, it could not hereafter be rendered dangerously great."

Should this prove to be an accurate delineation of the principles of the Catholic body, and a just view of their relative position in the state, where is the policy in not having instantly acceded to their Petition? Four millions of people, thus cemented, and actuated by a common soul, must be found irresistible, whatever be the object of their wishes, or by whatever means they seek its accomplishment. Concession would disarm hostility, and conciliate; refusal, and refusal aggravated by reproach and ungenerous suspicions, must irritate, and, through an increased animosity, lead on to measures of violence and aggression. But here again I suspect, that we are amused with another fancy-piece. It has been stated by other men, appealing to daily evidence, that the Irish



Catholics are much divided: that the higher ranks among them have lost their influence; that the remonstrances of the priesthood, on many important occasions, bear no weight; that, in the late rebellion, men of better counsels, who were numerous, stood aloof from the disaffected, and even opposed them in arms; and that, in regard to the present Petition, "the lower and middling ranks of the people," neither know what it means, nor care a rush for its success. Where in all this can be discovered the "one common principle, the one general rule of action, by which they are firmly linked together?"

But what can I say to "their implicit submission to one ruling and foreign power, to the exclusion of the supreme authority of the state?"—I can say, that no such power, in any case, ecclesiastical or civil, is acknowledged or admitted by them. They swear, "that no foreign prince, state, or prelate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, within the realm." What more can be required, in regard to internal belief? On this subject, I think enough has been already said; but as it is deemed the most important, I will now further add; that the practice of the Catholics is in perfect unison with their belief. They do not believe, that any foreign power can exercise civil juris-



diction in the realm, nor in practice do they admit it. But how is it in the administration of their ecclesiastical concerns? Of these I mean to speak: in the meantime, by way of preparation, I am ready to assert, that no single case of that administration can be adduced, in which, by the introduction of any foreign jurisdiction, the "supreme authority of the state" is set aside. If things are done without any immediate reference to this authority, it is because it has not deemed it worthy of its care to take cognizance of them. I am anxious to learn, on what occasions the king acts, not as the sovereign of the state, but in his capacity of "ecclesiastical or spiritual" supremacy. Knowing this I should be able to say, whether a case might happen, in which, by obeying the particular belief or ordinances of our church, we really resisted, or, at least, practically opposed that supremacy. Is not this supremacy, properly understood, another word only for sovereignty? In Catholic countries, where no such jurisdiction is, in words, claimed by the prince, the whole power of the state, in regard to church affairs, is exercised by him, to an extent as full and as uncircumscribed, as it is in England. I suspect then, that we are quarrelling about words. At all events, here and in Ireland, Catholics of every denomination, in all the concerns of civil life and the external



administration of their church, are completely amenable to the sovereign cognizance of the state, or, to repeat the words of a great law-authority, they declare, and in practice shew, "their entire submission and fidelity in all matters, to which the power and authority of the state can extend." And the limits of this extension we call upon the state itself to define. I might also before have asked, whether, when the oath of allegiance, with the omission of the words *ecclesiastical or spiritual*, was modelled to meet the scruples of Catholics, and their religion was legally tolerated, the legislature had any suspicion, that they were curtailing for them the *real* supremacy of the crown?

But says the English primate, the petitioners ask for "admission to places of power and trust, without giving that security for the due discharge of them, which is demanded of and given by every other subject of the realm."—— They are ready to give the security of oaths, which the legislature, by its public acts, has declared to be a sufficient test of their *allegiance*; and when this is secured, that government, truly, must be actuated by an inquisitorial spirit, which conceives itself entitled to demand more. And what more than this is demanded from Protestants, or do they give? They take, indeed, the oath of *supremacy*, which we, as far as the duties of the subject go, also take; and



they subscribe the *Declaration* against popery, which we do not subscribe; and they are required to take the *Sacramental Test*, which we refuse, and which few of them really take. But if fifty more oaths, and subscriptions, and tests were tendered, I conceive, that the object of all would be merely to secure allegiance, which, I am well aware, is completely secured by a single oath, and which, perhaps, as I am an enemy to oaths, would be as effectually secured by such a *Declaration* as the Quakers make. Then why are those additional oaths demanded? Plainly to prove that the man is not a Catholic, or, in the former language of the statutes, a papist, a word that, at the time, conveyed the idea of disaffection, disloyalty, and treason. But as the word Catholic, or, Roman Catholic, recognized by the legislature of the country, has ceased to be thus ominous, it appears, that the oaths might be safely relinquished, unless in the opinion of those persons, who opposed the Irish Petition, and still think that the Catholic, when, by the permission of the state, he dropt the obnoxious name of papist, retained all the amiable qualities of disaffection, disloyalty, and treason. Such is the generous sentiment of the learned member for the town of Armagh. Perhaps, after all that can be said, the wisest maxim of governments would be, to suspend the use of all oaths, and



rest the security, in conferring power and trust, for their due discharge, on the capacity and public integrity of the candidate. Such a basis, I conceive, would afford better grounds of confidence, than a thousand oaths. And say; was it the Sacramental Test or the Declaration against popery—fit ties on a parson's conscience—or a high sense of duty and inbred magnanimity, that animated the noble Nelson, when with a lion's heart, as the contagion of his example passed electrically from breast to breast, he fought, and conquered? To such men the tender of oaths, as a test of loyalty, is an insult. "In your dispatches to your generals, do you send the thirty-nine articles?" \*

The same high authority declared that, as it seemed to him, "the request of the petitioners struck at the principles of the revolution."—— Surely, in this view of things, the *measures* adopted at the revolution, when the throne of William was insecure, when the political principles of the Catholics were feared, and when much remained of the timid and intolerant spirit that had actuated the legislators of Charles II. are mistaken for its *principles*. Such measures, whereby the Catholics in both countries, were deprived of every right, civil and religious, might, at the time, perhaps



be justified. But the motives of the justification, it is allowed, have ceased. We should return then to the *principles*, lamenting that it was ever deemed necessary to depart from them, and when the blessings of liberty were secured to one part of the community, that a system of comparative slavery was entailed on another. "And what," exclaims Mr. Grattan, "are those principles? Civil and religious liberty. They existed, at the time of the revolution, in full force for you; they existed as seminal principles for us; they were extended to the Protestant part of Ireland a century after; they remain now to be extended to the Catholics. Then will your revolution be completed, not overthrown; then will you extend the principles of your empire on those of your constitution, and have secured an uniformity of action by creating an identity of interest." I own, it has ever appeared to me a proceeding most unaccountable, to attempt to defend a system of proscription on the principles of an event, which is maintained to have established the sure basis of equal rights and liberties. If penal restrictive statutes were judged expedient, let them be justified on other grounds, and the glorious revolution, as it is styled, be kept clear from all contact with slavery, or from what is allied to slavery, the withholding from



any "the full benefits of the British laws and constitution."

The state  
of the  
Catholic  
religion in  
Ireland.

When I first read the Petition of the Irish Catholics, and saw what its direct object was, I did not apprehend, that many religious considerations would perplex the free discussion of the question, much less, that the state of the Catholic religion in Ireland would become its most prominent feature. It was eligibility to Parliament, and the capacity of enjoying certain high stations, that alone were claimed, utterly unconnected, as it might seem, with tenets of faith, with the priesthood, and with its offices. But the qualifying oaths, I might have reflected, are all of a religious character; and I might have reflected, that Englishmen, from certain prejudices of the nursery, are peculiarly prone to give to political debates a seasoning of religious controversy. I have seen other countries; but I can aver with truth, that not even in the capital of the papal states, is religion so often introduced as in England. And yet, could it without some rashness be asserted, that we really possess more, than our neighbours, of the vital spirit of religion? Some years ago, a man's orthodoxy was measured by his hostility to popery; and much of the same spirit, I apprehend, still prevails.

The description of the state of the Catholic



religion in Ireland, as upheld by its hierarchy, I shall take from its declared enemy, the Irish Chancellor, on whose mind, I think, I have discovered an impression, which controversy, with her hand of acrimony, could alone have left there. Whether justly or not, the controversy, to which I allude, was engaged in, I pretend not to determine: I mean only to speak of the effect, which is sure to warp the mind, presenting to it, in *caricatura*, his antagonist, and whatever, in politics, in morals, or in the rites and practices of religion may belong to him and to the society of which he is a member. Men differ on a variety of subjects, but the social compact is not violated: the religious polemic alone stands armed at every point, and breathes undistinguishing defiance. It is from this spirit, which the reformation generated in England, and which churchmen, on both sides, perpetuated, that we, the weaker party, have suffered much, and are still treated as enemies. And viewing its baleful workings on a larger scale, to the same spirit we may ascribe the evils of disunion, under which the various communities of christians, on the continent of Europe, have continued to labour, and the impediments, I will add, that have stood in the way of a more rapid and more equal diffusion of learning. To the reformation, in the progress of science and the improvement of the



arts, we seem disposed, without reflection, to be too grateful.

The learned Chancellor thus speaks: "That any thing like peace or harmony could subsist in Ireland between the Roman Catholics and Protestants, if they were placed on an equal footing in political power, while the hierarchy of their church should remain as it stood, must be utterly hopeless. The Catholic clergy he viewed in a light very distinct from the laity. These he considered as individuals, dissenting in faith from the established church, and except as connected with their clergy, merely as individuals so dissenting. But the clergy were a great and compact body, a species of corporation, with all the forms and gradations of a distinct and firm government; connected by no tie with the government of the country, and utterly incapable of being so connected; standing in open defiance to the law; exercising an authority which the law expressly forbade, and representing those whom the law had placed in possession of the powers, the dignities, and emoluments of the national church, as usurpers of those powers, those dignities, and those emoluments." He then proceeds to state, that they taught their flocks, they being their lawful pastors, that tithes should be paid to them; that their parochial clergy were formally instituted rectors and vicars of the several parishes,



under the authority of their respective diocesans, according as the titles stood before the reformation; that they had preserved the deans and chapters, and the dioceses and the provinces of the several bishops and archbishops, as they existed before that event; that every archbishop and bishop, every inferior dignitary, and every parish priest of the established church, met therefore in his place a rival clergyman, ready and anxious to seize his benefice, his powers, his dignities, his revenues, whenever the opportunity should offer; that they held consistorial courts, and that by these courts the whole people were governed; that their authority was enforced by the most dreadful of all means, the power of excommunication, of which there were many instances, and against which the people had no redress; that reigning thus uncontrouled, they dissolved marriages for causes not allowed by law, such as pre-contract, consanguinity or affinity, in degrees beyond those prescribed by the legislature; licensed marriages within these degrees; and thus placing the evidence of marriage wholly within their power, made themselves judges of the legitimacy of children and of the right of succession to property.

That much of this statement, divested of its high colouring, is correct, I am ready, as far as my information goes, to acknowledge. But



then it is that very colouring, which, through the whole speech of the noble and learned lord, received even deeper tinges, that constitutes its principle deformity. He has himself, tracing events from the opening of the reformation under Henry VIII. to the period of the revolution under William, distinctly shewn, that, during that series of time, a very large portion of the country did not fully acknowledge the royal authority; that, in most parts, submission to the law was very imperfect; and that the Catholic clergy, notwithstanding the means taken for the establishment of the reformed religion, retained the possession of their old inheritance, and even the controul over the people, with the powers and emoluments of the ancient church. This, he observes, was particularly the state of things during the disturbed reign of Charles I. a state, which neither the interregnum nor the government of Charles II. effectually corrected, and which James II. as far as lay within his power, more effectually confirmed. And when after this, the strong arm of power completely established the reformed church, that is, completely transferred to it the sees and parochial livings, with all their dignities and revenues, the country continued to exhibit the unusual spectacle of a people, headed by their former priesthood, professing a religion different from that of the



state, and not only not supported by it, but even proscribed by statutes, and its professors subjected to penalties and disabilities.

We may now observe a marked difference between the fates of the old religion in England and Ireland. Here, on the accession of Elizabeth, the people very readily embraced the reformation; the bishops, at the time no more than fifteen, Kitchin of Landaff excepted, silently withdrew, having refused to take the oath of supremacy, and subscribe the articles, and were little more heard of; the deans, and dignitaries, and parochial clergy, with the exception of no more than two hundred persons, conformed to the new regulations; and thus was a free and open field left to the complete establishment of the reformed church-government in the fullest extent.—In Ireland, as we have seen, quite the reverse was the determination of the people and the priesthood. From what causes this proceeded, it is unnecessary now to enquire; but I presume, they would be found in the general state of the country not subjected to the controul of the English laws and government; in the animosities towards that government and its laws entertained by a people, ever treated with harshness, and insulted by contempt; in the universal prevalence of the vernacular language, not understood by those who undertook to instruct them in the



tenets of the new faith; and in their strong attachment to a religion, which, in its practices, was cemented with their habits, and seemed peculiarly adapted to them. However this may be, what happened in both countries, at the time of the reformation, laid the ground-work, in both, of the present state of things. We, having lost our hierarchy and all the forms of a regular church, continue, in the paucity of our numbers, in the same situation; while the Irish Catholics, who never surrendered their hierarchy nor its analogous discipline, still maintain all the forms of a regular establishment, deprived, however, of all revenues, and not acknowledged by the state.

Now I would ask any candid man, what he can see in this state of things, which not any perverseness of nature, but a series of events, induced, that should excite his indignation, and provoke abuse? Rather, I think, he will admire the constancy of men, who, surrounded and oppressed by every circumstance of discouragement, still adhered to the people, when they would not relinquish the religion of their fathers, and maintained the forms of a church best calculated, at least in their opinions, to administer to them instruction and spiritual aids. "But they refused," it is said, "to acknowledge the validity of those laws by which the powers and revenues of the church-esta-



blishment were transferred" to other hands. What their refusal was, or to what extent it was carried, I pretend not to say: but, surely, it cannot be deemed very criminal in any man, not to surrender power and revenue, as long as he can retain them, nor, at once, to acknowledge the validity of laws which forcibly deprive him of them. I may be mistaken; but, I own, I have hitherto viewed the Catholic bishops and clergy of Ireland as men possessed of the common appetites of human nature. These appetites, however, whether spontaneously, or through necessity, they have, long ago, to all practical purposes, learned to suppress; and we now see them coming forward, voluntarily to "abjure any intention to subvert the present church establishment for the purpose of substituting a Catholic establishment in its stead."

Still, let it not be supposed, that I would justify any abuse, or any exercise of power, which, though harmless in itself, should give just cause of offence. The laws of every country, and what those laws have ordained, call for obedience and respect; and every good man, whatever be his religious persuasions, will not fail to shew them. I have been surprised to hear persons of high stations declare, that, were they Catholics in a Protestant country, they would exercise what power they



might have, to weaken its establishment; that is, that themselves would do what they could, and, by their example, excite others, to disturb the peace and order of society. “No man can entertain a doubt,” observed the Attorney General, “that it is their inclination to propagate their religion *by every means in their power*. This is a principle inseparable from the character of every religion. Were I in a Catholic country, professing the religion I do, I should feel an inclination to advance that religion; and so it is natural to expect the Catholics would do, whenever they had an opportunity.”—From what school such maxims were drawn, I know not; but, I am confident, they never disgraced the lectures of any Catholic professor.—But to return to the more immediate subject. I wished to observe, that if the complaint, which we have heard, be well founded, of the conduct of the Catholic bishops and clergy, in assuming titles, or in holding courts, or in any other branch of administration or discipline, as it is their duty to be submissive to the laws, and to remove every occasion of offence, so, I doubt not, they will readily embrace such measures as shall be deemed most conducive to the great points of conciliation and harmony.

A general principle in regard to church-discipline.

Having mentioned the word *discipline*, I will further remark, as far as it may become me to do it, that as it is in itself of a varying cha-



racter, and may be altered, as it always has been altered, agreeably to the changing circumstances of time, and the modes of civil government, I conceive, that it should ever bend, not lightly, but from cogent motives, to these circumstances and to these modes. Thus in Catholic countries, monarchical and republican, as the general tenour of the laws is made habitually conformable to the religion; so is the discipline or the external administration of religion adapted to, and, in some sense, modified by, the laws and regulations of the state. Without such arrangement, they could not mutually aid each other; and collision, not union, would be the consequence. If this doctrine be true, let it be applied to the church discipline of any subordinate society, Catholic or Protestant, existing under the laws of a well-regulated government. Should not that discipline be rendered as conformable, as may be, to the laws, that thereby a certain uniformity may be obtained, all opposition avoided, and the people, who are guided by that discipline, be taught, that obedience to the established government, which leaves the conscience free to its own choice, is a duty incumbent on all? So in Ireland, let there be no clashing between the corporate regulations of the Catholic church and the laws of the state; but in every process,



that may seem necessary, a just attemperament prevail, and an adequate subordination.

The principle applied to marriages.

In illustration of what I have said, I would introduce the subject of *marriage*, on which the most serious complaints seem to be founded. The Catholic clergy, it is asserted, dissolve marriages for causes not allowed by law; establish impediments unknown to that law; and, in various cases, act independently of it.—This, I hesitate not to say, agreeably to the above doctrine, cannot be tolerated.

*Marriage*, in its primary acceptation, considered as a *contract*, formed by the consent of the parties mutually expressed agreeably to the laws of the country in which they live, seems a matter so completely belonging to the state, that one does not at first understand, how it ever could have come under the cognizance of the church, or have been subjected to its discipline. The ordering of society, the legitimacy of children, and the security and descent of property are things, certainly, of a civil nature. Our Saviour, who would never interpose his authority in any temporal concerns, left marriage as he found it; but, sensible of its high importance and of the many duties which it imposes, he instituted, we Catholics believe, a *sacrament* or holy rite, whereby a peculiar blessing or grace should be given to



the contract, or to the parties, who, with due dispositions, presented themselves to receive it. Hence the ministers of the church assumed a right of ordaining laws for its due administration; and the state in all countries, while the ecclesiastical power was almost uncontrouled, consented to leave the contract in their hands. But the civil nature of the contract remained unchanged. Since the time of the reformation, particularly, all Protestant countries have resumed their inherent right; and though, as in England, they appointed the parochial clergy to be the ministers in the celebration of marriage, they committed to them no powers of regulation, but what the state ordained. It would, perhaps, have been more regular, as they see in marriage nothing more than the civil contract, and which alone can belong to the state, to have chosen the magistrate for the principal witness, before whom the parties should express their consent; after which, if it so pleased them, they might have applied to the minister of their religious society for the nuptial benediction.

The state then, as I have observed, having resumed its right of regulating, by coordinate laws, the marriage contract, what becomes the duty of the ministers of a subordinate religion, who believe, by the divine institution, that they can confer on that contract a sacramental grace? Evidently, to surrender all



power, that, in former times, may have been conceded to them, of enacting or maintaining any regulations or impediments that can be supposed to affect the contract, and to wait, till this shall have been, agreeably to all legal forms, completely established, before they attempt to give, what alone is within their competence to give, the nuptial blessing. Thus would order be established, and all infringement of laws be prevented, which, I fear, sometimes are infringed under the proud, but absurd, notion, that a primitive church, such as is that of the Catholics, whether in England or Ireland, should not surrender its ancient laws to the regulations of the civil magistrate. But were they established in a Catholic country, and there acknowledged the legal ministers of the contract, are they aware, that such acknowledgment would arise from the free concession or acquiescence of the state, which, at any time, it might recall, leaving them to the exercise of what alone essentially appertains to them, the sacramental institution? In this regard, that is, in regard to its coordinate rights, there can be no difference between governments, whatever be their religion; and I should like to know, what would be expected from a Protestant society, which, professing a faith different from that of the state, claimed a right to be admitted to the common privileges of



subjects? It would be expected, that they made not their religion a cloak for disobedience, but implicitly submitted, where conscience did not object its sacred duties, to the general ordinances of the legislature.

In Ireland, I observe, by the statute of 1793, the Catholic clergy are not prohibited from celebrating marriages between parties that are both of their persuasion, which regulation, in the heat of his invective, the Irish Chancellor, I suspect, did not accurately recollect.

On the subject of *excommunication*, which Excommunication. that clergy is accused of using too freely, and against even the civil effects of which the people, it is pretended, have no redress, I can only say, that it is *opinion* alone which forces submission to such sentences, and that the laws, in every case, are ready to afford redress against oppression. If the Irish are so ignorant as not to know the power of the law, they deserve compassion; if knowing it, they decline its succour, and are rather willing to bear the pains of excommunication, they voluntarily fly from relief.\* In this country, I know, we

\* Very lately, we are now informed, in the county of Cork, fifty pounds were given in an action for damages against a parish priest who had excommunicated one of his parishioners. His name is O'Brien. This same gentleman, "for some harsh expressions," in an action with another parishioner, had been amerced, by compromise, in the heavy damages of four hundred pounds. The whole case is before the public, in which it is observable, that the conduct of the priest was blamed by his bishop.



have, at all times, been ready to avail ourselves of the laws, not in such cases as here mentioned, of which we have no experience, but, in every case, where property or personal security was concerned. Of this I could give many instances; and there is now one pending in the court of chancery, on the subject of some legacies, in which all the parties are Catholics, and the benefit of some Catholic institutions was evidently intended by the testatrix. Were the Roman bishop himself, in the distribution of any property, left a legatee, contrary to the provisions of any statute, we should contest his claim in an English court as freely as that of any other man. So idle is all the declamation which fatigues our ears, that Catholics acknowledge a foreign jurisdiction which must for ever intervene, in a Protestant country, between the submission which it challenges and their obedience to the laws.—The Catholics of Ireland, it has been said, and particularly its clergy, form a body, “connected by no tie with the government of the country, and utterly incapable of being so connected.” I maintain, that they are connected with it by every tie, and as firmly connected, as is the most loyal Protestant through the whole extent of his majesty’s dominions. The repetition of such childish, but malevolent, assertions would wear down a patience much more herodical than my own.



Still, I will once more return to this foreign jurisdiction. Dr. Troy's position, "that it is a fundamental article of the Roman Catholic church, that the bishop of Rome, the successor of St. Peter, prince of the apostles, enjoys, by divine right, a spiritual and ecclesiastical primacy, not only of honour and rank, but of real jurisdiction and authority in the universal church," though familiar to Catholic ears, seems too generally and loosely expressed. A Protestant, not unread in the history of former times, recoils at the words, *spiritual primacy*, and *real jurisdiction*, because he is aware that, under that cover, was assumed and exercised the whole prerogative of domination which so long oppressed the states of Christendom. I have before, I think, observed, how difficult it is to adopt unambiguous expressions, or expressions that, though cautiously chosen, are not susceptible of some meaning unintended by their author, particularly, as on the present subject, when fears and jealousies prevail. These fears and jealousies do not surprise me. The direct power, indeed, of Rome is small; nor do I apprehend, that it would be the wish of his present Holiness, temperate and unambitious as he is said to be, could the circumstances of the times allow it, to extend that power beyond the limits, which the canons of general discipline, and the laws and customs of each national

Actual  
state of the  
papal  
power.



church, have fixed. But the power now seems to be lodged in other hands; and recently we have seen it exercised to effect a purpose, which, in the days of its highest despotism, not Gregory VII. nor Innocent III. would have attempted. I allude to the arbitrary act, which dispossessed the French emigrant bishops of their sees, and annulled their jurisdiction. The coronation of the French emperor, which we so severely censure, was not, I believe, a voluntary act; and I can discover nothing in it, the circumstances of the times, the known policy of the Roman court, and its utter inability to refuse what was imperiously demanded, duly considered, that should provoke any other feelings than those of pity, or of absolute indifference. The title of Napoleon had been acknowledged by many princes, and we had acknowledged the legitimacy of his power: his title also we, in our turn, shall probably acknowledge. But it is plain, that the pope is dependent on the will of a despot, who, as it shall seem good to him, will direct what influence he may still possess, to aid the accomplishment of his own plans, whether of ambition or of hostility. What, in regard to the papal power, may be the state of the Irish mind, I pretend not to judge; but I flatter myself, that there is no ground for fear, and that it has not been left, without some illustration, to



the naked impression of Dr. Troy's definition. This brings me to the most important point of these considerations.

As men will for ever differ about words; as jealousies, once strongly excited, cannot easily be allayed; and, though not an object of legal cognizance, as theories and opinions may cause suspicions, it is wise, on all occasions, to adopt the most effectual means of removing every ground of suspicion, and of tranquillising timid minds. The Catholics of both countries have, a thousand times, repeated, but repeated without effect, that they admit in the Roman bishop a power merely *spiritual*, and that such power, so understood, can, in no case, interfere with the duties of a loyal subject. The legislature also has acknowledged, by formal acts, the innocence of this opinion. Still is this *spiritual* power feared, and we see it now made almost the sole ground, if not entirely so, on which the Petition of the Irish Catholics has been rejected. We must then go further than words, and expressly define the limits, within which all exercise of papal jurisdiction, as far as the Catholics of the united kingdom may be concerned, shall be confined. That this has not long ago been done, should be a matter of reproach to the government of the country, rather than to the Catholics. The government refused to acknowledge them; it pretended not

Sketch of a  
plan for the  
removal of  
jealousies.



to be aware, that four millions of men must be subjected, in the concerns of religion, to some scheme of administration; it would take no cognizance of the appointment of their ministers, nor of the laws of their discipline. In this state of rejection, what were they to do? They retained as much as they could retain, consistently with the pressure of penal and debilitating statutes, of their old form of government; and had recourse to the superintending care of Rome, as the best means of maintaining order. Otherwise, as in all Catholic countries, the limits of papal jurisdiction and the channels of communication with the Roman court, had been clearly ascertained, and no occasions given to a jealous government of suspecting the allegiance of its Catholic subjects.

1st.—Without attempting the absurd expedient of suppressing the hierarchy in an episcopal church, government has only to signify, that it is their wish, that the king, in future, shall have the nomination of the Catholic bishops. This will be conceded. The mode of election or nomination has often varied; but it now generally is lodged in the hands of the prince, who, in Catholic countries, as was settled in the late French *Concordat*, after his nomination allows the elected bishop to apply to the Roman see for canonical *Confirmation*



or *institution*. And by this act, agreeably to what the late pontiff termed the *new discipline* (*ex nova disciplina*), is understood to be maintained as well the *union* or *communion*, which should ever subsist between the head and its members, as also that *jurisdiction* to be acknowledged, which Catholics believe essentially to belong to the primacy of the bishop of Rome.

In regard to the *fealty* or *allegiance*, which, at his consecration, each bishop promises to him, if it mean any thing, it means too much; if nothing, it is absurd, and degrades a solemn ceremony. This episcopal oath, as it is called, found its way into the church in feudal times, when the Roman bishops, in imitation of other princes, viewed themselves as sovereign lords, and all churchmen as their vassals. The bishop, therefore, did homage in the hands of the consecrator, the supposed representative of his Holiness. But as the days of feudal slavery have passed away, why has not this oath passed with them? Its language evidently denotes its feudal origin. The bishop promises, "that he will from that hour forward be faithful and obedient to Saint Peter, and to the holy church of Rome, and to his lord the pope, and his successors, canonically entering: that the papacy of Rome, the rules of the holy fathers, and the regalities of Saint Peter, he will keep,



maintain, and defend against all men: that the rights, privileges, and authorities of the Roman church, and of the pope, and of his successors, he will cause to be conserved, defended, augmented, and promoted."—Let there be no more of this. One obnoxious clause, "that heretics, schismatics, and rebels to the holy father and his successors, he will resist and to his power persecute," is now, I understand, omitted, by the express permission of the pope, "it being his particular wish," say the cardinals in their letter, "to avoid whatever could give umbrage in Great Britain and Ireland." The whole oath gives umbrage to every thinking man, and should therefore be utterly expunged. Yet the French bishops, I believe, since the *Concordat*, continue to take it. Napoleon knows how to value words; but words, as I observed, void of meaning, dishonour the lips that utter them. It should not, however, be concealed, that the court of Rome views them in another light, and will surrender no more of this feudal oath, unless urged to it by the irresistible demand of government. The expression of vassalage, though no more than a sound, is ever pleasing to the ear of power, and brings to remembrance the days of former greatness.

2dly.—The parochial clergy, I understand, are now appointed by the diocesan; but if government can be prevailed on to allow them



moderate salaries, and shall judge proper to regulate their appointments in any other form, I conceive, it will meet with no difficulties.—

I was shocked to hear a legal officer of the crown lament, that a college had been founded for the education of Catholic clergy. The ignorance of the Irish peasantry has often been deplored, and foreign education, which was not a matter of choice, has often been made a subject of reproach: but now, it seems, no education must be allowed, foreign or domestic.

“What would the learned gentleman do with the Catholics?” exclaimed an Irish member.\*

“Would he have them brought up in the grossest ignorance? Would he permit them no place of education, by which they might be rendered useful members of society, and good and loyal subjects? Or would he have them sent out of the country to be educated in the seminaries of that pope, of whose principles he has so great a dread, and to whose power he thinks it necessary to oppose such strong and formidable barriers?”

3dly.—The nomination of the bishops and the appointment of the parochial clergy being regulated, the next measure, I conceive, must be, first to settle in what manner external discipline, in holding any courts and the celebra-

\* Mr. G. Ponsonby.



tion of marriages, shall be administered; and then, which is most important, distinctly to define, through what channel communications with the Roman see shall be permitted. This channel must be public, let us say, one of the offices of government. Much trouble need not be apprehended; for the communications would not be frequent; but when they happened, the subject or instrument should be open for inspection, as likewise any brief, or rescript, or monition, or dispensation, or whatever answer, might be transmitted in return.

With what facility might such regulations be made, and when made, and adhered to, what cause could there any longer be for suspicions, and for any fear of this foreign sovereignty? And the Irish prelacy, I flatter myself, if they have not already taken the subject into consideration, will delay no longer doing it, and will be ready, before Parliament shall again resume the subject, to lay before government a detailed plan of regulations. The redress of grievances seems to be in their own hands.

Mr. Fox.

I am sensible, that I should not quit this subject of the Irish Petition, without adverting to a gentleman, with whom, it may be said, in a particular manner, to be connected, and whose name, a learned member\* of the commons

\* Sir William Scott.



house introduced, when unreflectingly, I think, he thus expressed himself: "I have understood," he said, "that the honourable mover of this question is preparing the history of a very important and eventful period in the annals of this country. The favourite chapter to which I should direct his attention with peculiar pleasure, would be that in which so enlightened an author must contemplate the benign effects of the Protestant religion, as conducive to the peace, order, and happiness of the community, and to the integrity and glory of the British constitution."—Had the learned member retained in memory the whole drift of Mr. Fox's argument on the preceding evening, or merely the words, which I shall now quote, he could not thus have spoken. "Gentlemen," said Mr. Fox, "who have attended to all this history of the restrictions of the Catholics, (sorry I am to say, a large chapter in the history of Great Britain) need not be told, that it has been useless with reference to the ends proposed, and certainly odious to those who have been affected by it. I believe, it is not considered by foreigners as that part of our constitution which is most deserving of admiration."

I shall be curious to learn, whether these chapters, by one denominated "favourite," by the other "unfortunately large," can be moulded into one. Yet so, I think, they must; for as



the restrictive acts passed in the reign of Charles II. under the titles of the Sacramental Tests and the Declarations, immediately regard doctrine, the character and the "benign effects" of the religion of the legislators, who framed them, must necessarily find their place by their side. No period in our history, I am confident, for the display of the Protestant religion, "as conducive to the peace, order, and happiness of the community, and the integrity and glory of the constitution," could have been so unadvisedly chosen as that of the reign of Charles, whether we confine our views to the statutes against Catholics, or to those against Protestant Dissenters. They all bear on religion itself, as differing from that of the state, not on any political opinions, as adverse to its interest or its laws. Indeed, the Protestant religion must derive its title to benignity from some other æra than this, when not peace, not order, not the happiness of the community were promoted; but the seeds of disunion, discontent, and discord were thickly sown, and nothing done, as the annals of the times attest, to confirm or to extend the "integrity and glory of the constitution."

But I am willing to leave this matter, with all its bearings, in the hands of him, who is so justly styled "enlightened." Nor to this confidence am I led, by reflecting on the part



which he took on the Irish Petition—for many members, it was plain, pressed forward to partake of the honour of that day—but because the experience of years has convinced me, and convinced the country, that the real rights of man, the liberties of Englishmen, and the principles of the constitution, have in him an advocate, unchanged and unchangeable. In every corner of the empire, I may add, wherever grievances are felt, from restrictive statutes, or from whatever other undue pressure, the aggrieved turn their eyes to him, and to him commit their cause. His exertions may not be successful; but in them will be his soul, and the powers of a manly eloquence. Almost to every question, in which the principles of civil liberty and the higher interests of society might, at any time, be concerned, Mr. Fox, as the occasion offered, has pledged his opinion. This, it may be said, other statesmen have sometimes done. But he has done, what they have not. In no change of situation, in or out of power, has he departed from his pledge. Here, perhaps, he stands alone. And it was to this consistency, I cannot doubt, that they, who sometimes had not spared abuse, and the country which, at all times, was not just to his deserts, looked, when with one voice, as we remember, he was called to aid the government of the state. Freedom from prejudice is the criterion of a great mind: of a



good mind, the forgiveness of injuries. I have heard it said, that some animals have no gall; in the human race, I know one man who is without it. What wonder then, that this man should be a friend to peace, and an enemy to war and its distressful horrors. As a statesman, besides, he has balanced the miseries and uncertain issues of one against the sure blessings of the other, and reasoned from the rise and fall of empires.—Let the history, then, of Charles II. come when it may; and the sooner it comes, the better: to its author we freely entrust our cause, and that of the debilitating statutes, which have continued to oppress us; and if into the same chapter can be introduced the eulogy of the Protestant religion, by its benign effects, as has been said, tending “to produce the peace, the order, and the happiness of the community,” I own, I shall be surprised, but I shall not be dissatisfied; for justice, I know, will be done to all.

Conclu-  
sion.

It is time, that I close these *considerations*, which have run out to a greater length than I expected; but I was not willing to withhold any ideas that presented themselves, flattering myself that, possibly, they might be productive of some good. Every man of common discernment is aware, that the prayer of the Irish petition, though now rejected, must soon be granted, and granted, not from the sug-



gestions of fear, but from the conviction of its justice and its paramount utility to the well-being of the empire. It was, therefore, my wish, by any means in my power, to accelerate the happy crisis, and, by removing obstacles, to render the way more easy. It seemed to me, besides, that many persons were not sufficiently sensible of what really constituted the main object of the Petition. They presumed, because it spoke of admission to seats in Parliament and of eligibility to high offices, which principally lay within the competence of the legislature to grant, that the views and wishes of the petitioners here terminated; whereas they rested on a much more important point—the degraded condition of the people. This condition, necessarily productive of discontent and disunion, they saw, was the effect of a long series of causes, many of which had been apparently removed, but which effect the unrepealed statutes continued to perpetuate. Political power, it may be said, was in their view; but in their hearts were the happiness of the people, and the general prosperity of the state. The late union, it was plain to them, though it might remedy some evils, was rather an union between England and a favoured ascendancy, in which the minds of the people had no share. To make this people a party to the



union, in all its interests, was the aim of the petitioners.

I am disposed, in conversing with the common herd of men, to make allowance for prejudices of education; but not when I am supposed to address legislators and ministers of state. If the minds of these men have retained any bias, which sound sense and enlarged views have not given, they should return into the mass of society, and grovel there. Mischief, or, at best, an absence of all good, must be the necessary consequence, in every important measure, of their plans and counsels. It cannot be thought, descended as I am from Catholic ancestors, and educated in that religion, that I should not know, what are the real principles of its professors, and whether those principles are adverse to, or can ally with, all the duties of a loyal subject. Had I perceived them to be adverse, I trust, that I shall be believed when I say, that long ago I should have ceased to be a Catholic, under the evident conviction, that a system of faith which forbade me to "give to Cæsar what was due to Cæsar," must be fundamentally erroneous.

But legislators and ministers of state still raise objections.—It is true; and those objections I have considered. That they will relinquish them on my word, I have not the



vanity to think; but I would advise them, as the matter, they own, is of great moment, themselves to consider, whether these objections are really better founded, than the many other charges, which, not long since, their minds harboured against Catholics; which they deemed bottomed on the truth of history; but which they have now relinquished. I know, that they are all children of the same family, weak, and rickety, and deformed. Besides, it is plain, how easily the most plausible objections, chiefly resting on the supposed admission of a foreign jurisdiction, can be removed. If they are not removed by a government that can, by a word, accomplish it; we shall be plainly told, that it was not that jurisdiction which they feared, but that their minds, though they blushed to own it, still retained, in common with many churchmen and ancient females, a horror of the Catholic religion, or, as they would whisper to themselves, of popery.

I have sometimes suspected, that the members of the church establishment might have some little concern in the difficulties that are raised. Yet why should this be? They repose secure in their possessions: but they are timid, are self-interested, and are, therefore, intolerant. Would we listen to their own praise, we should believe, that no church is so indulgent



to the errors of their fellow-christians, none so forbearing and kind. I fancy, the shades of difference among the clerical members of all churches are not very discernible, whether they may have been educated at Upsal or at Geneva, at Paris or at Rome, at Salamanca or at Oxford. When some few years before the revolution, the French government judged it proper to ease the condition of its Calvinistic subjects, the measure was opposed by the clergy. Their opposition, however, was disregarded; for as, in that country, they possessed no elective franchise, the minister cared little for their discontent or good-will.

Would it not shock the venerable bench, I would propose a measure to them, which, inevitably, healing every source of difference, would give to Ireland content and happiness. The measure which I mean, is an union of churches, combined with the political union of the kingdoms. What really is there, all prejudices once surmounted, that should stand in the way of such an union? When the subject, on a broader scale, about the beginning of the last century, was agitated between the primate of Canterbury and some Paris divines, the wall of separation, as far as they went, was judged to be very slender. The Roman primacy does not affect the liberties of any national church; and, as to other points of discipline or of belief,



I see little difference, no difference, at least, that should obstruct so enviable a project. We admit transubstantiation, though we disagree about the mode: the church believes, "that the body and blood are verily and indeed taken and received." We admit the *invocation* of Saints: the present learned bishop of London, in his late lectures, allows of something which would justify the invocation of angels. Purgatory is, at least, a harmless opinion, while it is gratifying to many laudable feelings of the heart. "We acknowledge the same God," said Mr. Grattan, "the same redeemer, the same consequences of redemption, the same bible, and the same testament. Agreeing in this, we cannot, as far as respects religion, quarrel about the remainder, because their merits as christians must, in our opinion, outweigh their demerits as Catholics, and reduce our religious distinctions to a difference about the Eucharist, the mass, and the Virgin Mary, matters which may form a difference of opinion, but not a division of interests."

If in opinions then we approach so near, let us approach nearer in a practical union of interests, and completely throw down the wall of separation. I shall expect, seriously I shall expect, in a few years, when the subject has been more matured, to hear, that the Irish bishops of the establishment, having first gene-



rously made over a portion of their revenues for the decent maintenance of their Catholic brethren, are ready to make further proposals, and to agree, as is done in some churches of Germany, to an alternate enjoyment, subject always to his majesty's choice, of episcopal dignities and emoluments. Before this can be accomplished, the clerical spirit, indeed, of which I spoke, must have lost its energy; but when minds are once enlightened, they become capable of noble efforts.

The real statesman, meanwhile, has an open road before him. Convinced of the expediency of a measure, not valuing the minor considerations of popularity or partial favour, he moves directly forward to its completion. Piety and a serious regard for religion give a dignity, he knows, to every character; but he leaves mysteries to the theologian, and he disdains to be a polemic. Those tenets of belief command his protection most, which are best adapted to the people whom he is called to govern, and those churchmen he patronises, whose attention to their duties is most conspicuous, and by whom the good order and harmony of the community are best promoted. Were he to legislate for such a country as Ireland, or to recommend an amendment of its laws, one sole object, the well-being of the people, would regulate all his views. He would cast a veil of oblivion over



all that had passed, and fully sensible, that man should be raised, not depressed, he would extend to him the paternal indulgence of government, and, in the participation of all the rights of freemen, lead him forward to the discharge of duties. Talk not to me, he would say, of danger from religious tenets, or of danger from the abuse of political power; it is by coercion, by restrictions, by disabilities, that man is exasperated and goaded on to acts of insubordination and of resistance. The mind forms to its treatment, and no treatment so strongly irritates, as that which makes a distinction between citizen and citizen, not on account of organic defects, or mental weaknesses, or depraved propensities of nature, but for shades in the complexion of the skin, or, which is the same thing, for shades in religious belief.

So, I think, viewing the present condition of Ireland, would a real statesman reason.

As then the day cannot be distant, when all disabilities and restrictions, on account of opinions, must be removed, first from the Irish Catholics, and then from every other class of British subjects, sound policy directs, that the measure be accomplished in the best manner. A generous nation, as we affect to call ourselves, cannot be at a loss how to proceed. "The partial adoption of the Catholics," observed an



illustrious orator,\* “has failed, the eradication of the Catholics cannot be attempted, the absolute incorporation remains alone; there is no other; or did you think it necessary to unite with the Irish Parliament, and do hesitate to identify with the people?” In the mean-time, (though there should be no *mean-time*, where justice is to be done, and the interests of the country promoted) an enlarged system of policy must be adopted, which system will point out, that the higher orders among the Catholics, the opulent and active, their bishops, and their clergy, should be invited to use their influence on the great mass of society, that, where there are heart-burnings, they may be soothed; that, by a diffusion of liberal instruction, ignorance and the remains of barbarism be eradicated; a spirit of mutual forbearance and amity be instilled; and encouragement afforded to habits of industry, and a respectful deference to the laws. By such means, and not, as is absurdly suggested, by attempting to weaken the authority of the clergy, and to convert the people to the established religion, will the country be prepared, if any preparation be deemed necessary, to enter on the full participation of “all the benefits of the British laws and constitution.”

\* Mr. Grattan.



The following beautiful passage from the orator whom I have just mentioned, will aptly embellish the close of my reflections: "In order to ascertain the principles of your empire, survey its comprehension, computing your West Indies, and your eastern dominions. England has now, with all deference to her moderation, a very great portion of the globe. On what principle will she govern that proportion? On the principles on which Providence governs that and the remainder. When you make your dominions commensurate with a great portion of her works, you should make your laws analogous to her dispensations. As there is no such thing as exclusive Providence, so neither, considering the extent of your empire, should there be such a thing as an exclusive empire, but such a one as accommodates to peculiar habits, religious prejudices, and prepossessions. No nation is long indulged in the exercise of the two qualities—bigotry to proscribe at home, ambition to disturb abroad."

THE END.



the following beautiful passage from the  
author whom I have just mentioned, will  
embellish the close of my reflections: "In order  
to ascertain the principles of your empire, and  
very its comprehension, comparing your West  
Indies, and your eastern dominions. England  
has now, with all deference to her moderation,  
a very great portion of the globe. On what  
principle will she govern that portion? On  
the principles which Providence governs  
that and the remainder. When you make your  
determinations consistent with a great portion  
of her works, you should make your laws ana-  
logous to her dispositions. As there is no  
such thing as exclusive violence, so neither,  
considering the extent of your empire, should  
there be such a thing as an exclusive empire,  
but such a one as accommodation to peculiar  
habits, religious prejudices, and dispositions.  
No nation is long indulged in the extent of  
the two qualities—being try to preserve at home  
ambition to disturb abroad."

THE END.



