

**SOME PROBLEMS OF CHURCH AND STATE  
IN CANADA AND IRELAND  
1790 to 1815**

BY  
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For a time, while the struggle with Napoleon was at its height, there was a danger that the *modus vivendi*, established between the British Government and the Catholic Church in Canada, during the generation which followed the conquest, would be disturbed. Under the leadership of two successive governors,<sup>1</sup> and with the assistance of such men as Dr. Mountain, the first Anglican bishop of Quebec, and Mr. Herman Ryland, the clerk of the Executive Council, a determined effort was made to reverse the policy adopted by Murray and Carleton and their immediate successors, and to force the Church back into the position of bare legal toleration, as that had been defined in the instructions issued by Lord North's government in 1775. That effort culminated in the visit of Mr. Ryland to England in 1810, for the purpose of laying before the Colonial Office a plan prepared by Sir James Craig for the reform of the civil and ecclesiastical administration of the province.<sup>2</sup>

It was evident when Craig took up his duties in Quebec in 1805, that the intentions of His Majesty's Government with respect to the Church were not being carried out. For a generation or more the governors of the colony had clearly disregarded their instructions; and as a result the Church had acquired a degree of freedom never contemplated by George III. and his advisers. With the revolt of the American colonies assuming dangerous proportions in 1774, it had been deemed politic to revise the original settlement in Quebec, to restore the tithe to the clergy, and, despite the proscription of Catholicism in all the King's older dominions, to place the Church in the position of a quasi-legal establishment.<sup>3</sup> But the privileges thus conferred, on the advice of Governor Carleton, were intended to carry with them no immunity from the direct and effective control of the civil power. That was made plain by the instructions to Carleton in the following year. Every form of correspondence

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<sup>1</sup> Sir Robert Shore Milnes, Lt. Gov., Lower Canada, 1799 to 1805; and Sir James Craig, Governor of Canada, 1807 to 1811.

<sup>2</sup> R. CHRISTIE, *History of the Late Province of Lower Canada* (Montreal, 1866) V., 441; and VI., 126 and 127.

<sup>3</sup> B. WILLIAMS, *Life of William Pitt* (London, 1915) II, 301. Lord Chatham denounced this arrangement as a violation of the King's coronation oath.

with a foreign ecclesiastical jurisdiction was forbidden under the severest penalties. The exercise of episcopal functions was limited to what was « indispensably necessary to the free exercise of the Romish religion, » and then only by licence of the governor, granted « under the seal of the province for and during our will and pleasure. » The parochial administration down to the last minute detail was subjected to similar regulation.<sup>4</sup> What was intended was toleration of the forms of Catholic worship within a church severed from the Holy See, and administered, like a department of state, under authority derived from the Crown. What resulted was something very different.

In practice Carleton and his successors contented themselves with exercising some influence over the choice of the bishop. The extent of their influence can only be conjectured. It is probable that no ecclesiastic could be appointed to the office without the governor's approval. It is possible that the governor's approval was the deciding factor in making the selection.<sup>5</sup> But the authority was exercised with discretion, and there is no evidence of any serious disagreement on this subject. Beyond that the civil power refrained from interference. Regulation of the internal economy of the Church, necessary correspondence with Rome, and all other matters pertaining to ecclesiastical administration were left to the bishop and his assistants. In this respect the conquest had brought no change. After a generation of British rule the Church in Canada remained as free and as Catholic as it had been at any time during the French régime,<sup>6</sup> and until the end of the century the arrangement was accepted by both parties without much question.

To men like Craig and Ryland, however, this arrangement appeared highly irregular. It involved the sacrifice of powers which undoubtedly belonged to the civil authority; and it left in the hands of the bishop of Quebec an amount of influence or patronage hardly less than that exercised by the governor himself.<sup>7</sup> When Ryland sought the aid of the Colonial Office in his efforts to put an end to this anomaly, he could assert with evident truth that what was demanded was nothing more than the enforcement of the policy clearly stated in His Majesty's instructions thirty-five years before. But the ministers of the Crown were strangely indifferent. Their energies were engrossed in the struggle with Bonaparte, and they had little time to give to the affairs of a remote and unimportant colony. They probably shared the doubts

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<sup>4</sup> SHORTT and DOUGHTY, *Documents relating to the Constitutional History of Canada* (Ottawa, 1918) II., 504 ff.

<sup>5</sup> But Ryland declared that the power of the Crown in the nomination was hardly more than a formality. CHRISTIE, *op. cit.*, VI., 258.

<sup>6</sup> On this subject generally see J. F. KENNEY, « Church and State in Canada, » *Catholic Historical Review*, XVIII. (Jan., 1933); and ARTHUR MAHEUX, *Ton Histoire est une Epopée* (Quebec, 1941).

<sup>7</sup> Ryland to Peel, Nov. 24, 1811. CHRISTIE, *op. cit.*, VI., 258.

expressed by Addington a few years earlier on the future of British rule in Canada; and they were unwilling to embark upon a scheme which would certainly create new difficulties, and from which no evident gain was to be expected. The important fact was that the present system worked; and for once in their not very enlightened career the Tory reactionaries forgot their Church and King principles and chose the solid ground of reality in preference to that of strict legalism. Ryland returned without having accomplished anything. Within a few years he and Craig had disappeared from the scene, and their successors, reverting to the policy of an earlier period, were content to leave the Church in possession of the freedom which she had then acquired.

In Ireland, where larger issues were involved, and where centuries of persecution and proscription had created an atmosphere of bitterness and hostility very different from that which prevailed in Canada, a more serious contest took place during these years over this same issue; and in this matter the British Government took a more active interest. The repeal of many of the penal laws against Irish Catholics during the latter part of the eighteenth century, and the consequent emergence of the Church from the position of outlawry in which it had long been held, created a new problem; and for about half a century, from the period of the American Revolution until the final emancipation of the Catholics in 1829, English statesmen were groping for a solution. The old method of control by proscription had failed. The new solution, which was not adopted until Gladstone's disestablishment of the Protestant Church in Ireland in 1869, could not even be considered. The maintenance of the Protestant Ascendency, of « the garrison, » which was regarded as « Britain's tenure of the island, » was the fixed point in all government policy. Some arrangement was required which would preserve the old system and at the same time bind the Catholic majority in dependence upon the system, and in loyalty to the King's Government. Experience in Quebec seemed to point the way; and as early as 1782, when the first important relief act was passed by the Irish Parliament, the suggestion was made that the Crown should be given some authority in the choice of the Irish bishops.

The idea was at once condemned by Edmund Burke, as certain to weaken the influence of the clergy, and likely to be used by the Irish Government to undermine and ultimately to destroy the Church. Burke shared with Grattan the hope that the establishment of the independence of the Irish Parliament and the grant of a measure of toleration to the Catholics would soften old animosities and lead to a union of the divided races. But he had no illusions about the character of the men who controlled the government of the country. They might not, he observed, « exercise this trust worse than others; » but their position rendered them unfit to exercise it at all. « No man, » he declared, « no set of men living are fit to administer the affairs and to regulate the internal

economy of a church to which they are enemies. »<sup>8</sup>

Little more was heard of the project for some years, but in 1795, when the Irish Parliament began the practice of making annual grants in support of the Catholic seminary at Maynooth, the idea was revived. It assumed a somewhat different form. In return for this financial aid, sorely needed since the expulsion of the seminaries from France, it was proposed that the Crown should be given authority to appoint the directors of the college in which a large proportion of the Irish priests would receive their training. But the principle was the same; and again, Burke's advice was clear and uncompromising. « Do not be misled, » he wrote to Dr. Hussey, « by childish discussion about the rights of states and governments to control education. The real question is who are the men who would exercise this power. Know the men you have to deal with, in their concretes, and then you will judge what trust you are to put in them when they are presented to you in their abstracts. »<sup>9</sup>

The advice was sound, but it was perhaps superfluous. It was improbable in any circumstances that the Irish bishops would regard with much favour an arrangement which subjected them in the discharge of their ecclesiastical functions to the supervision of such men as Lord Clare and the Beresfords. But there were others, especially in England, who regarded the project with more favour. In 1791 a group of English Catholics, under the leadership of Charles Butler, organised themselves into a body bearing the strange name of the Protestant Catholic Dissenters, for the purpose of advocating emancipation on those terms. Their association accomplished nothing. Their numbers were small; their loyalty was beyond doubt; and their opposition, even had it been unanimous, was a matter of no great importance.

In Ireland, however, the case was different. An alliance there between the Catholic majority and the Society of United Irishmen, led by Wolfe Tone and the Belfast merchants, would constitute a danger, not only to existing civil and ecclesiastical establishments, but probably also to the connection between Great Britain and Ireland. That danger was real -throughout the decade of the 1790's; and the recognition of it was perhaps the most solid reason for the pressure exerted by the British Government to secure the passage of the relief act of 1793. It became more evident after the failure of Lord Fitzwilliam to carry a definitive measure of Catholic emancipation in 1795; and in the years that followed, until the Act of Union had been passed, the representatives of the British Government applied themselves more assiduously to the task of creating an alliance between the Crown and the hierarchy. In 1797 the idea of royal nomination of the bishops was coupled in general terms with the

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<sup>8</sup> *Works of Edmund Burke* (Oxford, 1907) V., 152 to 154.

<sup>9</sup> Quoted, W. E. H. LECKY, *History of Ireland* (London, 1919) III., 365.

proposal that the state should undertake the payment of regular stipends to the Catholic clergy; but the response of the bishops was not encouraging. « If ever this measure should be adopted, » wrote Dr. Troy, who had been consulted by the Chief Secretary, « it will be followed with the decline and perhaps the final destruction of our religion in this country. God grant that it is not proposed with this very intention. Timeo Danaos et dona ferentes. »<sup>10</sup>

The plan assumed more definite form - in January, 1799, when the Articles of Union were under discussion in the Irish Parliament. The rebellion of the previous year had induced the British Government to bring forward their long cherished plan of a legislative union of the two kingdoms. There was hope, cautiously but consistently fostered by Pitt and his colleagues, that under the new arrangement the emancipation of the Catholics would be completed; and there was a very evident desire among English ministers and their agents in Ireland to secure the support of the Catholics for the impending union. In these circumstances the plan now suggested by Lord Castlereagh assumed a new importance. It was proposed that, in return for a fixed payment to all ranks of the Catholic clergy, guaranteed by the state, the Crown should be permitted to nominate the bishops in Ireland, as it had long done to Canada. The object, as stated by the Chief Secretary, was to assure « the loyalty of the bishops and priests, » to attach them more closely to the King's Government, and « to relieve the clergy from their present abject dependance on the people. » The necessity had, in his judgment, been demonstrated by the disloyal conduct of a number of the priests in the recent rebellion.

The argument appears somewhat unconvincing; but the ten bishops before whom the plan was laid adopted a more conciliatory attitude than they had hitherto shown. Their resolutions, which remained a closely guarded secret for some years, bound no one. These ten were not delegates, and they had no authority to speak for the Irish Church as a whole; but they included the four Metropolitans and some of the most influential bishops in Ireland, and the expression of their opinion was certain to have more than ordinary importance. By one resolution they agreed that the proffered stipend « ought to be thankfully accepted. » By another, that such interference in the election of the bishops as was required to assure the government of the loyalty of the persons chosen for the office, was just and ought to be agreed to. By a third the method of providing this assurance was laid down. The name of the person canonically elected was to be transmitted to the proper representative of the government; if no exception were taken to the person thus chosen, the name was to be sent forthwith to the Holy See for confirmation. In case of disagreement, the clergy would, on being notified of the fact, proceed to the election of alternative candidates until one had been found to whom no exception was taken. The

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<sup>10</sup> Quoted, B. WARD, *Eve of Catholic Emancipation* (London, 1911) I., 51.

entire arrangement was of course, subject to the approval of the Holy See.<sup>11</sup> That approval was subsequently given by Cardinal Borgia, Prefect of the Sacred Congregation of the Propaganda; but in the meantime the plan had been abandoned, owing to the refusal of George III. to allow his ministers to proceed with their measure for relieving the Catholics from the political disabilities to which they were still subject.

That Castlereagh and those whom he represented were anxious to settle the Catholic question in 1800 on terms which they regarded as just and generous need not be doubted. Their object was to strengthen the authority of the state in an area where it was notoriously weak, and by a method which they thought likely to be efficacious. What the result would have been can only be surmised. What was expected may perhaps be inferred from some comments on a similar arrangement with the Presbyterian clergy of Ulster which was concluded in 1803. « In our own Church, » wrote Castlereagh in recommending the scheme, « I should dread schism as weakening its interest. » But he evidently regarded such a development among the Presbyterians, whose conduct rendered them more an object of jealousy than of support to government, » as likely to be of some advantage. « It is only through a considerable internal fermentation of the body, coupled with some change of system, that it will put on a different temper and acquire better habits. »<sup>12</sup> At least one of Castlereagh's agents believed that the object had been attained. The Presbyterian clergy, « raised to the status of a subordinate ecclesiastical aristocracy, » would henceforth, he believed, be unwavering supporters of government. « Their sentiment must be that of zealous loyalty; and their influence will be as exciting when it should be so, and as sedative when it should be so, as it has hitherto been directly the reverse. »<sup>13</sup>

The failure of this first attempt to subject the Church to the control of Dublin Castle was due primarily to the obstinacy of George III. The failure of later attempts was due almost entirely to the opposition of the Irish people. When the plan was revived under the now familiar name of the Veto in 1808, its sponsors were no longer the ministers of the Crown, but the friends of the Catholic cause in the house of commons. Emancipation had then become an exclusively Whig measure. With the Union completed, and the Ascendency apparently secure in Ireland, the Tories had closed their ranks in defense of the King, the Church, and the Protestant Constitution. The government was in the hands of the most extreme reactionaries, led by the Duke of Portland and Sir Spencer Perceval. The most intolerant house of commons of the period had just been returned in the famous « No Popery » election of 1807; and the entire weight of organised Toryism was set in opposition to concession of any kind

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<sup>11</sup> Ibid. ch. 4.

<sup>12</sup> *Memoirs and Correspondence of Viscount Castlereagh* (London, 1848) III., 224.

<sup>13</sup> Ibid., III., 287.

on any terms.

It was in these not very promising circumstances that the Whigs, acting on the advice of Lord Fingal, the leading Catholic peer in Ireland, attempted to revive the plan of 1799, and to secure the political rights of the Catholic laity in return for a measure of state control over the clergy. Lord Fingal, whose ecclesiastical politics resembled those of the Protestant Catholic Dissenters of 1791, had apparently discussed the subject with some of the Irish bishops. He had secured a copy of the resolutions of 1799; and with the support of Dr. Milner, the Vicar Apostolic of the Midland District in England, who was then acting as agent for the Irish bishops, he had authorised the Whig leaders to make the proposal.<sup>14</sup>

The new plan differed from that of 1799 in only one particular. There was no longer any suggestion that the state should undertake the payment of salaries to the clergy. The one question dealt with was the nomination of the bishops. As explained by Grattan, the leading advocate of the scheme, it was proposed to grant to the Crown the right to interfere, and to impose a « negative on all inch nominations. » Henceforth, he declared, « no Catholic bishop shall be appointed without the entire approbation of His Majesty. » Stated even in this form, it was probable that the scheme would meet with opposition in Ireland; but in his eagerness to recommend the plan to the house of commons, Grattan went still further. « The proposition, » he said, « will make a double connection; the two Churches will be one, and the King at the head. »<sup>15</sup> His colleague George Ponsonby, who had also been consulted by Fingal and Milner, was somewhat more discreet in his statements; but he too, after an elaborate explanation of the proposed arrangement, concluded, that « the real effectual nomination would rest with the Crown. »<sup>16</sup> Both men were emphatic in their assertions that they were authorised by the Catholics to make this proposition. But their assertions did not move the house of commons. The petition was rejected by a vote of 281 to 128, with 40 Irish members voting in the minority.<sup>17</sup>

It seems probable that Dr. Troy and the other bishops whom Lord Fingal had consulted were at first prepared to accept this arrangement; but it was at once evident that they did not speak either for the clergy as a whole, or for the mass of the Irish people. The Protest was immediate and general. In the main the opposition came from the democratic section of the Catholic movement, led by O'Connell, which now revealed itself as a force to be reckoned with; but it was strongly supported by many of the bishops, and most of the parish

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<sup>14</sup> For a full discussion of this transaction see Ward, *op. cit.*, I., Ch. 4; and M. Roberts, *The Whig Party, 1807 to 1812* (London, 1939) ch. 1.

<sup>15</sup> Hansard, *Parliamentary Debates*, 3rd series, XI., 556 ff.

<sup>16</sup> *Ibid.*, XI., 608, 609, and 619.

<sup>17</sup> *Ibid.*, XI., 638.

clergy. « Emancipation upon this plan, » said one critic, « will, in plain honest English, be neither more nor less than an act for discontinuing the Roman Catholic system, by making compensation for its abolition to the present holders of that faith. »<sup>18</sup> Lord Fingal and Dr. Milner came in for special condemnation, but Dr. Troy and the bishops who had agreed to the resolutions of 1799 did not escape. The critics indulged in a good deal of unnecessary abuse, and many of their charges were gross exaggerations; but the nature of the protest made it plain that the terms upon which emancipation was to be sought would not henceforth be decided by the bishops and the little group of peers and gentlemen who had hitherto been accepted as leaders of the Catholic movement.

Some effort was made to withstand this outcry. In August, 1808, Milner himself went to Ireland to meet, and as he hoped, to silence the opposition. He did his best to persuade the bishops to stand by their resolutions, and not to be influenced by what he regarded as the clamour of an ignorant mob. He declared, not quite accurately, that the resolutions of 1799 were accepted as a binding agreement by the ministry and by the opposition, that the ten bishops who had signed them had acted as the representatives of the whole Irish Church, and that they could not in honour recede from the position which they had then taken. There was, he declared, no Christian country in which the government did not exercise the power which it was now proposed to give to the Crown; and nowhere was that power judged to be so necessary as in Ireland. « In Catholic countries the Prince nominates without any control, and the Pope gives jurisdiction as a matter of course. » Elsewhere the greatest care is taken to assure « that no person obnoxious to the Sovereign shall be raised to the prelacy within his dominions. » The King himself, he concluded, « enjoys this power with the consent of Rome in the Province of Canada, the bishop of Quebec not being allowed so much as to choose his coadjutor until the latter has been approved by the civil governor. »<sup>19</sup>

But Dr. Milner's arguments had little effect. Whatever the abstract rights in the matter, the Irish people were disposed to adopt Burke's attitude, and to judge « in their concretes » the men who would exercise this power. The King of England, said Dr. Coppinger, « neither knows nor cares anything about the fitness or unfitness of our priests for the prelacy. » The nominations would in fact be made by the governors of counties and the officials of Dublin Castle; and no great power of imagination was required to judge what manner of men they would prefer. In September the bishops met in Dublin, at the request of the parish clergy, and after a brief debate, agreed on two resolutions which in effect repudiated their tentative agreement of 1799.

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<sup>18</sup> J. N. Clinch, *An Inquiry* (Dublin, 1808), cited, Roberts, op. cit., 44.

<sup>19</sup> Milner's argument is summarised in Ward, op. cit., I., 69 ff.

1. « That it is the decided opinion of the Roman Catholic prelates of Ireland here assembled, that it is inexpedient to introduce any alteration in the canonical mode hitherto observed in the nomination of the Roman Catholic bishops...

2. That the Roman Catholics pledge themselves to adhere to the rule by which they have hitherto been uniformly guided : namely, to recommend to His Holiness only such persons as candidates for vacant bishoprics as are of unimpeachable loyalty and peaceable conduct. »<sup>20</sup>

The Irish bishops have often been charged with inconsistency for this apparent change of attitude; but Dr. Troy's explanation, written two months after the meeting in Dublin, is a sufficient answer to the charge. He pointed out that the veto had been rejected only as inexpedient, that the expediency or inexpediency of any measure depended upon « existing circumstances, » and that no opposition had been offered on the ground of « fixed or unalterable principles. » « The fact is that as we are not called upon by ministers to consider the measure, we thought it inexpedient to allow any alteration in our discipline under the present ministry of the State, avowedly hostile to Catholic claims, and who would not acquiesce in them if we renounced even articles of faith, whilst we retained that of the Pope's supremacy. » The present circumstances were, he declared, wholly different from those of 1799. In the former period, he continued, « We were called upon, pending the Union question, by an administration supposed friendly, and holding out the prospects, if not an implied promise, to consider the measure as a condition of emancipation. At present our hopes have not only been blasted, but a No Popery administration declares in both houses of parliament that we are to expect nothing more. »<sup>21</sup> Beyond that was the fact of almost universal opposition in Ireland. « The opposition to it, » said Dr. Troy in a later letter, « is so great that were I or any of our prelates to advocate it, we would be considered as apostates from our faith, and forfeit whatever influence we have over our respective flocks. »<sup>22</sup>

This discussion brought the question of the veto into the open; and during the greater part of the decade which followed, the advocates of Catholic emancipation were divided on this issue. It was not until 1813 that definite proposals were again laid before the house of commons; but the intervening years were filled with acrimonious dispute between the rival parties. Early in 1810 an attempt was made by Lord Grenville and some of the more conservative Whig leaders to commit the party to the policy of insisting upon

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<sup>20</sup> Signed by all the bishops. Ward, I., 77.

<sup>21</sup> Ward, I., 80 ff. For Milner's reply to this letter published in the *Morning Chronicle*, Nov. 19, 1808, see Ward, I., app. B., 237.

<sup>22</sup> Westminster Archives; cited, Ward, I., 109.

the veto as a condition of their continued support of the Catholic cause. Their terms, stated in a public letter to Lord Fingal,<sup>23</sup> were accepted by the English Catholics, still very much under the influence of Charles Butler, and in every way more docile, more respectable, and more inclined to submit to the wisdom of parliament in these matters than their co-religionists in Ireland. But they were opposed by a large number, probably by a majority of the Whig members themselves, who refused to be bound by any such conditions; and it was among this group, including men like Grattan, Brougham and Whitbread, and soon to be reinforced by younger Whigs like Lambton and Lord John Russell, that the Irish Catholics found their chief support. They received at about the same time an unexpected ally in the person of Dr. Milner. In 1808 the English Vicar Apostolic had been the most enthusiastic supporter of the veto. He had not then been deterred even by the extreme conclusions drawn by Grattan and Ponsonby. By 1810, for reasons which neither he nor his apologists have made very clear, he had changed his opinion. From a zealous advocate he became the most uncompromising opponent of such an arrangement in any form; and in the years that followed, his opposition, especially in English Catholic circles, was of great importance.

The debates which make up so much of the history of the Catholic movement during these years, - the statements and counter-statements of Whig politicians; the busy, futile negotiations of Lord Fingal and his followers; the resolutions of English Catholic committees, anxious at all costs to conciliate the ruling authorities; and the tedious, unedifying disputes between Dr. Milner on the one side and his fellow Vicars Apostolic on the other, - all these things have a certain academic interest. They have formed the subject of many books; and the most ingenious efforts have been made to vindicate the conduct and to prove the consistency of the disputants. But all this was incidental. The real contest was more simple. The real opponents stood outside these debating groups. On the one side was the Tory party, led by men like Perceval, Eldon and Liverpool, pledged to uphold the Protestant Constitution, and to prevent the repeal or the alteration of the Test Act, at any time or under any circumstances. On the other were the Irish Catholics, gradually assuming, under O'Connell's leadership, the character of an organised democracy, determined to secure their political rights as subjects of the British Crown, without sacrificing one iota of the independence of their Church.

There was no longer any question of granting to the Crown the right to impose a negative on the nomination of bishops in return for financial payments to the clergy. In 1810 the Irish bishops themselves closed that part

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<sup>23</sup> Ward, *op. cit.*, I., III; Roberts, *op. cit.*, 70; C. Grey, *Life and opinions of Charles, Second Earl Grey* (London, 1861) 236.

of the controversy by a resolution declaring their unwillingness to accept anything for their ministry, « save what their respective flocks, from a sense of religion and duty, might voluntarily afford them. »<sup>24</sup> Thereafter the question was quite simply one of balancing control of the clergy against possible political concessions to the laity; and the latter, always excepting Lord Fingal and his followers, made it plain that they would be no parties to such a bargain. « We feel it a duty we owe to ourselves and to our country, » they asserted in a resolution in May, 1810, « solemnly to declare that the Catholic laity of Ireland never have directly or indirectly authorised any person to offer, through our friends in parliament or otherwise, the conceding to the Crown any interference whatsoever with respect to the appointment of Catholic prelates in Ireland. »<sup>25</sup> That was a plain statement, and the events which followed proved beyond doubt that the men who made it meant exactly what they said.

The last, and in some respects the most important proposal on this subject came before the house of commons in 1813 in the form of an amendment to the Catholic relief bill, introduced by Grattan, and, for the first time, supported by a majority of the members. The scheme now proposed, on the initiative of Canning, provided for the appointment of permanent commissions in England and Ireland to superintend the administration of the Church. Each commission was to consist of five Catholic peers or rich commoners, and two members of the Privy Council. That in England was to include, in addition, the Vicar Apostolic of the London District; that in Ireland, the archbishops of Dublin and Armagh. Each commission would be authorised, not only to investigate and pass judgment on the loyalty and peaceable conduct of candidates for the episcopacy, but to examine all communications with the Holy See, except in cases where the recipients of such communications would take an oath that they referred only to spiritual matters.<sup>26</sup>

The authors of the plan had no ulterior motive. Canning in particular, was not less eager than Grattan himself to extend political rights to the Catholics, if for no other reason than as a means of circumventing the growing democracy in Ireland. But he realised that no simple measure of emancipation would be accepted by the house of lords; and his purpose was in some degree to placate the opposition there by giving to the Protestants the « security » which they demanded. The effort was unavailing. No plan of the kind could succeed against the opposition of those who desired to have the veto without emancipation, and of those who were determined to have emancipation without the veto; and before the attack of these opposites the scheme collapsed. The fitful wave of liberalism which had secured a second reading

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<sup>24</sup> Ward, I., 142.

<sup>25</sup> Ibid., I., 145.

<sup>26</sup> Ibid., II., 35 and 43.

for Grattan's original bill, ebbed before the measure reached the committee stage in the house of commons. On the motion of Mr. Speaker Abbott, the recognised leader of the most extreme Protestant group in the house, the clause admitting Catholics to seats in parliament was deleted; and the bill was at once withdrawn.

In any case it would not have been accepted in Ireland. Dr. Troy, acting in close collaboration with O'Connell, took the lead in opposition. He condemned the proposed commission, vested as it would be with summary and irresponsible power, as « a kind of lay eldership unknown to our Church government; » and his fellow bishops entirely concurred. They paid tribute to the honourable motives of the men who had proposed the plan, but they declared that they could not assent to it « without incurring the guilt of schism. »<sup>27</sup>

The English clergy were more uncertain. After some delay, occasioned in part by division within their own ranks, in part by conditions on the continent, where the Pope and most of the Cardinals were prisoners in France, they decided to refer the whole matter to Rome. But neither the sweeping endorsement of the recent bill, given in Monsignor Quarantotti's rescript of February, 1814, nor the more cautious approval of a limited and regulated veto in Cardinal Litta's interim injunction of the following year, had any effect on the opposition in Ireland. For a time, after the appearance of the first of these documents, some of the older bishops, regarding the rescript as mandatory, prepared to acquiesce. « Causa finita est, » wrote Dr. Troy; « we must make a virtue of necessity, and endeavour to make the best bargain we can. »<sup>28</sup> The mass of the Irish people, laymen and clergy alike, took a different view. They described the rescript as the work of the English Catholics, whom they regarded as a good deal more English than Catholic; and they made it plain that, whatever the authority which lay behind the rescript, they would have no bargaining on any such terms. The opposition rapidly assumed the character of a national protest, with O'Connell as its undoubted spokesman; and in the year that followed, while agents of Lord Castlereagh, and emissaries of the rival parties among the British Catholics were striving to impress their views on the Pope and the Cardinals, the issue was in fact decided in Ireland.

O'Connell refused to regard the question as primarily of a religious or theological character. The issue was, in his judgment, quite simply one involving the political and constitutional rights of a large body of the King's subjects; and he was determined to keep it squarely on that ground. « If the interference of the Crown with our religion were a question exclusively religious, » he declared, « I should leave it at once to the bishops. » But it was

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<sup>27</sup> Ward, II., 33 and 43.

<sup>28</sup> Ibid., II., 88.

not so. It was primarily a political question, « an attempt to acquire without.. expense, an influence greater than any the minister could purchase for millions. »<sup>29</sup> His language, as was too often the case in his stormy career, was intemperate, disrespectful, and unworthy of his cause. He spared no one. He condemned the English Catholic leaders as renegades and apostates. He denounced the negotiations between Cardinal Consalvi and Lord Castlereagh as an attempt to barter the freedom of the Irish people for the restoration of the Papal States. But through it all he kept his eyes fixed on the central issue, « I desire, » he said, in a statement which summed up the object of all his endeavours, «that we should receive emancipation without reference to our religious opinion, and without subjecting our religion to the control of a: Protestant Parliament. »<sup>30</sup>

His immediate opponent was Lord Fingal. Encouraged by what they regarded as papal approval of their long cherished design, the « Fingalians a' desired to drop their demand for «total and unqualified repeal of the penal statutes, » and to accept such terms as parliament should enact. It was on that ground that O'Connell met and defeated them. To drop the word «unqualified » would be, he stated, « to indicate a change of sentiment; » and so far as he was able to prevent it, he was determined that there should be no such change. « We shall be emancipated, » he said, « just such Catholics as, we are, or we shall continue in our present state, as in both religion and rights. »

In the end O'Connell's view prevailed. Occasional attempts were made in the years that followed to revive the question, but without important results; and when emancipation was secured in 1829, the act contained no provisions limiting in any way the independence of the Irish Church as an organised communion, or subjecting the bishops in their ecclesiastical functions to any form of state control. It is, of course, a well known fact that, during these years and for long after, the British Government was able on occasions to exercise a good deal of influence at Rome in the matter of episcopal appointments. Lord Melbourne stated in 1843 that his government had never failed to make its views known at Rome whenever an appointment was to be made;<sup>31</sup> and there can be little doubt that other ministers followed the same practice more or less consistently. But such intervention was unofficial and occasional. That it did not become an organised system, subjecting the Church in the United Kingdom, and possibly also throughout the empire, to the control of the civil power must be attributed in large measure to the determined resistance of the Irish people during these years of crisis.

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<sup>29</sup> *Speeches of Daniel O'Connell*, edited by J. O'Connell (Dublin, 1862) I., 446.

<sup>30</sup> *Ibid.*, 441.

<sup>31</sup> *Greville Memoirs*, edited, H. Reeve (London, 1899), V., 221.