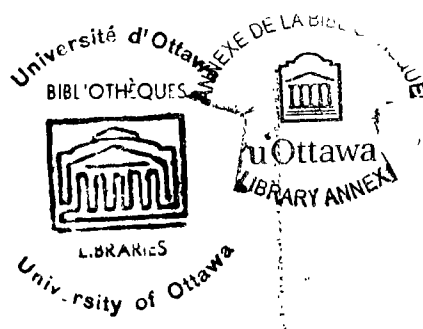


EFFORTS IN THE FIELD OF RELIGIOUS
TOLERATION IN THE EARLY POLITICAL CAREER
OF EDMUND BURKE, 1765-1782

by John Edmund O'Brien

Thesis presented to the Faculty of Arts
of the University of Ottawa through the
Department of History as partial fulfill-
ment of the requirements for the degree
of Doctor of Philosophy.



*Grade octroyé
2 juin 1955
E. mi -*

Ottawa, Canada, 1955

UMI Number: DC53435

INFORMATION TO USERS

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleed-through, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.



UMI Microform DC53435
Copyright 2011 by ProQuest LLC
All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

ProQuest LLC
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106-1346

ACKNOWLEDGMENTS

This thesis was prepared under the guidance of Doctor George Buxton of the department of History of the University of Ottawa.

The writer wishes to express his gratitude to the following people or institutions that helped in the work of the thesis: to Doctor Ross Hoffman and Doctor Paul Levack of the Graduate School of Fordham University for introducing the writer to the field of Burke studies; to Earl Fitzwilliam and his trustees for permission to quote from Burke letters in the Wentworth Manuscripts and to J. P. Lamb of the Sheffield Library, England who made the materials available in microfilm; to the directors of the National Library in Dublin, of the Pierpont Morgan Library in New York and of the Henry Huntington Library in San Marino, California for permission to quote from microfilm copies of unpublished Burke letters; to Richard Pennington of the McGill University Library who made the Redpath collection of pamphlets available; to Edward Murray of the British Museum for microfilm copies of pamphlets and drawings; to the directors of the New York Public, the Congressional, the New York Historical Society, Union Theological, the Princeton and Seton Hall University Libraries, for access to their specialized collections and services.

CURRICULUM STUDIORUM

Rev. John Edmund O'Brien, son of John J. and Elizabeth Shanahan O'Brien was born September 27, 1921, in New York City. He attended Seton Hall Preparatory School, and Seton Hall University, South Orange, New Jersey between 1934 and 1942 and in 1942 received the degree of Bachelor of Arts.

In June of 1940 he entered the Seminary of the Immaculate Conception, Darlington, New Jersey to study for the priesthood. He was ordained for the Archdiocese of Newark in June, 1946 and was assigned to the faculty of Seton Hall University in July of 1946, where he is currently an assistant professor of history.

In September of 1946 he was accepted as a student in the Graduate School of Arts and Sciences of Fordham University, New York City, where he majored in History. In June of 1950 he received the degree of Master of Arts. The title of his thesis was, Edmund Burke and the Beginning of Catholic Emancipation in England, 1778-1780.

In June of 1952 he was accepted as a student in the Graduate School of the Faculty of Arts of the University of Ottawa. He majored in History under the mentorship of Doctor George Buxton.

TABLE OF CONTENTS

Chapter	Page
I.-INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION	
1. Renascence of Burke and Burke studies	1
2. Burke Correspondence, published and unpublished	5
3. Purpose and importance of study	9
II.-EIGHTEENTH CENTURY RELIGIOUS BACKGROUND	
1. England	12
2. Ireland	23
III.-FOUNDATIONS OF BURKE'S RELIGIOUS PRINCIPLES TO 1765	
1. Early Irish influences	43
2. England, marriage and earliest writings	51
3. Early efforts for Irish Catholics	60
IV.-EFFORTS FOR RELIGIOUS GROUPS AT HOME AND ABROAD, 1765-1774	
1. Acts of Uniformity, 1772.	75
2. Relief of Dissenters, 1773.	79
3. Quebec Act, 1774.	84
4. Bristol Election, 1774.	89
V.-BIRTH OF CATHOLIC TOLERATION IN BRITISH ISLES, 1778	
1. Imperial, political and religious background.	95
2. Development of movement for Catholic Relief	99
3. Burke's aid in Savile and Gardiner Relief Acts.	105
VI.-CRISIS OF CATHOLIC TOLERATION, 1779-1780	
1. Reaction in Scotland.	133
2. Growth of English opposition.	144
3. Gordon Riots and Burke's defense of Catholics.	149
4. Burke and conservative Protestant compromise	159

TABLE OF CONTENTS (Cont'd.)

vi

Chapter	Page
VII.-BRISTOL, BURKE AND THE CATHOLIC QUESTION	
1. Bristol and Burke's religious position	163
2. Burke's analysis of relief bill and toleration.	169
3. The Catholic question and defeat at Bristol.	181
VIII.-BURKE AND THE END OF THE IRISH PENAL CODE, 1782	
1. Movement for Irish independence, 1778-1781.	194
2. Burke and the Gardiner Act of 1782.	199
3. Pioneer of Catholic Emancipation	213
CONCLUSIONS	215
BIBLIOGRAPHY.	218
Appendix	
1. BURKE AND THE LUCAS PAMPHLET CONTROVERSY.	242
2. 1778 PETITION OF IRISH CATHOLICS TO KING.	246
3. 1778 PETITION OF ENGLISH CATHOLICS TO KING.	255
4. BURKE'S RESOLUTIONS ON GORDON RIOTS	258
5. BURKE'S "CATHOLICISM" IN CONTEMPORARY DRAWINGS.	261
6. ABSTRACT OF <u>Efforts in the Field of Religious Tolerance in the Early Political Career of Edmund Burke, 1765-1782</u>	263

LIST OF ILLUSTRATIONS

Illustration	Page
1. Typical political lampoon picturing Burke as a Catholic priest.	92
2. Original Petition to Crown written by Burke in 1778	106
3. Burke pictured as a priest in 1782 after the loss of Bristol and the death of Rockingham.	213

CHAPTER I

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION

1. Renaissance of Burke and Burke Studies

For about the first half of the nineteenth century Edmund Burke held a great deal of interest for students and statesmen. Then the influence of his person, his writings and speeches began to wane. Few if any books or essays were written about his thought or his life during the Victorian age, save for a few historical surveys that placed him in the category of a political pragmatist. A few articles appeared in 1897 on the centenary of his death; an odd thinker or historian like Acton was influenced by him, but generally speaking he had been "summed up, canonized and neglected."¹ The reason for this neglect as analyzed by the editors of Burke's Politics was, "because so much that he had said seemed to have lost its relevance for a generation that had no experience of world war and world revolution."²

But with the advent of the First World War, the Russian revolution and finally the new continental system

1. Burke's Politics (edd. Ross Hoffmann and Paul Levack), New York, Alfred A. Knopf, 1949, p. xii. This book is an anthology of Burke's writing collected around the great questions upon which his mind operated. It is preceded by an excellent introduction that is perhaps the best summary of all recent Burke research and an excellent analysis of his principles.

2. Ibid.

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION 2

of Hitler, the voice of Burke was listened to once again with interest and attention. His message became meaningful for, "men experienced anew the kind of universal tumult in which Burke lived and he has become relevant again."³ His relevancy to our age can best be judged by the great renaissance of interest in Burke that our age has witnessed and the extensive literature that has followed in the wake of that revival.⁴ The parallel between the world of Burke and the world of the last thirty years is striking. Following the First World War there was the same political blundering on the part of the victors that Burke had witnessed after the Seven Years War; a new Jacobinism arose in Marxian Communism; and the same philosophical and political climate that Burke predicted would breed a Napoleon returned in Europe to breed a Hitler. In 1929 on the occasion of the bi-centenary of Burke's birth and throughout the fateful thirties many discerning minds turned to Burke for analysis and advice.⁵ Many too saw in the darkest hours of 1942 in Hitler's new

3. Burke's Politics, p. xii.

4. Some idea of the extent of this literature may be gained from Francesco Cardasco, Edmund Burke: A Handlist of Critical Notices and Studies, New York, Long Island University Press, 1950, 12 p.

5. See, "The Bicentenary of Burke" in the London Times Literary Supplement, issue of January 10, 1929, p. 17-18; Padraic Colum, "Burke and the Present Order," in Saturday Review of Literature, Vol. 10, issue of March 1933, p. 141-2.

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION 3

order a repetition of what Burke had warned Europe in the latter days of the Jacobin republic.⁶ The hundred and fiftieth anniversary of Burke's death occurred symbolically enough just one year after the end of the Second World War. It was small wonder then, that the London Times devoted its observance of Burke's anniversary to a study of his views on empire, when once again Britain was experiencing her worst imperial crisis since the time of Burke's death.⁷ Before and after the Second World War many scholars have made fresh appraisals of Burke either by studying him in the context of his whole life,⁸ or by tracing his views on specific problems of state and society.⁹

In the recent reappraisal of Burke there have emerged many approaches. Some have found in his writings only a

6. For an interesting and penetrating comparison see, P. L. Carver, "Burke and the Totalitarian System," in University of Toronto Quarterly, Vol. 12, issue of October 1942, p. 32-47.

7. "Edmund Burke's Empire," in London Times Literary Supplement, issue of December 20, 1947, p. 661.

8. The whole or portions of Burke's life have been studied anew in the works of Arthur Samuels, Bertram Newman, Robert Murray and Philip Magnus. Their works will be referred to frequently in the course of this study.

9. More specialized studies of various issues or problems discussed by Burke are examined in the writings of such scholars as Ernest Barker, Donald Bryant, Alfred Cobban, Thomas Copeland, Mario Einaudi, Ross Hoffmann, Russell Kirk, H. F. V. Somerset, and Dixon Wecter. Full reference to their work will be made when used in the study.

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION 4

pragmatic prophet whose solutions and wisdom are based on temporary expediency.¹⁰ Others following the lead of Acton have seen a contradiction between the early liberal and later reactionary in Burke.¹¹ Those writers who have unraveled the firm and consistent principles of Burke as they operated in the face of concrete and differing situations, are closest to understanding his real thought and appraising his contribution.¹² Burke was at one and the same time a philosopher possessing principles and a politician applying them to specific issues. There is no contradiction between his liberal principle, "I recognize the People . . . in all things the voice of this grand chorus of national harmony ought to have a mighty and decisive influence,"¹³ and his conservative application, "I must see the things; I must see the men. Without a concurrence and adaptation of these to the design, the very best speculative projects might become

10. While such interpretation was more common in the older writing of Morley and Stephens it is still found in such a modern representative as Philip Hughes, The Catholic Question 1688-1829, New York, Benziger, 1929, 334 p.

11. See G. E. Fasnacht, Acton's Political Philosophy, London, Hollis and Carter, 1952, p. 190-195.

12. Most of his recent biographers have reached this conclusion. For a good synopsis of how both theory and practice are combined in Burke see, Howard B. White, "Edmund Burke on Political Theory and Practice" in Social Research, Vol. 17, issue of March, 1950, p. 106-127.

13. Edmund Burke, Works, Vol. 4, p. 176.

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION 5

not only useless, but mischievous."¹⁴ The principle and applications are wed because they rest on what is fundamental and implied in all his writing, namely that all rests upon the natural law and the dictates of religion imposed by Providence upon human nature.¹⁵ It is for this reason that he is at once a liberal and a conservative. His liberal principles rest on religion and the natural law and in the presence of situations they act as a conserving element. His lasting significance is that he reflects the true liberal traditions of Western Christianity which is at the same time in the best sense of the word a conserving and conservative principle.¹⁶

2. Burke Correspondence, Published and Unpublished.

The revival of interest in Burke has brought about a re-examination of his published works and has coincided

14. Edmund Burke, Works, Vol. 4, p. 43.

15. Two excellent studies of the relation of religion and the natural law to the principles of Burke may be consulted in M. F. X. Millar, "Burke and the Moral Basis of Political Liberty," in Thought, Vol. 16, issue of January 1941, p. 79-101; and, Peter Stanlis, "Edmund Burke and the Law of Nations" in American Journal of International Law, Vol. 47, issue of July 1953, p. 397-413.

16. Two recent studies that have given great prominence to Burke as a representative of the Liberal and Conservative Traditions may be consulted in William Orton, The Liberal Tradition, New Haven, Yale University Press, 1946, p. 8-12; and Russell Kirk, The Conservative Mind, Chicago, Henry Regnery, 1953, p. 3-61.

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION 6

with the discovery of unpublished material dealing with him. His major treatises and speeches are available in old but generally good editions.¹⁷ But a deeper and more personal insight into Burke's mind may be gained from his correspondence. Here however the student is faced with a many sided problem. First of all the edited Correspondence of Burke made in 1844 does not contain any more than half of all the available Burke letters.¹⁸ The editors had at their disposal the great bulk of Burke letters contained in the Fitzwilliam Papers. They used a curious principle in editing them. First of all they did not print any letter which in 1844 might have ignited revolution in Ireland. For this reason many important letters dealing with Burke's efforts in behalf of the Catholic cause are not printed at all. Secondly they did not print any letters which had been published in any form before. For these reasons countless letters of Burke must be ferreted out in sources other than the Correspondence. Editions of the letters of Johnson and Boswell contain some; others will be found in lives of Burke

17. An old but accessible set of his writings may be had in The Works of Edmund Burke, 12 Vols., Boston, Little Brown, 1889. All references to his Works in this study will be made from this edition.

18. Correspondence of the Right Honourable Edmund Burke, (edd. Charles Fitzwilliam and Richard Bourke), 4 Vols., London, Rivington, 1844.

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION

7

and nowhere else; some were printed in magazines now practically inaccessible; others are edited in larger works of the Historical Manuscript Commission and an odd one or two may even be found in a book on ceramic art.¹⁹ The Bibliography of British History for the eighteenth century²⁰ however notes that a much needed index locating the published letters of Burke is now under preparation.

A second major problem concerning the correspondence of Burke is that about half of it has never been published. It is estimated by Burke scholars that thousands of Burke letters lie in university and library archives in the British Isles and in America.²¹ In America for instance there are original unpublished letters in the Huntington Library of California, the Pierpont Morgan Library in New York as well as odd letters in many of the university libraries like Harvard and Princeton. A rather voluminous correspondence between Burke and an Irish friend, O'Hara, has come to light

19. Many of these letters will be quoted and their source indicated in the course of the study. For a short summary of the problems thus involved see, Thomas Copeland, "Problems of Burke's Letters," in Proceedings of the American Philosophical Society, Vol. 94, No. 4, issue of August 25, 1950, p. 357-360.

20. Bibliography of British History, The Eighteenth Century 1714-1789 (edd. Stanley Pargellis and D. J. Medley), Oxford University Press, 1951, p. 30.

21. See Thomas Copeland, Our Eminent Friend Edmund Burke, New Haven, Yale University Press, 1949, p. 2-9.

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION 8

but recently and are soon to be published.²² The most valuable collection, however, is had in England. The heirs of the Fitzwilliam family inherited the bulk of Burke's correspondence along with many other eighteenth century political letters. The original Correspondence of 1844 was edited from these papers but as many again were left untouched. Until 1948 only a few scholars had been permitted to see and to use sparingly the Fitzwilliam Papers at Wentworth Woodhouse, the ancestral Fitzwilliam estate in Yorkshire. In 1948 the papers were transferred to the Sheffield Public Library where they are accessible to scholars.²³ Portions have been published in articles but the bulk of them is still unpublished. During the past year the Carnegie Foundation gave \$55,000 toward the definitive editing of the whole Burke correspondence.²⁴ But until that task has been accomplished and that will be some years, the student of Burke's mind has to overcome many obstacles before he can come into contact with what Burke said, and wrote.

22. For the interesting story of this correspondence see, Donald C. Bryant, "Edmund Burke, New Evidence, Broader View," in Quarterly Journal of Speech, Vol. 38, issue of December, 1952, p. 435-45.

23. See Ross J. S. Hoffmann, "The Wentworth Papers of Burke, Rockingham and Fitzwilliam" in Proceedings of the American Philosophical Society, Vol. 94, No. 4, issue of August 25, 1950, p. 352-356.

24. Reported in special news article in Newark Evening News, Monday, March 1, 1954, p. 23.

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION 9

3. Purpose and Importance of this Study.

The relevancy of Burke to the present world crisis as well as the availability of unpublished letters have been the chief reasons accounting for a large number of articles that have appeared on him in recent years. There has been conspicuously absent from all these articles any real consideration of the place of religion and religious principles in the thought of Burke. This has been due partially to the fact that many so called larger issues in his life have commanded more attention like his views on the American and French Revolutions and on imperial and political problems. Then too his largest field of practical efforts in behalf of religion took place for the Catholics of the British Isles and compared to the later emancipation they seem quite insignificant. Even Catholic historians of the whole movement have lost sight of the humble beginning of Burke in the glorious culmination of O'Connell.

Yet the religious and moral principles of Burke lie at the very foundation of all his thinking. Religion is the unifying thread of all his varied efforts; it is assumed in all of his writings on liberty and justice; without it there is no coherence or consistency to his utterances. One of the foremost Burke scholars of our time sums its importance thus: "If one were to subtract from Burke's political philosophy his religion and recognition of the natural law, it

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION 10
 would indeed degenerate into an expedient mongering pragmatism."²⁵

Burke never philosophized or wrote a tract on this most basic portion of his thought. To perceive the principles of religion they must be seen in operation, in the human context of historical situations and problems. That is the purpose of this study. It will seek to discover Burke's principles of religion by seeing them in operation in the field of religious toleration during his early political career. In studying his concrete efforts in behalf of religious toleration the principles on which those efforts were based will be revealed. The major part of his efforts were made in behalf of the Catholics of the British Isles and his relation to the whole movement of Catholic Emancipation will be appreciated by tracing his speeches, letters and acts during the period between 1765 and 1782.

To understand the world in which he lived and operated a treatment will first be devoted to the religious conditions in the British Isles prior to his advent to Parliament. Then his development and expression of religious principles will be followed chronologically up to his efforts for the first relief of Catholics in England and Ireland and his defense of those newly won liberties in the crisis of the Gordon Riots. The effect of his stand on the

25. Burke's Politics, p. xxx.

INTRODUCTION: ELEMENTS OF PROBLEM OF BURKE AND RELIGION 11

Catholic question will be studied in its effect on the loss of his seat in Bristol. The study will conclude with his efforts in behalf of the relief act of 1782 which marked the end of the penal code fixed upon Catholics. By following his efforts in historical order the consistent development of his religious principles will be noted and analyzed.

While the Burke studies of the last twenty years have not been overlooked, this study will seek to make a fresh re-appraisal of his own writings and correspondence both published and unpublished, and by seeing them in the context of contemporary pamphlet and newspaper literature.

CHAPTER II

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

1. England

In the latter part of the eighteenth century Catholicism in England had reached that state described as, "the low water mark of English Catholicity."¹ Throughout the religious and political struggles of the sixteenth century there had always been hope that Catholicism might be restored either by revolt or royal conversion or change of dynasty. Even the next century which saw Catholics dwindling in numbers held out some faint prospect of a revival of the ancient faith. But with the flight of James II in 1688 went the hopes of English Catholics; there began that period, "in which there was nothing to look forward, except endurance to the end."²

During the reigns of William and Mary, and Queen Anne a new series of penal laws was enacted against Catholics restricting them politically, religiously and socially.³ The Jacobite uprisings of 1715 and 1745 only made the position of

1. Bernard Ward, The Dawn of the Catholic Revival in England, London, Longmans Green, 1901, Vol. 1, p. 1.

2. Michael Trappes-Lomax, Bishop Challoner, London, Longmans Green, 1936, p. 2.

3. For a summary of these laws see, G. N. Clark, The Later Stuarts 1660-1714, Oxford, University Press, 1947, p. 147-149.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

13

Catholics more intolerable. They found themselves outcasts from the political and civil community. Estranged from the life of the nation Catholics were outlaws in their own land. Before the second spring of the nineteenth century was to come the long, changeless time of the winter had to pass. That winter was the eighteenth century.

Soon after the accession of Queen Elizabeth, the English Catholic hierarchy ceased to function as the result of imprisonment or exile.⁴ In time, without any official appointment, Cardinal Allen began to act as the head of the English Catholic clergy. From 1559 to 1621 an archpriest not in episcopal orders ruled, and he was succeeded by a vicar apostolic in 1623. There followed a time, from 1631 to 1685, when the members of the Roman Church were without any official clerical leader. Just before the end of the century England was divided by the Holy See into four districts with a Bishop over each area. This remained the ecclesiastical form of rule in England until 1850 when the hierarchy was officially reestablished.⁵

4. J. B. Black, The Reign of Elizabeth 1558-1603, Oxford, University Press, 1945, p. 16.

5. For details see, Bernard Ward, op. cit., Vol. 1, p. xxi-xxv.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

14

Bishop Challoner⁶ was coadjutor and vicar apostolic of the London district from 1741 to 1781. It was during his episcopacy that the first Catholic Relief Bill and the ensuing Gordon Riots took place. Challoner was the outstanding Bishop in his century and his life is the story in miniature of the condition of English Catholicism in the eighteenth century.

At the time of Challoner's episcopacy the number of Catholics had dropped to about 60,000 according to a contemporary writer, Joseph Berrington.⁷ Of that number about 25,000 were situated in Challoner's London district and some 20,000 were in the northern district. The remaining 15,000 were divided between the midland and western areas. That Catholic numbers had dwindled is not surprising in view of all the forces that were working against the faith. In the words of Berrington:

. . . within the past century we have most rapidly decreased. Many congregations have entirely disappeared in different parts; and in one district alone in which I am acquainted eight out of thirteen have come to nothing; nor have

6. The most complete life is by Edwin Burton, The Life and Times of Bishop Challoner, 2 Vols., London, Longmans Green, 1909. Shorter and more available lives by M. Trappes-Lomax, op. cit.; Dennis Gwynn, Bishop Challoner, London, Douglas Organ, 1946, 256 p.

7. Joseph Berrington, State and Behaviour of English Catholics from the Reformation to the Year 1781, London, 1781, p. 114.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

15

any new ones risen up to make up in any proportion their loss . . . in the nature of things it could not be otherwise. Where one cause can be discovered tending to their increase, there will be found twenty to work their diminution. Among the principal are the loss of families by death, or by conforming to the established Church; the marrying with Protestants, and that general indifference about religion⁸

The Catholic squire occupied a unique position in the preservation or loss of the faith in the rural areas.⁹ Because of his means the squire was able to support a chaplain and to afford a place of worship for the poorer Catholics who lived near his estate. During the long years when the rule of the hierarchy was weak or absent, the squire developed an independent attitude. The people and the priest chaplain became accustomed to look to him for leadership and they would sympathize with the lord when the latter would resent the episcopal reclamation of leadership. The tendency of the squire to act independently of the bishop would cause much trouble throughout the whole movement of emancipation.¹⁰

As important as the Catholic squire was in preserving

8. Joseph Berrington, op. cit., p. 114.

9. For an interesting description of such a Catholic squire see, Maude Petre, The Ninth Lord Petre, London, Society for the Propagation of Christian Knowledge, 1928.

10. This cross current of the emancipation is well summarized by, David Mathew, Catholicism in England 1535-1935, London, Longmans Green, 1936, p. 146-152.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

16

the faith, he was also responsible for the greatest losses to the Church in the eighteenth century. Whenever the lord rejected his faith it meant the end of a local Mass centre. The temptation to reject his faith was strong, for the squire knew that conformity to the established Church would raise his social position. Berrington stresses the danger and consequences of such defections:

When a family of distinction fails, as there seldom continues any conveniency either for prayers or instruction, the neighboring Catholics soon fall away. I recollect the names of at least ten noble families that within these sixty years have either conformed or are extinct.¹¹

Hence in Challoner's district much of the life or death of his flock depended on the squire.

In the north the congregations were a little more self-reliant but such losses on the part of the gentry were severely felt in the London district. One of the factors that helped to compensate for these rural losses was the growth of Catholics in the cities which was due to the influx of Irish workers and merchants. Throughout the eighteenth century the Catholic town population was growing as, "the sanctuary lights in the countryside went out one by one."¹²

11. Joseph Berrington, op. cit., p. 114.

12. David Mathew, "The Background to Challoner," in Richard Challoner 1691-1781, Westminster, 1946, p. 9.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

17

In 1778 at the time of the first Catholic Relief Bill the Annual Register referred to English Catholics as "a long oppressed body of men, almost forgotten in the patience and silence with which for many years they had endured their grievances."¹³ The grievances under which Catholics labored were the penal laws extending from Elizabeth to George I.¹⁴ When William and Mary ascended the English throne in 1688 it was only natural that they should have had some fear of the Catholics because of their connection with James II. But the laws that were passed against Catholics were far more severe than what the political situation demanded. Referring to those who passed such laws Hallam says, ". . . so unjust, so unprovoked a persecution is the disgrace of that parliament."¹⁵ Since William was by nature tolerant, the blame for these laws must rest upon the factions that opposed him.

13. Annual Register, Vol. 21, issue of 1778, p. 189. Edmund Burke was probably the editor of the Register at this time. For particulars arguing that he was, see, Thomas W. Copeland, Our Eminent Friend Edmund Burke, New Haven, Yale University Press, 1949, p. 92-117. Some doubt has been thrown on Copeland's opinion by, Bertram D. Sarason, "Edmund Burke and the Two Annual Registers," in The Publications of the Modern Language Association, Vol. 68, No. 3, issue of June, 1953, p. 496-508.

14. A short summary of these laws is contained in, James Baldwin Brown, An Historical Account of the Laws Against the Catholics, London, 1813.

15. Henry Hallam, The Constitutional History of England, New York, A. C. Armstrong, 1893, Vol. 2, p. 387.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

18

Burke analyzed this process in the following manner:

A party in this nation, enemies to the system of the Revolution were in opposition to the government of William I . . . the party of which I speak resolved to make the King either violate principles of toleration or incur the odium of the protesting papists. They therefore brought in a bill and made it purposely wicked and absurd that it might be rejected. The then court party discovering their game turned the tables on them, and returned their bill to them stuffed with still greater absurdities, that its loss might lie upon its original owners. They finding their own ball thrown back to them kicked it back again to their adversaries. And thus this act loaded with the double injustices of two parties, neither of whom intended to pass what they hoped the other would be persuaded to reject, when through the legislature.¹⁶

In addition to confirming the older penal laws the early legislation of William and Mary added new restrictions. Catholics were forbidden to live within ten miles of London, to keep arms and to own a horse worth more than five pounds. Practically all the professions were closed to them. In 1700 a law was passed which prevented a Catholic from inheriting or purchasing land unless he first abjured his faith. If he refused this condition his nearest Protestant relative could claim the land. Imprisonment for life was the penalty given

16. Edmund Burke, The Works of Edmund Burke, Boston, Little Brown & Co., 1866, Vol. 2, p. 392-393. Unless specified otherwise all later quotations shall be from this twelve volume edition with the reference: Edmund Burke, Works.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

19

to priests who were convicted of having celebrated Mass, and on conviction their informer was given a reward of one hundred pounds. These new enactments added to the penal laws coming down from former days made Catholics, "legally little better than pariahs."¹⁷

As the second half of the century wore on, English Catholics ceased to be regarded as politically dangerous. This accounted for the fact that although the laws were quite severe as they stood on the statute books, their administration was at times very temperate. Although excluded from public offices and the professions, Catholics, "became again what they had been in the earlier days of Charles II, a quiet body not actively persecuted."¹⁸ Lecky sees in the lenient enforcement of these penal laws, "the curious conservatism of English legislators who have continually preferred to allow a bad or unpopular law to become dormant rather than repeal it."¹⁹

Such constructions were put on the law which demanded forfeiture of land held by Catholics that the latter seldom

17. Basil Williams, The Whig Supremacy 1714-1760, Oxford, University Press, 1930, p. 66.

18. G. N. Clark, op. cit., p. 148.

19. William Lecky, A History of England in the Eighteenth Century, 7 Vols., London, Longmans Green, Vol. 4, p. 301. All later references to this work will be noted as, Lecky, England.

had to give up their property. Oftentimes Protestant friends and relatives held land for Catholics to circumvent the law.²⁰ In fact reports listing the value of estates held by Catholics in 1715 and 1716 show that their holdings were far from negligible.²¹

After 1750 the greatest source of annoyance and persecution for Catholics came not from the government but from private informers who sought the reward of one hundred pounds for the conviction of a priest who had celebrated Mass. Outside of the chapels on the estates and the embassy chapels in the cities, all worship was held secretly, preferably in ale houses and cockpits where the presence of a crowd would not arouse too much suspicion.²² Even Bishop Challoner wore the clothes of a layman and said Mass in garrets and alehouses to avoid detection by any informer.²³ From 1765 to 1778 these informers were still a menace to Catholic priests. One of

20. For examples see, W. F. Butler, "What Catholic Emancipation Meant," in Dublin Review, Vol. 184, issue of May 1919, p. 202-204.

21. George Oliver, Collections Illustrating the History of the Catholic Religion in the Counties of Cornwall, Devon, Dorset, Somerset, Wilts and Gloucester, London, 1857, p. 169.

22. Gordon Wheeler, "The Life of Challoner," in Richard Challoner 1691-1781, Westminster, 1946, p. 15.

23. For an interesting description of such Masses see, Herbert Thurston, Darkness Before the Dawn, London, Catholic Truth Society, 1929, p. 14-16.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

21

them, John Payne, acquired an infamous reputation in this matter. He succeeded in having one priest, John Maloney, banished from England.²⁴ For a while Payne even posed as a prospective convert and took instructions from Bishop Challoner in the hope that he would eventually be asked to attend the latter's Mass.²⁵ He failed in this attempt and again in 1771 when his accusations against Bishop Talbot were dismissed because Payne's witnesses admitted they had been guilty of perjury.²⁶

Apart from this persecution on the part of individuals the general tendency favored tolerance of Catholics. The Reign of George II, was the first since that of Elizabeth if we exclude James II, during which no new enactment was made against Catholics in England. So greatly had conditions changed since the years following the last Jacobite uprisings in 1745, that the clergy, provided they exercised prudence and self-restraint, had little to fear from the law courts. The great change that thirty years had brought is well described by Charles Butler:

Often in his early life has the writer

24. William Lecky, England, Vol. 4, p. 304-305.

25. William Maziere Brady, Episcopal Succession in England, Scotland and Ireland 1400-1875, Rome, 1877, Vol. 3, p. 167.

26. Denis Gwynn, Bishop Challoner, London, Douglas Organ, 1946, p. 178-179.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

22

heard the ancestors of the Catholic youth of that period tell them, that they could form no idea of the sufferings of the Catholics in the beginning of the last century. He, in his turn, can now aver that the present Catholic youth can form no idea of the lamentable state of Catholics, so lately as in the reign of George the Second, and the first years of George the Third.²⁷

The new feeling of leniency toward Catholics did not necessarily spring from any sympathy with their religion. It sprang rather from the conviction that the Catholic minority was no longer politically dangerous. Another reason can be seen in the growing spirit of tolerance, often bordering on religious indifference, that prevailed in this century.²⁸ It was no longer the fashion to quarrel over theological tenets and questions. Berrington concludes that, "the bigotry and narrow fanaticism of former days had melted down into extensive philanthropy and a mild indulgence to the errors of our fellow creatures."²⁹

Yet a Catholic, cut off from the professional and political life of the country, still found himself socially

27. Charles Butler, Historical Memoirs of the English, Irish, and Scottish Catholics, 4 Vols., London, 1822, Vol. 3, p. 277.

28. William Lecky, England, Vol. 3, p. 4-153 has an excellent summary of this development. Examples from the writers of the period may be had in, J. M. Creed and J. Boys Smith, Religious Thought in the Eighteenth Century, Cambridge, University Press, 1934, xi-301 p.

29. Joseph Berrington, op. cit., p. 98.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

23

unacceptable. Butler relates an incident which is probably quite typical of the social ostracism experienced by Catholics at this time. A Norfolk gentleman, we are told, brought a Catholic to his home. Before introducing him to his friends he told the Catholic that he would have to reveal his faith, because he didn't "think it fair to introduce a Catholic to anyone without first mentioning his religion."³⁰

While the penal laws hung over their heads Catholics could never achieve political or social freedom. There were those among Catholic leaders who felt that the time had finally arrived when they might ask for the repeal of the more restrictive penal laws. The final acquiescence of the Catholics in the revolutionary settlement of 1698 and the growing spirit of religious toleration made Catholics less suspect politically and less important religiously.

2. Ireland

By the late eighteenth century, English Catholics were but a small minority of the nation, a minority against which the penal laws were not only unjust but unnecessary. In Ireland, however, the position of the persecuted was just the reverse. For here the Catholics constituted about five-

30. Charles Butler, op. cit., Vol. 3, p. 279.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

24

sixths of the population,³¹ and were held in servitude by the penal laws enacted and enforced by a minority group of Anglo-Irish who ruled the country. This minority represented the English government and the established church in Ireland, and left a legacy, "to which England can look back only with shame."³² This condition or relationship became known at the end of the century as the "Protestant Ascendancy" which according to Edmund Burke:

. . . signifies pride and dominion on one part of the relation and on the other subserviency and contempt . . . the proscription from citizenship of by far the major part of the people.³³

The "Ascendancy" worked against the Irish nation had been English before it had been Protestant for as early as 1171 Henry II began to establish English control over Ireland.³⁴ Even when the unpopular Act of Supremacy of Henry VIII was repealed under Mary Tudor, the English policy of land proscription continued. The Catholic Queen was

31. Hugh Boulter, Letters Written by his Excellency Hugh Boulter, Lord Primate of All Ireland to Several Ministers of State in England and Some Others Containing an Account of the Most Interesting Transactions which Passed in Ireland from 1734 to 1738, (ed. G. Faulkner), 1770, Dublin, 2 Vols., Vol. 1, p. 183 f. Further citations will be referred to as, Hugh Boulter, Letters.

32. Basil Williams, op. cit., p. 271.

33. Edmund Burke, Works, Vol. IV, p. 387.

34. Edmund Curtis, History of Ireland, London, Methuen, 1950, p. 52-57.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

25

responsible for the English plantations in Leinster which were ultimately called King's and Queen's counties.³⁵ The unsuccessful rising of Hugh O'Neill was a protest against the religious restrictions and further seizures of land enacted against the Irish during the reign of Elizabeth.³⁶ Whatever hopes the Irish enjoyed when the Stuart line succeeded to the English throne were short-lived, as James I not only added to the Penal Laws but was responsible for the large settlements of English Protestants and Scotch Presbyterians in Ulster.³⁷ In 1641 the Irish rebelled against the King and in the fortunes of the Puritan Revolution were severely punished by the armies of Cromwell.³⁸ In 1691 they remained loyal to the King but in the fortunes of the Glorious Revolution were punished again, this time by the Parliament of William and Mary.³⁹ Beginning with the reversal of the treaty of Limerick and in answer to supposed Jacobite leanings of the Irish, the reigns of William, Anne and

35. Edmund Curtis, op. cit., p. 167-181.

36. J. B. Black, op. cit., p. 382-409.

37. Edmund Curtis, op. cit., p. 221-237.

38. Godfrey Davies, The Early Stuarts 1603-1660, Oxford, University Press, 1949, p. 159-164.

39. G. N. Clark, op. cit., p. 291-301.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

26

George I⁴⁰ witnessed the largest land confiscations and worst laws worked against the Irish nation bringing the Penal Code to that perfection described by Edmund Burke:

A machine of wise and elaborate contrivance as well fitted for the oppression, impoverishment and degradation of a people and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man.⁴¹

This "machine" found its final evolution during the reign of George II so that by the first quarter of the eighteenth century it had certain definite features or categories. Lecky classifies the various laws enacted against Irish Catholics into five groups.⁴²

The first group of laws had as its object the outlawing of Catholics from all civil and social life. They were excluded first of all from the Irish Parliament and

40. William Lecky, A History of Ireland in the Eighteenth Century, 5 Vols., London, Longmans Green & Co., 1892, Vol. I, p. 142-144. Further citations from this work will be referred to as, William Lecky, Ireland.

41. Edmund Burke, Works, Vol. IV, p. 305-306.

42. William Lecky, Ireland, Vol. I, p. 136-171. The general divisions of Lecky will be followed as a convenient framework for other sources.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

27

disenfranchised.⁴³ No Catholic could act as a judge, or a barrister or serve on a jury. All professions as well as the army and navy were closed to Catholics. Disbarment from military service was especially hard because the Catholics had to pay a double tax toward the militia and in case of a war with a Catholic nation they were subject to pay for any damages suffered at the hands of enemy privateers. He was forbidden to carry firearms or to own a horse worth more than five pounds. He was even forbidden to live within certain cities. Thus at the entrance of the town of Bandon in Cork was the inscription, "Turk, Jew and Atheist may enter here . . . but not a Papist."⁴⁴ In law he had no legal existence except for punishment. O'Callaghan quotes a contemporary judgment from the Irish bench, "The laws do not presume an Irish Papist to exist in the Kingdom where they are only supposed to breathe by the convenience of the Government."⁴⁵

43. The act of disenfranchisement did not come curiously until the reign of George II, through a hidden clause unnoticed by Catholics who were, "thus robbed of their last remaining right by a miserable trick such as a pickpocket might practice," Mathew O'Connor, The History of the Irish Catholics from the Settlement in 1691 with a View on the State of Ireland from the Invasion of Henry II to the Revolution, Dublin, Stockdale, 1813, p. 202. Further citations from this work will be referred to as Mathew O'Connor, History of the Irish Catholics.

44. Edward Wakefield, An Account of Ireland, Statistical and Political, London, 1812, 2 Vols., Vol. II, p. 583.

45. J. C. O'Callaghan, History of Irish Brigades in the Service of France 1688-1789, Glasgow, 1870, p. 159.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

28

As debased as he was the Catholic was referred to in 1709 by the Lord Lieutenane speaking to the House of Peers in this wise, "the true interest of the Protestant religion in this kingdom is . . . to defend the whole against the common enemy."⁴⁶ The average Catholic was reduced to a hopeless condition because he had no redress for wrongs since everywhere he looked he saw the seats of justice occupied by a hostile Protestant. Lecky sums up his plight:

All the influence of property and office was against him, and every tribunal to which he could appeal was occupied by his enemies. The parliament, and the Government, the corporation which disposed of his city property, the vestry which taxed him, the magistrate before whom he carried his complaint, the solicitor who drew up his case, the barrister who pleaded it were all Protestants.⁴⁷

Such restrictions placed an Irish Catholic in the dilemma of either conforming to the dominant creed which would engender hypocrisy; or to look for redress in illegal and violent action which would engender lawlessness.

The second group of laws sought to reduce Catholics

46. Speech quoted in Dublin Gazette, September 3, 1709, as found in John Brady, "Catholics and Catholicism in the Eighteenth Century Press," in Archivium Hibernicum, Vol. 16, 1951, p. 13.

47. William Lecky, Ireland, Vol. I, p. 147.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

29

to a state of complete ignorance.⁴⁸ He was forbidden to attend the University or to act as a schoolmaster or tutor. He was subject to a fine for sending his children abroad to be educated and a large reward was offered for the prosecution of a Catholic schoolmaster. After 1733 schools were established for Catholic children but their avowed purpose was to convert them to the Established Church. Most Catholics, however, avoided these Church schools in preference to the roving "hedge school master."⁴⁹ The general level of education was low and was one of the main answers to the query of George Berkeley in 1737, "whether there be upon earth any Christian or civilized people so wretched and destitute as the common Irish?"⁵⁰

The third great effect of the laws was to dissociate Catholics from the soil and to prevent them from acquiring any new property. The major confiscations of land took place under James I, Cromwell and William. Although some land had been returned to Catholics by William, the pressure

48. A good summary of the clandestine methods of Catholic education during the eighteenth century is found in T. Corcoran, "Catholic Education During the Penal Times" in Catholic Emancipation Centenary Record, Dublin, 1929, p. 44-49.

49. See Patrick, John Dowling, The Hedge Schools of Ireland, London, Longmans Green & Co., 1935, xvii - 182 p.

50. George Berkeley, Several Queries Proposed to the Public 1735-1737, Baltimore, John Hopkins Press, 1910, p. 25.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

30

of late enactments gradually converted more land into Protestant hands until at the beginning of the century the Catholics owned less than one-twentieth of all the land in Ireland.⁵¹ Not only was the Catholic forbidden to buy or inherit land, but he could not even lease land on any terms where the profits of the land exceeded one-third of the rent. If he was able by industry to increase the output of the land beyond that ratio, he had voluntarily to pay the excess in rent. In a case where he did not make the necessary financial adjustment and it was reported by a Protestant he could be ousted from the land and the informer was given a reward. A Protestant informer who detected that a Catholic had bought land from some benevolent member of the "Ascendancy" was given the land as a reward. It is little wonder that a visitor of that time, Campbell, reports, "We keep the Irish dark and ignorant . . . poor and unhappy, tie up their hands so they have no inducement to industry and then we wonder that they are so lazy and indolent."⁵² Even in cases where a Catholic held land going back to the Williamite settlement he was not sure that it would be evenly divided among his sons or go to the eldest. For if anyone even the youngest

51. Basil Williams, op. cit., p. 272.

52. Thomas Campbell, A Philosophical Survey of the South of Ireland in a series of letters to John Watkinson, Dublin, 1778, p. 152.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

31

of his sons became a Protestant he received the whole of the land. Later in the century when the religious fanaticism had abated the penal laws still operated not so much against, "the Catholic religion which increases under them but against the industry and property of whoever professes that religion."⁵³ This portion of the penal laws reduced the Catholics to a state of poverty since land the most stable wealth in Ireland was taken from them on the pretext of religious differences.

The fourth result of the Code was to bring discord into the family. The inheritance laws were so fixed that an eldest son could be given immediate right to a Catholic father's land if the son conformed to the established religion. In this way a Catholic who by pretext or connivance had circumvented the law and held land could be reduced in a moment to the position of a tenant by his own son. A wife could also avail herself of this reward by a change of religion. In the words of Lecky:

The undutiful wife, the rebellious and unnatural son had only to add to their crimes the guilt of a feigned conversion in order to secure both impunity and reward.⁵⁴

53. Arthur Young, A Tour in Ireland 1776-1778, (ed. Arthur Hutton), London, George Bell & Sons, 1892, 2 Vols., Vol. II, p. 141.

54. William Lecky, Ireland, Vol. I, p. 153.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

32

Furthermore since no Catholic could act as a guardian, a dying Catholic father knew that his sons would be taken from their mother and given to a Protestant family for rearing. This calamity was often avoided by leaving the children with a Protestant friend who promised to raise them as Catholics. The Irish House of Commons passed legislation to discourage even this legal fiction and Protestants found guilty of such violations of the law were punished severely.⁵⁵

The last group of penal laws was directed against the practice of the Catholic religion, the faith of the largest proportion of the people of Ireland. While this category of laws was the strictest it was the most difficult to enforce. Priests were required to register and those who failed to register or lay persons who shielded them were subject to banishment, prison or death.⁵⁶ The same penalty was inflicted on priests or laymen who refused to take an oath denying any allegiance to the Stuart line. A large annuity was held out to any priest who conformed to the established

55. Edward Wakefield, An Account of Ireland, Statistical and Political, 2 Vols., London, 1812, Vol. II, p. 500-501.

56. A very thorough study of the severity and practice of these laws based on contemporary state papers and documents has been made by William P. Burke, The Irish Priest in the Penal Times 1660-1760, Waterford, Harney & Co., 1914, 491 p.

church.⁵⁷ Since a reward was given for information leading to the conviction of a non juring or non registered priest, a group of professional "priest catchers" grew up.⁵⁸ A newspaper of the time describing a murderer indicates the type who followed the profession of "priest catcher," as, "lusty . . . sign of small pox in the face, hollow ey'd, bigg-mouth'd, burnt and marked . . . followed priest catching."⁵⁹

In 1714 the Dublin Gazette reported that the Lord Chancellor wanted the laws forbidding priests to say Mass to be enforced more rigorously especially in the city of Dublin.⁶⁰ The high water mark for bitterness was reached in 1719. Up to that time one penalty for non registered priests was to brand them on the face. The Irish parliament suggested a stronger penalty and the rejection of the new penalty by the English government was recorded in the press:

The Bill to prevent the growth of Popery in Ireland which lately passed with amendments in council was yesterday dispatched thither . . . we hear the amendments made were the striking out of the

57. Francis Plowden, The History of Ireland from its Invasion under Henry II to its Union With Great Britain, 2 Vols., London, 1812, Vol. II, p. 162.

58. William Burke, op. cit., p. 207-237.

59. Dublin Intelligence, July 25, 1710, in Archivium Hibernicum, Vol. 16, p. 15.

60. Dublin Gazette, June 12, 1714, in Archivium Hibernicum, Vol. 16, p. 22.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

34

priest castration clause 61

The laws could not be in constant operation but they did exist as a constant threat and the liberty of priests and Catholics in general was always limited by fears of informers and bigots. This plight is well satirized by Lord Mountmorres as, "mice in an air pump, who were suffered to exist and barely breathe for the sake of experiment."⁶² The laws were frequently enough enforced as these offhand notices in contemporary newspapers show:

At the assizes of Trim eight received sentences of death . . . one of them a Popish priest for a clandestine marriage.⁶³

. . . yesterday a Roman priest was committed to Newgate prison for seducing⁶⁴ to the Popish religion Miss Jane Morley.

. . . we hear too of a priest who was convicted for being an unregistered Popish priest and ordered for transportation.⁶⁵

61. Dublin Intelligence, Oct. 28, 1719, in Archivium Hibernicum, Vol. 16, p. 33.

62. Hervey R. Morres, 2nd Viscount Mountmorres, The Crisis: A Collection of Essays Written in the years 1792 and 1793 upon toleration, public credit, the elective franchise in Ireland, the emancipation of Irish Catholics with other interesting and miscellaneous subjects, Dublin, 1795, p. 2.

63. Dublin Weekly Journal, April 2, 1737, in Archivium Hibernicum, Vol. 16, p. 57.

64. Faulkner's Dublin Journal, May 25, 1742, in Archivium Hibernicum, Vol. 16, p. 64.

65. Dublin News Letter, August 31, 1742, in Archivium Hibernicum, Vol. 16, p. 65.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

35

In 1747 an official survey and investigation was made by a committee representing the Lord Primate of the established church into the state of Irish Catholics. It grew out of fear that the gradual relaxation of penal laws had allowed the Catholics to grow in numbers. Their final recommendation was as follows:

The Lords Committee is of the opinion that the disproportion between mass houses and churches, Romish ecclesiastics and Protestant ministers . . . is so great . . . as to give great and reasonable apprehension . . . of the increase of the Popish interest in Ireland. Resolved that it is the opinion of this Committee that to remedy these great and growing evils . . . it is absolutely necessary that the magistrates of this kingdom . . . do immediately enter upon a more steady and vigorous execution of the laws against Popery.⁶⁶

The official recommendation of the representatives of the "Ascendency" was not to acquiesce in the practical difficulty of enforcing the laws but rather to demand their enforcement with renewed vigor.

Such then were the penal laws which the "Ascendency" hoped would forever protect their oligarchy. Nor were they sincerely interested in converting Catholics to their

66. A Report made by his Grace the Lord Primate from the Lords Committee appointed to enquire into the present state of Popery in the Kingdom of Ireland and to prepare such heads for Bills as they shall think most proper for explaining and amending the Acts to Prevent the Growth of Popery; and to secure this Kingdom from any dangers from the great number of Papists in the nation, Dublin, 1747, p. 5-12.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

36

religion. As the century wore on and the spirit of religion became less marked and a noticeable tendency toward indifference was manifested, the Protestant clique became concerned with the prosecution of the penal laws to preserve the status quo. The contemporary Irish historian Mathew O'Connor sums up their spirit:

The object of the popery code was not the conversion of the people to the established worship; identity of religion would have produced a union and coalition among all classes and descriptions of Irishmen; its object was to keep up a system of disunion, to counterbalance superiority of numbers on one side by wealth, rank, power and English support on the other, to reduce the mass of the people to a spiritless, ignorant and indolent rabble, to exclude them from all avenues to riches, and to detach from them every man of prosperity and influence. It was calculated that the country could be easily governed and retained in subjectivity by dividing the inhabitants into two great irreconcilable factions.⁶⁷

Up to the accession of George III in 1760 the Code had well accomplished this goal.

Closely interwoven with the spirit of the penal laws was a selfish mercantilist attitude on the part of the government in England which made the Irish as impoverished economically as they were oppressed religiously. After the devastation of the Cromwellian wars the main source of Irish

67. Mathew O'Connor, History of the Irish Catholics, p. 202-203.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

37

prosperity was its cattle trade with England. The English landowners feared that the meat imported from Ireland would hurt the home product. As a result laws were passed between 1665 and 1680 forbidding imports of Irish meat and dairy products into England.

Blessed by nature with fine harbors and a good system of rivers the Irish had the potential for commercial trade with the continent and the colonies. But this avenue of revenue was soon closed and by 1696 they were forbidden to trade directly with the colonies. It caused Dean Swift to compare Ireland with her empty and useless harbors to a man who surveys a beautiful landscape from behind the bars of a dungeon.⁶⁸ The Irish then turned to the raising of sheep and to the woolen cloth trade, fields in which they soon excelled. But again they were soon reduced to economic servitude. First the Navigation Acts excluded trade with the colonies; England was then excluded by a prohibitive tariff and in 1699 a final law forbade exports to any country.⁶⁹

It was obvious that England had the power to crush any native Irish industry or trade nor was she remiss in

68. Dean Swift, Short View of the State of Ireland, as quoted by Lecky, Ireland, Vol. I, p. 174.

69. A good summary of the entire economic relations between England and Ireland in the 18th century may be had in, Homer L. Calkin, The Irish Union of 1800, (an unpublished Doctoral dissertation) University of Iowa, 1939, p. 79-96.

executing that power. There resulted an apathy in all economic and commercial affairs since it seemed hopeless to resist the British mercantile policy. These restrictions caused many young Catholics to enlist in foreign military service,⁷⁰ or to emigrate to the new world in hopes of gaining economic security. Thus Boulter reports in 1728, "We are under great trouble here about a frenzy that has taken hold of very great numbers to leave this country for the West Indies; we are endeavoring to learn why and . . . the remedies."⁷¹ One disastrous result for the Catholics was that they lost thereby many of their natural leaders in their later struggle for religious and economic freedom.⁷² Even the Protestant minority suffered numerically from the emigration of some of their own manufacturers and industrialists. Paradoxically enough what little trade and commerce remained fell to a fair amount into Catholic hands. Denied land leases of a practical and stable nature Catholics had no other field save trade.⁷³ When the Protestants began to

70. J. C. O'Callaghan, op. cit.

71. Hugh Boulter, Letters, Vol. I, p. 208.

72. The Alarm or the Irish Spy in a Series of Letters on the Present State of Affairs in Ireland to a Lord High in the Opposition written by an ex-Jesuit, employed by his Lordship for that Purpose, London, 1779, p. 11.

73. Lawrence Henry Gipson, The British Empire before the American Revolution, Vol. I: Great Britain and Ireland, Idaho, Caxton Printers, 1936, p. 250.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

39

allow them to hold some land leases it did not spring merely from a motive of religious tolerance. In fact Lord Chesterfield argued that allowing Catholics to hold land with the "gavel clause"⁷⁴ would increase converts to the established church and the government:

Allow the Papists to buy lands, let them take houses equally with the Protestants but subject to the Gavel Act, which will always have its effect upon their posterity at least. Tie them down to the Government by the tender but strong bonds of landed property, which the Pope will have much ado to dissolve notwithstanding the power of loosing and binding.⁷⁵

This practical suggestion dictated by expediency did not become operative until after the accession of George III in 1760.

The economic system and the penal laws reduced the bulk of the Catholic population in Ireland to a condition of serfdom. Since their life which at best was frugal, depended so much for mere existence upon the soil, periodic famines produced a lamentable condition. One of the worst of these famines occurred in 1741 and is described by George Berkeley then Bishop of Cloyne:

The distresses of the poor and sick are endless. The havoc of mankind in the

74. The "Gavel Clause" demanded that all land of a Catholic was to pass to the nearest Protestant heir.

75. Lord Chesterfield, Miscellaneous Works, quoted by Lecky, Ireland, Vol. I, p.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

40

counties of Cork, Limerick and some adjacent places hath been incredible. The nation probably will not recover the loss in a century . . . in county Limerick . . . whose villages were entirely dispeopled.⁷⁶

What made this economic and religious situation even more intolerable was the political system of Ireland at this time. It was such that it offered no possible avenue of escape from the religious and economic servitude. The Irish Parliament since the passage of Poynings law in 1494 had no power to pass any legislation independently of the English government. Further since the Catholic was excluded from a seat in the parliament and from voting for a member it was an institution that was most unrepresentative since the majority of the nation was excluded from any voice or control. Most of the members were appointed by a corrupt system of patronage of the "undertakers," large landowners who represented English government and the established church and were the chief architects of the policy of the "Ascendency."⁷⁷ Subservient as this parliament was to the dictates of the "undertakers" and the English government it had to preserve both the Code and the economic policy if it was to fulfill its

76. Alexander C. Campbell, Life and Letters of George Berkeley, Oxford, University Press, 1871, p. 256.

77. Mathew O'Connor, History of the Irish Catholics, p. 270-271 for a good description of the makeup and machinations of the "Undertaker" group.

EIGHTEENTH CENTURY RELIGIOUS BACKGROUND

41

appointment to office. Since this defense of the wretched state of affairs constituted its main purpose, "personal questions and local incidents made up the chief part of the Irish Parliament when it was not engaged in persecuting the Catholics."⁷⁸

Such was the condition of Irish Catholics at the middle of the eighteenth century. A minority called the "Protestant Ascendancy" persecuted the bulk of the population with a system of religious and economic laws that reduced them to a state little better than slavery. A political system equally oppressive and totally unrepresentative offered little hope for improvement. It was into this Ireland that Edmund Burke was born and passed his formative years, and a good deal of his life would be spent in England to lift this religious, economic and political oppression from his fellow countrymen.

78. William Lecky, Ireland, Vol. I, p. 459.

CHAPTER III

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765

In 1780 when Edmund Burke stood for re-election to the seat of Bristol he had to defend and explain to his constituents his efforts in behalf of Catholic toleration. His actions he stated were placed on the basis of a deep rooted principle of religious toleration:

I could do nothing but what I have done in this matter without confounding the whole train of my ideas and destroying the whole order of my life.¹

And in August of that same year he wrote to a friend in the same vein, "I have been a steady friend since I came of reason to the cause of religious toleration."²

Burke is sometimes accused of inconsistency in his principles on religious toleration but a study of his life beginning with the earliest years will disclose an organic development of his "train of ideas." Such a study will show that his principles were not based on mere expediency³ but rather on the "highest moral and constitutional

1. Edmund Burke, Works, Vol. 2, p. 388.

2. Edmund Burke, Correspondence, Vol. 2, p. 369.

3. One who feels this way is Philip Hughes, The Catholic Question 1688-1829, New York, Benziger, 1929, p. 77-82.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 43

considerations."⁴ Since Burke never wrote a full tract on religious toleration and only expressed his principles in the face of a concrete problem,⁵ it is only by the study of the historical problems and situations of his life that his religious principles on toleration may be learned.⁶

1. Early Irish Influences

Edmund Burke was born in Dublin on January 1, 1729.⁷ His father, Richard, was a member of the Established Church and his mother, Mary Nagle was a Roman Catholic.⁸ As was the custom of that age and out of deference to the Penal Laws,

4. John J. O'Shea, "Some Reflections of Edmund Burke's Centenary" in American Catholic Quarterly Review, Vol. 22, issue of October, 1897, p. 528.

5. Burke is in many ways like Newman, in the concrete manner of expressing ideas. This quality caused both to be misunderstood. For an interesting comparison see, A. G. Brichel, "Cardinal Newman and Edmund Burke," in Catholic World, Vol. 109, issue of May, 1919, p. 637-645.

6. Some attempt has been made along these lines by William F. P. Stockley, "Burke on Religion and the Church," in American Catholic Quarterly Review, Vol. 31, issue of April, 1906, p. 61-80. More recently the providential and religious portions of Burke's thought have been examined by Mario Einaudi, Edmondo Burke e l'indirizzo storico nelle scienze politiche, Torino, 1930, p. 74-87.

7. The author who made the most thorough study of this whole period of Burke's life argues convincingly for this date. Much of the framework of the early part of this chapter will rely upon his research. Arthur P. I. Samuels, The Early Life, Correspondence and Writings of the Rt. Hon. Edmund Burke, Cambridge, University Press, 1923, xiv-418 p.

8. Her first cousin Nano Nagle founded the religious order of Presentation Nuns. See Maurice Leahey, The Flower of Her Kindred, New York, Oriel Soc. Publication, 1944, 294 p.

the daughter was brought up in the faith of the mother and the son in that of the father.⁹ Richard Burke was a lawyer and in 1733 he barely escaped disbarment because of a new penal law that so punished a lawyer who married a Catholic. From his sixth to his eleventh years Burke lived with his mother's Catholic brothers in Cork.¹⁰ During this time he attended one of the "hedge schools" which were run to circumvent the law that forbade Catholics to have schools of their own. This early association with the impact of the penal legislation on his own immediate family made a deep impression upon the formation of Burke's thought. One of his biographers, MacKnight feels:

So powerful an influence has this association on his whole life that unless it is steadily borne in mind, much of his history and political career must be quite unintelligible.¹¹

This early association gave him that bent of mind, and that sympathy and appreciation for the proscribed religion of his native land, that one critic was to call, "a Catholic spirit . . . a respect for Catholic doctrine . . . a Catholic

9. Burke's own sister Juliana was raised a Catholic.

10. A good description of this phase of his life is to be found in William O'Brien, Edmund Burke as An Irishman, M. H. Gill & Sons, Dublin, 1924, p. 1-23.

11. Thomas MacKnight, History of the Life and Times of Edmund Burke, 3 Vols., London, 1858, Vol. 1, p. 9.

tone of mind."¹²

From 1741 until 1744 Burke attended the Ballitore School near Dublin conducted by a Quaker, Abraham Shackleton. There grew up between the schoolmaster's son, Richard, and Edmund Burke a life long friendship. During his studies at Trinity College and in the years before his public life in 1760 the most illuminating record of the life and thought of Burke is to be found in the correspondence between himself and Richard Shackleton.¹³ While at Ballitore Burke came into contact with another religious view and as he admitted years later in parliamentary debate this experience extended and deepened his principles on religious toleration.¹⁴ While there, however, he did not neglect the practice of his own religion in the Established Church. One of the masters of the school accompanied the boys to the local Anglican Church and on the way to and from church "heard them their catechism."¹⁵

12. "Review of the Works of Edmund Burke," in Dublin Review, Vol. 34, issue of March 1853, p. 69.

13. Portions of this correspondence may be found in the first volume of Burke, Correspondence; and in Leadbeater Papers (ed. Mary Leadbeater), London, 1862, 2 Vols., Vol. 1, x-416 p.

14. Parliamentary History of England (edd. W. Cobbett & J. Wright), 36 Vols., London, 1806-1820, Vol. 21, col. 709. Further references will be made to this work as Parliamentary History.

15. Arthur Samuels, op. cit., p. 17.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 46

In April of 1744 Burke entered Trinity College in Dublin. His study of such ancient classical writers as Cicero and Aristotle brought him a deep understanding of the natural law. This concept of the natural law was to permeate all of his later writings and, unlike the eighteenth century concept, his was the traditional natural law of the scholastics.¹⁶ He read widely in the Bible¹⁷ and was familiar with such Christian writers as Augustine, Justin Martyr, Thomas Aquinas and Suarez.¹⁸

During the term of his matriculation at Trinity, Burke wrote extensively to Richard Shackleton and among the topics discussed none was of greater concern than religion. Burke reveals on almost every page of this correspondence his lifelong consideration of the Providence of God. He sees God

16. For a specialized study of this phase see, Duncan MacFarlan Kennedy, The Political Philosophy of Edmund Burke with Special Reference to the Natural Law, unpublished Doctoral thesis, New School for Social Research, New York, 1949, iii-129 p. Burke's older view of the natural law was one of his revolts against the age. For full particulars see, Alfred Cobban, Edmund Burke and the Revolt against the Eighteenth Century, New York, Macmillan, 1929, p. 37-72.

17. For the influence and actual number of biblical quotations in the works of Burke, see Arthur L. Woehl, Burke's Reading, unpublished Doctoral thesis, Cornell U., 1928, p. 27f. He was apparently even familiar with some of the Vulgate text as he quotes its "gemitus columbae" in Works, Vol. 6, p. 33.

18. C. R. Cone, "Burke's Library," in Bibliographical Society of America Papers, Vol. 44, No. 2, issue of 1950, p. 153-172, lists some of the Christian works in his library.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 47

not in the Deist fashion of his century but as an active personal creator, who is all wise and powerful, and sees the universe and all in it supported by the "force of the Creator's almighty arm."¹⁹ In October of 1744 Burke received a letter from Shackleton in which the latter explains his Quaker beliefs. Burke's answer sheds light on the first recorded expression of his views on religious toleration:

We take different roads, 'tis true,
and since our intention is to please
Him . . . He will I believe consider
us accordingly Far be it from
me to exclude from Salvation such as
believe not as I do.²⁰

At the same time Burke is not unmindful of the evils caused by the multiplication of the sects and of the attendant evils of the fissure of the Churches resulting from the variance of creeds:

. . . but indeed it is a melancholy
thing to consider the diversities of
sects and opinions among us. Men should
not for a small matter commit so great a
crime as breaking the unity of the Church;
and I am sure that if the spirit of humil-
ity . . . was our guide our sects and re-
ligions would be much fewer What
a great crime schism is.²¹

Unlike many of his age, however, Burke's tolerance

19. Leadbeater Papers, Vol. 2, p. 19.

20. Ibid.

21. Ibid., p. 31.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765

48

in religious matters did not descend to religious indifference. In fact he was most impatient with those who did not make a sincere effort to find the true religion in order to give a valid basis for their conscience:

. . . what an account will those have to give who as if they were asleep pass their lives without the least consideration of this--it is the business of everyone to search whether their way be good; and if any man . . . willingly neglects this and be found in a wrong way, he will not be held guiltless before God . . . for indeed it is a serious affair and worth the attention even of our whole lives.²²

Burke himself made such an effort and conducted such a search until he reached a conviction and conclusion about the Established Church:

. . . he afterwards turned his attention to the reading of the theological publications on all sides that were written . . . in the last and present century; and at last . . . embracing and holding fast the Church of England.²³

While at Trinity, Burke was a co-founder of the famous College Historical Society which still exists. In 1748 at the age of eighteen he began to publish a small paper,

22. Leadbeater Papers, Vol. 2, p. 19.

23. Parliamentary History, Vol. 21, col. 709. For a study of the influence of some of these theologians on Burke see, Mario Einaudi, "British Background of Burke's Political Philosophy," in Political Science Quarterly, Vol. 49, issue of December, 1934, p. 576-598.

the Reformer²⁴ which commented on current questions of a philosophical and literary nature. One of the issues gives a further insight into the principles of Burke on religion. Even at this early age he was wise enough to see the inconsistency of those who think they can observe morality and ignore the religious truths on which that morality is based.

There are a set of men not infrequent in this city who 'tho they allow of morality, cry down reveal'd religion, yet in their practice they make them equal, neglecting both; how weak an obligation morality considered in itself would be, may be seen by supposing laws imposed on a nation without rewards for those who kept or punishments for those who broke them.²⁵

Always a man to avoid extremes Burke revealed that virtue in this same period in regard to the opposites of indifference and fanaticism:

The two greatest enemies of religion are . . . infidelity and blind zeal, the former attacks it like an open enemy and the latter like an indiscreet friend, does it more harm than good; the first gives rise to the free-thinkers, the latter to our secretaries.²⁶

The practical answer to both of these extremes as well as to

24. The only extant copies of the Reformer were rescued from oblivion by Arthur Samuels who recounts the interesting story of his discovery in op cit., p. 161 f. The text of the Reformer is printed in Samuels op cit., appendix 2, p. 297-330.

25. Reformer, No. 11, April 7, 1748, as printed in Samuels, op. cit., p. 323.

26. Ibid., p. 324.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 50

the insufficiency of philosophy is to be found in the prudent practice of religion.

. . . a truly religious life has the same efficacy to the prevention of both. This would soon convince unbelievers of the superior power of religion toward a moral life and shew at the same time how much it exceeds all systems of philosophy.²⁷

This practice of religion would also have another extremely practical value insofar as it, "would prevent many from throwing themselves into the arms of the first false teacher that offers."²⁸ The young writer concludes very beautifully by showing that his foundation is not vague as the Deists of his century would have it, but is the firm foundation of the person of the risen Christ.

The practice of virtue and religion is indispensable at all times; but never more than at this when we commemorate the time our Creator became our Redeemer and for our sakes manifested the highest attributes of His divinity, His Love and His Power, the one in dying for us the other in conquering death, in giving that glorious proof of our Immortality, and being Himself the first fruits of the Resurrection.²⁹

Although Burke received his degree in February of 1748, he remained in Dublin for almost two more years before going to England. During this period a rabid apothecary

27. Reformer, Samuels, op. cit., p. 324.

28. Ibid.

29. Ibid.

with the avocation of politician, by name Charles Lucas, occasioned a pamphlet war begun by his campaign for a seat to the Irish parliament. Following the research of Arthur Samuels³⁰ most of Burke's modern biographers have credited Burke with some of the pamphlets defending the position and person of Lucas. Since Lucas was very intolerant of Catholics and appealed frequently to the worst bigotry of the "Ascendency," Burke's championing his cause would reveal an inconsistency in his views on religious toleration as they have been expressed up to 1748. Recent scholarship and research³¹ as well as the discovery of new Burke letters have almost certainly cleared Burke of the authorship of the pro-Lucas pamphlets and hence of any inconsistency in views of religious toleration that those pamphlets would certainly indicate.

2. England, Marriage and Earliest Writings

Sometime in the spring of 1750 Burke fulfilled the prophetic words of his Reformer that the best talents of Ireland go abroad;³² in that year he began his legal studies at

30. Arthur Samuels, op. cit., p. 180-202.

31. Gaetano F. Vincitorio, "Edmund Burke and Charles Lucas," in Publications of the Modern Language Association of America, Vol. 68, No. 5, issue of December, 1953, p. 1047-1055. For a more detailed treatment of his conclusions see Appendix 1, p.

32. Reformer in Samuels, op. cit., p. 298.

the Middle Temple in London. From the time that he first went to England until his return to Ireland as the secretary of William Hamilton in 1759, the "circumstances of his life are enveloped in nearly complete obscurity."³³ This historical vacuum has been filled with many rumors and wild tales by contemporaries. Because of his religious background and Catholic associations it is interesting to note that even at this early period of his life many of the apocryphal stories deal with aspects of Catholicism. One for instance that haunted him all of his life was that during these years he studied at the Jesuit seminary at St. Omer.³⁴ Another recounted how he lived for some time with his brother who had become a Benedictine monk in a monastery at Parma.³⁵

But even when the rumors have been disallowed there has been little up to present that gives any insight and evidence into the life of Burke at this time. Until now the only real documentation has come from his few letters to Shackleton and the first few essays that he published in the

33. John Morley, Burke (English Men of Letters edit.) London, Macmillan, 1936, p. 8.

34. Burke himself denied such statements and said that although he had been to Paris often he "never happened to go through the town of St. Omer." Extracts from Mr. Burke's Table Talk at Crewe Hall written down by Mrs. Crewe, (ed. R. M. Milnes), London, 1862, p. 53. Further references will be made as Burke's Table Talk.

35. For discussion of this tale see C. W. Dilke, Papers of a Critic, London, 1875, Vol. 2, p. 350 f.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 53

late fifties in London. In recent years however some of his early notebooks of this period have been discovered among the archives of the Fitzwilliam family and have been published in part.³⁶ The Notebook helps considerably in understanding some of his life during these nine years and it also affords some information about his religious development.

Burke early seems to have lost interest in the Bar if ever such interest existed at all. The elder Burke who wanted his son to be a barrister became so distraught at his son's lack of progress that he withdrew his allowance from him about 1755. He probably would have done so far earlier had he seen these lines penned in the Notebook years before:

The Itch that first to scribbling
turned my Quill
The fatal itch that makes me scribble
still . . .
Even I while arming for the wordy war
Neglect the spoils and trophies of
the Bar.³⁷

During these days when he should have been preparing for the bar he did it perfunctorily and spent most of his time reading in fields far removed from the legal. Another entry in

36. Dixon Wecter, "The Missing Years in Edmund Burke's Biography," in Publications of the Modern Language Association of America, Vol. 63, No. 4, issue of December, 1938, p. 1102-1125, prints good sections of a Notebook of Burke which he found among the Wentworth Papers now in Sheffield. Further references will be made as Burke's Notebook.

37. Burke's Notebook in Wecter, op. cit., p. 1006-7.

the Notebook during this same period reveals what Wecter calls "a foreshadowing of Burke's future stand in respect to Catholic Emancipation." It consists of a long series of syllogisms that close: "As we confine the ends of religion to this world we naturally annihilate its operation which must wholly depend upon the consideration of the next."³⁸

This same Notebook contains another interesting item wherein Burke manifests an admiration for the conserving principle of Catholicism as opposed to the sudden and revolutionary principle of Protestantism:

The R. C. Religion must be brought into a country by very gradual means; there is an order, discipline and policy in it that does not suit with a sudden and tumultuous proceeding The Protestant on the contrary must be introduced suddenly because it ought to have the force of a novelty and lay hold on the enthusiastick part of the mind as it has not that advantage of a regular polity.

He states too another principle that he will notice throughout his whole life namely that Protestantism is a part of Catholicism and not vice versa:

. . . of Papist to be a protestant it is only necessary to throw off something; from Protestant to become a papist something must be assumed. Therefore they succeed well in making converts from Popery but not from heathenism. On the contrary the Catholics succeed rather

38. Burke's Notebook in Wecter, op. cit., p. 1115.

better in making gentiles than protestant proselytes.³⁹

This early statement is a foreshadowing of the undated words of Burke in future years as recorded in Burke's Table Talk:

The Protestant Church includes all the sects which have since branched out from it as that did from the Catholic Faith; it has nothing in it by which it can be defined but what is negative Therefore those who wish for the overthrow of the Catholic religion know not how dangerous a wish they make How is it possible to suppose that if the Catholic religion were destroyed, the Protestant religion could alone be able to support Christianity!⁴⁰

Burke's association with his mother and uncles had given him a deep sympathy for the Catholic position and also had earned for him jibes of "papist" and "Jesuit." At this time he was to make another Catholic contact in England that would be lifelong. Because of some malady Burke had been recommended to a Catholic, Dr. Nugent. Through this contact he met his daughter Jane and eventually married her. This gave rise to further rumors that Burke had become a Catholic. A contemporary of his, Richard Musgrave, relates how the elder Burke hearing that his son was thinking of being a Catholic sent an attorney to London to investigate the situation. This barrister friend returned with the story that

39. Burke's Notebook in Wecter, op. cit., p. 1117-1118.

40. Burke's Table Talk, p. 8-9.

all the rumors were true and that young Edmund was going to convert to Catholicism to please his wife Jane.⁴¹

While this story is certainly not true it is quite understandable how such a rumor could start especially with Burke's known sympathies for that religion. One biographer feels that it is quite possible that Burke never took the final bar examination out of deference to the sensibilities of his wife, since among other things it demanded an oath against the Pope.⁴² Actually there is no agreement among his biographers; Prior feels Jane Nugent conformed to the Established Church;⁴³ O'Brien feels she was probably always a Protestant;⁴⁴ the most probable opinion seems to be that of Wecter⁴⁵ and Magnus⁴⁶ who feel that there was no change of religion on either side, and that Jane Nugent continued as she always had to practice the Catholic faith. Whatever the case may have been it is certain that the marriage brought a

41. Richard Musgrave, Memoirs of the Different Rebellions in Ireland, Dublin, 1801, p. 36 f., relates this story as a contemporary.

42. Philip Magnus, Edmund Burke, London, John Murray, 1939, p. 11.

43. Prior, op. cit., p. 49.

44. William O'Brien, op. cit., p. 53-55.

45. Dixon Wecter, op. cit., p. 1121.

46. Philip Magnus, op. cit., p. 14.

deeper insight of the Catholic religion to Burke, and further nurtured the rumor that he was a papist in disguise.⁴⁷

More than likely the desire to add to his income at the time of his marriage induced Burke to publish two works in successive years. The first of these A Vindication of Natural Society⁴⁸ was published in May of 1756. It claimed to be a posthumous work of Bolingbroke and using his own principles sought in an ironic fashion to vindicate natural as opposed to artificial society. Bolingbroke in his writings had attacked all revealed religion on the grounds that natural religion was sufficient for man's needs. Using the same line of argument and the very style of Bolingbroke, Burke attacked artificial society and vindicated natural society. So successfully did he carry off the imitation that Burke had in a second edition in 1765 to write a preface indicating that he and not Bolingbroke was the actual author.

47. Shackleton's remarks made in 1770 are of note: "This connection has given rise to an opinion that he was addicted to the errors of that Church but without any foundation in reason for such a conclusion. He is well satisfied that there are many errors of that Church; but at the same time thinks there may be some in his own . . . he believes papists are wrong; he doubts if Protestants are altogether right. He has not yet been favored to find that clue which would lead him to indubitable certainty of true religion." London Evening Post, April 14, 1770 in Samuels, op. cit., p. 404.

48. The text of A Vindication of Natural Society is found in Burke, Works, Vol. 1, p. 1-73.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 58

While the primary field of this work is political, the method and basis of comparison reveals still more of Burke's thought on religion at this time.

He reveals in this work one of his most fundamental views, the close and necessary connection between religion and the state, "Civil government borrows a strength from ecclesiastical The ideas of religion and government are closely connected."⁴⁹ Another of his deepest convictions on the traditional Christian concept of the natural law finds expression in this wise:

We have implanted in us by Providence, ideas axiom, rules of what is pious, just, fair, honest which no political craft, nor learned sophistry can entirely expel from our breasts. By these we judge, and we cannot otherwise judge, of the several artificial modes of religion and society, and determine of them as they approach or recede from this standard.⁵⁰

Bolingbroke had argued for natural religion by listing the excesses and crimes of revealed religion. Burke turns this weapon against artificial society in the same way by listing its evils as compared with revealed religion:

Show me any mischief produced by the madness or wickedness of theologians and I will show you a hundred resulting from the ambition and villany of conquerors and statesmen. Show me an

49. Edmund Burke, Works, Vol. 1, p. 13.

50. Ibid., p. 30.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 59

absurdity in religion and I will undertake to show you a hundred for one in political laws and institutions.⁵¹

In his first major work Burke reveals a great reverence for religion, and a conviction that the truths of religion and society have a common foundation, the natural law.

In the following year, 1757, Burke published an esthetic work entitled The Sublime and The Beautiful,⁵² which was a philosophical study on the origin of our ideas on the sublime and beautiful. Like the previous work it is not concerned with religious principles, yet the casual remarks made throughout the work are important because they show that even in an esthetic work the religious principles of Burke have become integral to all his thinking. Because of his conviction that there exists, "a great chain of causes . . . linking one to another even to the throne of God himself,"⁵³ he constantly sees such ideas as beauty, ambition and sympathy directly linked in its final cause to God.⁵⁴ While he does not subscribe to the false principle that fear is the origin

51. Edmund Burke, Works, Vol. 1, p. 64.

52. The text of A Philosophical Inquiry into the Origin of our ideas of the Sublime and the Beautiful with an introductory discourse concerning taste, in Edmund Burke, Works, Vol. 1, p. 67-262.

53. Edmund Burke, Works, Vol. 1, p. 209.

54. Examples of such references, Burke, Works, Vol. 1, p. 119, 122, 123, 127, 184 and 185.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 60

of all religion, he feels that the Christian religion is unique because it has "humanized the idea of divinity" and stressed the love rather than the fear of God.⁵⁵ Just as he sees God as the foundation of political and social life so he sees Him too as the center of each human soul:

The more accurately we search into the human mind, the stronger traces we find everywhere of his wisdom who made us . . . we may be admitted if I may dare to say so into the counsels of the Almighty by a consideration of his works.⁵⁶

There are overtones of Augustine and Newman in such a noble conclusion.⁵⁷

3. Burke's Early Efforts for Catholics in Ireland

The successful publications of Burke brought him into the circle of such famous Londoners as Samuel Johnson, David Garrick, and Joshua Reynolds.⁵⁸ At the time Burke's only steady income was from his work on the Annual Register. He was therefore very willing to accept a position as secretary to William Hamilton, who had been introduced to him through

55. Burke, Works, Vol. 1, p. 144-145.

56. Ibid., p. 126-127.

57. A recent study to show Burke as a representative of Christian tradition is, Sister Patricia José Crowley, "Burke and Scholasticism" in The New Scholasticism, Vol. 27, issue of April 1954, p. 170-186. Also see reference in note 5, of this chapter.

58. Prior, op. cit., p. 59.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 61

Lord Charlemont, a wealthy friend of Burke's literary circle. When Hamilton became secretary to Lord Halifax who had been appointed Lord Lieutenant of Ireland, Burke returned to his native country in the spring of 1761.⁵⁹ Burke's relationship with Hamilton lasted until 1765 when it proved too much of a restriction on Burke's literary freedom, and was dissolved at that time.⁶⁰

While Burke was back in Dublin he made friends with many Irish patriots who sought to alleviate the evil conditions political and religious that were present in Ireland. With some of them like Edmond Sexton Pery and Sir Hercules Langrishe, he struck up a friendship which was to last during all of his later efforts to better the conditions of Irish Catholics.⁶¹

Sometime during the first year of his return to

59. Prior, op. cit., p. 59.

60. Original letters principally from Lord Charlemont, The Right Honorable Edmund Burke, William Pitt, Earl of Chatham and Many Other Distinguished Noblemen and Gentlemen to the Right Honorable Henry Flood, (ed. Thomas Rodd), London, 1820, p. 1-4 describes Burke's reasons for the break as, "an intolerable demand amounting to no less than a claim of servitude during the whole course of my life."

61. In his second letter to Langrishe in Works, Vol. 6, p. 383-4, Burke indicates the foundation of their friendship and dedication to the Irish cause at this time, "These things we discussed together four or five and thirty years ago. We were then and at bottom ever since of the same opinion on . . . every part of the penal system."

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 62

Ireland⁶² Burke wrote his Tract on the Popery Laws.⁶³ This work was never completed and was only published posthumously but it is the first work in which Burke champions the cause of toleration for Irish Catholics. He begins by giving a good summary of the laws dividing them into the chief classes relative to property, education and religion. The restriction to bear arms he sees as a violation of the natural law which demands the right of self defense. What may be demanded by the exigencies of a crisis, "become in time of profound peace a scheme of tyranny."⁶⁴

Rising from the laws to the principles which they violate Burke reminds us that we should be at least suspicious of practices and laws which are contrary to the will of the majority of the people as in the case of Ireland. Such a law is no law at all since it lacks authority:

In all forms of government the people is the true legislator; and whether the immediate or instrumental cause of the law be a single person or many, the remote and efficient cause is the

62. Although a note in Burke, Works, Vol. 6, p. 300 states that the Tract was written around 1765, both Magnus, op. cit., p. 16 and Murray, op. cit., p. 97 date it around 1761.

63. The text of the Tract on the Popery Laws is found in Burke, Works, Vol. 6, p. 300-360.

64. Tract on the Popery Laws in Burke, Works, Vol. 6, p. 314.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 63

consent of the people either actual or implied.⁶⁵

But even though the oppressor claims that he has the consent of the majority it would still be no law. For although all voted to inflict a penalty upon themselves if it were against the natural law it would be invalid for:

It would be made against the principle of a superior law which it is not in the power of any community or of the whole race of men to alter--I mean the will of Him who gave us our nature and in giving impressed an invariable law upon it.⁶⁶

And so men do not have the right to legislate what they please since all human laws are only declaratory; they may decide the application but they cannot alter the substance of the original justice. He quotes the Catholic doctor Suarez to show that following the law of nature will best serve the common good.⁶⁷

Burke then turns to a number of justifications of the penal system made by Protestants. One justification claims that what is done in Ireland is certainly no worse than the Catholic revocation of the Edict of Nantes in France. Factually Burke shows there is no comparison since the Huguenots in France are a minority and their restrictions are nothing

65. Tract on the Popery Laws in Burke, Works, Vol. 6, p. 320.

66. Ibid., p. 322.

67. Ibid., p. 325.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 64

in contrast to the Irish majority; on the basis of principle though he argues that an evil system in France does not justify one in Ireland. Such reasoning is based on the false premise that, "the names of Protestant and Papist can make any change in the nature of essential justice."⁶⁸

A second justification that some make for the Penal Laws is that since the end is good the means to obtain it are justified. Because the end of making all Protestants is for the good of society the Papist is at fault in not coming over and suffers willingly. Burke answers the first half of the statement by reminding Protestants that the so called end is not as obvious as they presume. It ignores the supremacy of the individual conscience and falls into the error of all religious persecutions, which are "grounded upon a miserable petitio principii; you are wrong, I am right. You must come over to me or you must suffer."⁶⁹ He dismisses the second half of the statement that the papists suffer willingly as "an insult rather than an argument."⁷⁰ For if the Protestant position is better, the papist needs no law to be convinced; if he is not convinced you demand, "a renunciation of his conscience . . . you annex morally speaking an impossible

68. Tract on the Popery Laws in Burke, Works, Vol. 6, p. 329.

69. Ibid., p. 333.

70. Ibid., p. 335.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 65

condition."⁷¹ But to the shame of Protestants and the glory of Catholics, "Ireland after almost a century of persecution, is at this hour full of penalties and full of papists."⁷²

Burke then proceeds to show how historically the Catholic religion antedated the Protestant in Ireland and if there is any prescriptive right or tradition it is on the side of the Catholic. In their history the Irish were seized politically when Pope Adrian made them a vassal of England. England confiscated Ireland on the grounds of papal authority; now Ireland is persecuted for respecting the Pope. So she is, "harassed for both Popery and for Protestantism."⁷³

Nor does belief follow establishment:

Religion is not believed because the laws establish it but is established because the leading part of the community have previously believed it to be true.⁷⁴

Burke is impatient with those who feel that the Irish lot has been improved by the establishment of a new religion. On the contrary, "we find people heretics and idolaters; we have by way of improving their condition rendered them slaves and

71. Tract on the Popery Laws in Burke, Works, Vol. 6, p. 335.

72. Ibid., p. 334.

73. Ibid., p. 344-345.

74. Ibid., p. 338.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 66

beggars."⁷⁵ His last observation is that the laws are not only unjust but impractical; they have brought to Ireland the very things they claimed to destroy, poverty and bigotry.

Soon after writing the Tracts Burke used his influence as secretary to Hamilton to attempt the passage of a very modest bill to help the Catholic cause. In January 1762, shortly after Spain entered the Seven Years War, Hamilton proposed to allow the Irish Catholics to raise six regiments to aid the English ally, Portugal.⁷⁶ It was hoped that aside from the practical benefit to the English government, it might set a precedent for the relaxation of the penal laws, since it would mean an official acceptance of Catholics into the army. Even this slight concession was defeated by the "undertakers" in the Irish Protestant Parliament.⁷⁷ Although in the proposal of the bill the secretary's name was not mentioned the proposal of Hamilton, "undoubtedly emanated from Burke."⁷⁸ For the time at least, "Burke's incredible exertions for toleration as the power behind the throne at the Castle were in vain."⁷⁹

75. Tract on the Popery Laws in Burke, Works, Vol. 6, p. 341.

76. Lecky, Ireland, Vol. 2, p. 186 f.

77. O'Connor, op. cit., p. 282 f.

78. Murray, op. cit., p. 97; MacKnight, op. cit., Vol. 1, p. 144.

79. O'Brien, op. cit., p. 70.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 67

During this same period of Burke's secretaryship in Ireland there was another outburst of the "Whiteboy" disturbances.⁸⁰ The causes of these riots were chiefly economic, the protest of the predominantly Catholic tenant against the rapacity of the enclosure system of the land lord. Fearing that such disturbances might overthrow their power the "Ascendency" sought to place the cause of the riots not on economic but religious and political forces. They conjured up a combination of causes blaming it partly on French intrigue and "religion was stupidly or maliciously saddled with the cause of these riots."⁸¹ The Lord Lieutenant Halifax, sent Chief Justice Aston into Munster to inquire into the causes of the disturbances in 1762 and 1763. As a result of these investigations it was officially reported that it was not a religious but a purely economic uprising.⁸² Although O'Brien⁸³ feels that "it cannot be doubted that it was at his Burke's instigation" that Halifax took this realistic view and honest investigation, the conjecture cannot be corroborated with any actual evidence. The fact that

80. Lecky, Ireland, Vol. 2, p. 20-49; Plowden, op. cit., Vol. 2, p. 136-142.

81. Plowden, op. cit., Vol. 2, p. 136 f.

82. Lecky, Ireland, Vol. 2, p. 32-34.

83. O'Brien, op. cit., p. 77.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 68

Burke did express his views at this time and sought to dissociate any religious cause from the foundation of the disturbances, lends credence to the theory.⁸⁴ It is a fact too that soon after the recall of Halifax and the attendant absence of the influence of Burke, the older view which blamed the disturbances on a religious question became prevalent again.⁸⁵

In the spring of 1764 the "Catholic Association"⁸⁶ sought the services of Mr. Burke in drawing up a petition which was to be forwarded to the King. Burke agreed and wrote up personally a rather long petition and address to be forwarded to the English throne.⁸⁷ It outlined the chief injustices worked against the Catholics in Ireland, and especially noted the difficulties surrounding the acquisition and inheritance of land. Just as in the case of his efforts for the troops for Portugal, and the investigation of the "Whiteboy" disturbances, Burke did not want his name to be connected with Catholic aid, so now he wanted his authorship of the petition to remain anonymous. For this reason no

84. Burke, Correspondence, Vol. 1, p. 41-45.

85. Plowden, op. cit., Vol. 2, p. 148 f.

86. See Thomas Wyse, Historical Sketch of the Late Catholic Association of Ireland, 2 Vols., London, 1829.

87. This petition is only published in Curry, op. cit., Vol. 2, p. 287-293.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 69

mention of the name of Burke as author of the petition is found in the histories of Curry or Wyse, both members of the original "Catholic Committee." In a later letter to Burke, however, Curry does acknowledge his authorship, and recently the original petition in Burke's handwriting has been discovered among the Wentworth Papers.⁸⁸ Due to some internal differences in the "Catholic Committee" at this time⁸⁹ and due also to the recall of Lord Halifax, the petition was not forwarded to the King in 1764. On a more auspicious occasion in 1777 it was brought forward and became the basis of the successful movement for the first repeal of some of the penal laws against Catholics.⁹⁰

Shortly after this time Hamilton and Burke were dismissed by Lord Halifax's successor, the Earl of Northumberland. The contemporary historian, O'Connor feels the reason was because of the stigma that, "both gentlemen were charged

88. See Curry's testimony in a letter to Burke, in Burke, Correspondence, Vol. 2, p. 297-298. A Paul Levack "Edmund Burke, His Friends, and the Dawn of Irish Catholic Emancipation" in the Catholic Historical Review, Vol. 37, No. 4, issue of January 1952, p. 393 refers to the original text, "among the Wentworth Papers is the text of this petition with revisions . . . both in Burke's hand."

89. For details see Thomas Wyse, op. cit., Vol. 1, p. 73-79.

90. See p. 99 f. of thesis for later details in 1778.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 70

with corruption in favoring Catholics."⁹¹ Burke and Hamilton returned to England and almost immediately there occurred a permanent and bitter parting of ways.⁹² Not long after this severance of relations with Hamilton, an important political opportunity was afforded Burke. In 1765 Lord Rockingham became Prime Minister to George III and he offered a secretaryship to Burke which the latter accepted.⁹³ This year of 1765 marks the end of one phase of Edmund Burke's life and the beginning of another. In his party and parliamentary role which will now begin he will extend his principles on religious toleration and will translate some of them into concrete bills--principles that were laid in these early years up to 1765 in England and Ireland.

By 1765 his basic principles on religious toleration had been fixed. He had a deep conviction of the personal and providential working of God in his universe. His concept of the natural law and of the primacy of conscience reflected his training and reading in the Christian liberal

91. O'Connor, op. cit., p. 297; also MacKnight, op. cit., Vol. 1, p. 164-166.

92. Details of this break may be found in Burke, Correspondence, Vol. 1, p. 46-51; 55-81. Also see note 60, p. 61 of this chapter, and Prior, op. cit., p. 71-75.

93. G. H. Guttridge, The Early Career of Lord Rockingham 1730-1765, Los Angeles, University of California Press, 1952, p. 47-49.

FOUNDATION OF BURKE'S RELIGIOUS PRINCIPLES TO 1765 71

tradition of the West.⁹⁴ Contrary to the spirit of the age his views on religious toleration were based not on religious indifference but rather on the foundation of the natural law, conscience and the traditions of revealed Christianity. His early writings reflect a good understanding and a deep sympathy for Catholicism. Both his associations with and efforts in behalf of Catholics in Ireland had already won for him his lifelong epithets of "papist" and "jesuit." His realism in politics is manifested by the conviction that persecution against Irish Catholics is not only unjust but impractical; not only against principles of religious toleration but also against the practical operation of the common good. It is such convictions and principles that he will bring to a more effective and larger political arena in English political and parliamentary life after 1765.

94. For an interesting development of this theme see, William A. Orton, The Liberal Tradition, New Haven, Yale University Press, 1946, p. 8-12; 96, 110, 124, 223.

CHAPTER IV

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

Through the fortunes of political change Rockingham headed a new government in 1765 and in the new party group Burke received a post as secretary to Rockingham, a position won through the intercession of William Burke.¹ He brought to his post a varied background due to his experience as secretary to Hamilton in Ireland and due to his editorship of the Annual Register. Yet soon after his appointment as Rockingham's secretary Burke almost had to resign because of the now familiar rumor that he was a papist in disguise--a rumor most probably instigated at this time by his former employer Hamilton.² Lord Charlemont recounts how the Duke of Newcastle brought knowledge of Burke's supposed Catholic and Jacobite leanings to Rockingham's attention. When the latter confronted Burke with the information the Irish secretary denied it but rather than cause embarrassment to his new employer he wanted to resign. Rockingham was much struck

1. Burke states this himself, "Mr. William Burke ... to him I owe my connection with Lord Rockingham." Burke, Correspondence, Vol. 1, p. 317.

2. The letter that corroborates this is not found in the Fitzwilliam edition of the Correspondence, but only in Prior, op. cit., p. 86.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

73

with his sincerity and integrity and refused to let him go.³ At the same time Charlemont who recounts the incident adds, "it must be confessed however that his early habits and connections . . . had given to his mind an almost constitutional bent toward the Popish party."⁴

Once this crisis had passed Burke was awarded the seat of Wendover in Parliament through the patronage of Lord Verney and again through the friendly efforts of William Burke.⁵ His rapid rise through party connections proved the truth of the prophecy he made some time before, "There never was a season more favorable for any man who chose to enter into the career of public life."⁶ Burke went to Parliament and the Rockingham ministry came to power at the beginning of the question on the American colonies and both party and Burke threw their lot into the defense of English liberties of American colonists. Nor did Burke forget the grievances of his native land. Even though his earliest efforts were

3. For particulars see Historical Manuscripts Commission, Twelfth Report, Appendix, Part X, The Manuscripts and Correspondence of James, First Earl of Charlemont, 2 Vols., London, Eyre and Spottiswoode, 1891, Vol. 1, p. 148-49. Further reference will be made as H. M. C. Charlemont. Also see Francis Hardy, Life of Charlemont, 2 Vols., 1810, Vol. 2, p. 281 f.

4. H. M. C. Charlemont, Vol. 1, p. 149.

5. Burke, Correspondence, Vol. 1, p. 317.

6. Ibid., Vol. 1, p. 67.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

74

very modest they led his friend Leland⁷ to compare Burke to the English ruler in Ireland:

I wish we had a hundred Burkes, to take their and our vengeance in England, for that worse than Egyptian plague of locusts sent here to blast and defile this wretched land.

Although the Rockingham ministry lasted only a year, Burke retained his seat from Wendover and became the leader of the opposition party in Parliament.

In 1766 Burke visited Ireland once again and felt in his own family relations the force of the penal laws. His brother Garrett had held the land of the Catholic Nagles in order to circumvent the law which forbade Catholics to hold land themselves. When Garrett died in 1766 Edmund took title of ownership to carry on the fiction of law and to protect the Nagle holdings. Some writers⁹ have been very short-sighted in feeling that since Burke held land he would stand to lose it if the penal laws were repealed and so from a selfish motive delayed in publishing his Tract on the Penal Laws. That his motives were only to protect his Catholic

7. Rev. Thomas Leland (1722-85) was a professor of history at Trinity and encouraged Burke to write his Tract on the Penal Laws. For further details see, John S. Crone, Concise Dictionary of Irish Biography, Dublin, Talbot Press, 1928, p. 124.

8. H. M. C. Charlemont, Vol. 1, p. 287.

9. C. W. Dilke, Papers of a Critic, London, 1875, Vol. 2, p. 364.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

75

relatives is evident from the fact that some years later he had to oppose one of the Nagles who became a Protestant in order to fall heir to the land.¹⁰

1. Acts of Uniformity 1772

Burke's next formal effort in the field of religious toleration occurred in February of 1772. At that time a group of ministers in the Established Church together with some lawyers and doctors sent a petition to the Crown asking that they be relieved of subscribing to the thirty-nine articles. This group was known as the Feathers Tavern Association from their place of meeting.¹¹ In the debates in parliament and in the final defeat of the bill Burke played a great role and his speech on this occasion is important because it reveals one of the limits he is to place upon religious practice.¹² When the petition was introduced the

10. For details see letter in New Monthly Magazine, Vol. 16, No. 62, issue of Feb., p. 153-156. For a complete vindication of Burke's integrity and financial status see Dixon Wecter, Edmund Burke and His Kinsmen, A Study of the statesman's financial integrity and private relationships, University of Colorado Studies, Series B, Vol. 1, No. 1, 1939, 113 p.

11. Prior, op. cit., p. 132.

12. The full proceedings of the bill may be found in Parliamentary History, Vol. 17, col. 245 to 297. Burke's chief speech on the occasion is found in his Works, Vol. 7, p. 3-9.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

76

speaker for it, Sir William Meredith¹³ felt that the thirty-nine articles were a relic of a past age and that in the name of true religious freedom they should be removed as a qualification for the ministry in the Established Church, and finally they should be removed because they smack of that "slavish turn of mind which is characteristic of Popery."¹⁴ Burke opposed the repeal of the thirty-nine articles as a condition for ordination but he made it very clear on what grounds he opposed it.

First of all he had little sympathy with those who felt that the Church of England could not alter without destroying herself. On the contrary he felt that "the Church like every corporate body may alter her laws without changing her identity."¹⁵ To deny this right to the Church would be tantamount to destroying her liberty and the power of self reform. Actually the English Church had changed her laws and her liturgy and articles of faith in the past so this cannot be offered as a valid objection to the Petition of 1772.

Nor does his opposition to the repeal of the Articles arise from a spirit of persecution. Far from it, for he

13. Sir William Meredith (d. 1790) a Whig, and friend of Rockingham. Member of Privy Council 1774-1777.

14. Parliamentary History, Vol. 17, col. 246.

15. Burke, Works, Vol. 7, p. 7.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

77

states:

If ever there was anything to which from reason, nature, habit and principle I am totally averse it is persecution for conscientious difference in opinion.¹⁶

His main objection to the repeal of the Articles is not that it is a persecution of a minority but rather that the repeal of the Articles would be contrary to the inclination of the majority of the people in the Established Church. If the majority of the members in the Church wanted to change something it would be in their power since they represented the Church in that instance. But these men, a minority group, want to change the articles, remain in the church and teach a doctrine contrary to the inclinations of the majority in that church. Thus:

They want to be preferred clergymen in the Church of England as by law established; but their consciences will not suffer them to conform to the doctrines and practices of that Church: that is they want to be teachers in a church to which they do not belong; and it is an odd sort of hardship.¹⁷

If these men want to subscribe to twenty or no articles they have the right to exercise such religious freedom. Let them gather their own congregation who have the same convictions

16. Burke, Works, Vol. 7, p. 10.

17. Ibid., p. 11.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

78

as they, but they cannot be paid to teach a doctrine contrary to the constitution of the church and then feel that to be denied that privilege is a hardship.¹⁸

Having enunciated the principle, Burke then passes on to the consideration of the danger of carelessly cutting away at the doctrines and traditions of the Church. For if you feel that there is no need of any creeds or formulae of faith, and that the Scriptures alone are sufficient how do you determine the actual canon or contents of the Bible itself?¹⁹ Having determined the canon how too do you ascertain the actual meaning of the Bible unless you have, "a criterion of faith more brief, more precise and definite than the Scripture."²⁰ Without articles of faith, or tradition of the church, "a general standard which obtains throughout the whole community,"²¹ you would reduce belief to the personal whim of each bishop, priest and layman which would bring chaos to the church. For:

Were this rule to take place how perplexing would be the condition of a clergyman ordained in the diocese of

18. Burke, Works, Vol. 7, p. 12.

19. Parliamentary History, Vol. 17, col. 286.

20. Ibid., p. 287.

21. Ibid.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

79

Ely, Beneficed in that of Exeter and removed to that of Gloucester.²²

On this occasion the attempt to remove the articles of faith as a condition to ordination failed by the vote of 217 to 71.²³ It is interesting to note that many of Burke's fellow Whigs like Sir George Savile voted for the repeal of the articles. In the debates on the bill Burke revealed another of his religious principles, namely that in the Established Church the majority of the members had a democratic function to perform insofar as they could alter the constitution of that Church. At the same time he reveals the conservative element in his thought by cautioning against rapid or thoughtless changes in that constitution since it endangers the element that completes and interprets the Scriptures.²⁴

2. Relief of Dissenters 1773

Early in 1773 Burke visited France with his son

22. Parliamentary History, Vol. 17, Col. 287; a contemporary who heard him speak on this occasion in Parliament stated, "Burke spoke like a Jesuit," in Thomas Belsham, Memoirs of Theophilus Lindsey, London, 1812, p. 162.

23. Parliamentary History, Vol. 17, Col. 289 f.

24. For a penetrating study of Burke's High Church principles see Russell Kirk, "The Anglican Mind of Burke" in The Church Quarterly, Vol. 153, issue of October, 1953, p. 470-487. Burke's High Church principles are also criticized by a contemporary, William H. Drummond, One is Master - Even Christ, London, 1831, 36 p.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

80

Richard, in order that the latter might learn the French language. While studying, Richard remained with the Bishop of Auxerre, and this new Catholic association furnished new material for the growing papist legend surrounding the name of Edmund Burke.²⁵ Burke also saw Marie Antoinette for the first time and was accepted freely in the salons of the philosophers.²⁶ According to Walpole he argued so convincingly for religion that "he almost made Christianity fashionable; St. Patrick did not make more converts."²⁷ But Burke also observed at first hand the tenets of the atheistic principles of political reform operating in France. For him the connection of religion and the state were so close that to overthrow one meant the destruction of the other. When he returned to England he warned his countrymen in Parliamentary debate of the danger of the French theory:

. . . this conspiracy of Atheism . . . would take from man the noblest prerogatives of his nature, that of being a religious animal. Already under the systematic attacks of these men I see many of the props of good government beginning to fail. I see propagated principles which will not leave to religion even a toleration.²⁸

25. For examples see above p. 92.

26. Prior, op. cit., p. 135-136.

27. Horace Walpole, Letters (Toynbee edit.) Oxford, University Press, 1903, Vol. 8, p. 252.

28. Burke, Works, Vol. 7, p. 36-37.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

81

These words of 1773 are prophetic of the coming French Revolution and outline the religious principles upon which Burke will base his major criticism of the Revolution in 1789.

His French trip also convinced him more that the welfare of the state can best be guaranteed by true religious freedom and this thought colors his next utterance on religious toleration. In March of 1773 a group of Dissenters forwarded a petition to the Crown asking for toleration.²⁹ Unlike the petitioners of the previous year who wanted to remain within the church yet not subscribe to the thirty-nine articles, the present dissenters wanted only certain guarantees of religious freedom. In the parliamentary debate on the petition Burke was especially shocked by Bagot's remark that such toleration would be an attack upon Christianity.³⁰ Burke feels that this is a contradiction in terms, since such toleration far from being an attack upon Christianity, is the "best and surest support that possibly can be given to it . . . toleration is a part of Christianity . . . a principle favorable to Christianity."³¹ To those who say that the penal laws against the Dissenters are inoperative Burke

29. For full particulars of debates, see, Parliamentary History, Vol. 17, col. 759-786; Burke, Works, Vol. 7, p. 23-38.

30. Parliamentary History, Vol. 17, col. 770.

31. Burke, Works, Vol. 7, p. 25.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

82

answers that, "a penal law not ordinarily put into execution seems to me to be a very absurd and a very dangerous thing."³² For such a law places a minority at the pleasure of the legislature, the judge and the mob. Nor can we say that there are not enough Dissenters involved to give them liberty because, "it is not the number of people but the reasonableness of the request that should weigh with the House."³³ Nor can one who accepts the thirty-nine articles as the basis of his toleration rightfully refuse toleration to one who does not accept them. All must be granted the right to follow the dictates of their conscience because, "Toleration is good for all or it is good for none."³⁴ The only time that a magistrate might restrict that religious freedom is when a group used it to form a faction injurious to the state or to the common good.³⁵ But the general principle still stands:

I may be mistaken but I take toleration
to be a part of religion. I do not know
which I would sacrifice; I would keep

32. Burke, Works, Vol. 7, p. 26.

33. Ibid., p. 27-8.

34. Ibid., p. 29.

35. Ibid., p. 30; for this reason Burke opposed the Dissenters in 1790.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

83

them both: it is not necessary that I should sacrifice either.³⁶

After his observations in France Burke warns the Parliament that the "most horrid and cruel blow that can be offered to civil society is through atheism."³⁷ Atheists are the real enemies to all liberty and the way to fight them best is to grant freedom of conscience to all lest being denied, some sects might flee to the camp of this false religion of atheism. The only exception to freedom is to the atheists themselves for they are, "outlaws of the constitution not of this country but of the human race. They are never, never to be supported, never to be tolerated."³⁸ Already Burke sees the false religion of atheism as one of the major foes of the age and he feels that all who agree on the broadest tenets of religion must unite in a common front by granting religious freedom to all. Nor can the Church of England stand alone against such a foe for "the cause of the Church of England is included in that of religion and not that of religion in the Church of England."³⁹ He concludes with this statement:

I will stand up at all times for the rights

36. Burke, Works, Vol. 7, p. 34.

37. Ibid., p. 36.

38. Ibid., p. 37.

39. Ibid., p. 37.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

84

of conscience . . . one may be right,
another mistaken; but if I have more
strength than my brother it shall be
employed to support not to oppress his
weakness; if I have more light it shall
be used to guide, not to dazzle him.⁴⁰

In this speech Burke states for the first time the very clear principle that religious toleration should be universal; that the only restriction on the exercise of this liberty is the common good; and finally that the best defense against atheism is the uniting of all religions on the basis of universal toleration.

3. Quebec Act, 1774

In the following year of 1774 the famous Quebec Act was passed and during the discussion on the Act Burke enunciated principles of religious freedom for Canada that he had previously stated for Britain. As early as 1765 shortly after the Paris Treaty, Burke as the secretary of the short lived Rockingham ministry, advised government that a Canadian priest chosen by the Quebec chapter should be consecrated a Bishop and sent back to Canada as the unofficial primate of the Catholic Church in Canada. This measure was suggested by Burke to show the French in Canada that Britain intended to

40. Burke, Works, Vol. 7, p. 38.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

85

give them religious freedom. Francis Maseres⁴¹ who was to be the attorney general of Canada and not too well inclined toward Catholicism states that Burke was responsible for this early attempt at toleration for French Catholics in Canada.⁴²

The Quebec Act was in many ways the expression of a new Imperial policy⁴³ and Burke as the representative of the New York colony at the time⁴⁴ saw very clearly its importance in relation to the American colonies.⁴⁵ Although he spoke on the civil and legal aspects of the Act⁴⁶ Burke gave more importance than many of his associates in Parliament to the

41. Francis Maseres (1731-1824), zealous Protestant and Whig; Attorney General of Quebec 1766-9; author of many works on Quebec and social questions. See letter of Burke to Maseres in Burke, Correspondence, Vol. 2, p. 310-312.

42. Francis Maseres, Occasional Essays, London, 1809, p. 369 f.

43. For such a study see, Reginald Coupland, The Quebec Act, A Study in Statesmanship, Oxford, 1925, iv-224 p.

44. A good summary of these years of Burke's career is had in Calvin Stebbins, "Edmund Burke, His Services as Agent of the Province of New York," in Proceedings of the American Antiquarian Society, 1893, Worcester, 1894, p. 89-101.

45. Charles Metzger, The Quebec Act, A Primary Cause of the American Revolution, United States Catholic Historical Society Publications, Vol. 16, 1936, New York, x-223 p.

46. The whole Act and Burke's attitude to it is discussed in Luigi Benincasa, Edmund Burke and the Quebec Act of 1774, an unpublished Master's thesis, Fordham University, New York, 1950, 66 p.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

86

religious elements involved. In the debates on the Act one of the practical questions was how to settle the specific religious questions involving the predominantly Catholic population of Canada. A new oath was drawn up for the Canadian Catholics which permitted them to attest their loyalty to the Crown while at the same time they were not asked thereby to deny any article of their faith.⁴⁷ It will be twenty years before a similar oath will be drawn up for Catholics in the British Isles, so that in this as in many other facets of imperial affairs the Quebec Act was revolutionary. The Act gave full freedom to Catholics in the practice of their religion. This of course pleased Burke but when the practical question of the tithe support of the Catholic clergy arose Burke opposed the majority opinion of Lord North. North wanted only the Catholics to pay for the support of their clergy. The Protestants were free from paying tithes or it would be left to the discretion of the Crown to change it at a future date, if and when Anglican immigration would warrant such help.⁴⁸ Burke opposed this suggestion on two grounds.

47. For text of the oath see Debates of the House of Commons in the year 1774 on the Bill for Making more effective Provisions for the Government of the Province of Quebec, Drawn up from the notes of the Right Hon. Sir Henry Cavendish, Bart., published by J. Wright, London, 1839, p. 250-251. These debates are drawn up from verbatim reports of Cavendish. Further references will be made as Cavendish-Debates 1774.

48. Cavendish Debates 1774, p. 217-218.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

87

First he felt it would give too much arbitrary power to the King, "I want as much of law as you please and as little of the king's pleasure as possible."⁴⁹ Secondly he felt that the clause allowing Protestants to be free of tithes, "does not provide for the establishment of popery but it does provide for the establishment of atheism."⁵⁰ He did not think it fair that a Catholic be forced to pay for the support of the Church while the non-believer was rewarded by being free of any financial obligation. His solution was to offer a clause, "providing that the tithe paid by persons not professing the Roman Catholic religion shall be handed over to the Society for the Propagation of the Gospel."⁵¹ Burke's clause however was voted down and the original clause of Lord North whereby only Catholics paid tithes, passed by a good majority.⁵²

On the occasion of the debates, however, Burke uttered one of the clearest principles on religious toleration that can be found in any of his writings or speeches. In this statement he rises from the specific to the universal

49. Cavendish Debates 1774, p. 217.

50. Ibid., p. 224.

51. Ibid.

52. Ibid., p. 226.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

88

principal and from the Canadian situation to that at home in England and Ireland.

Allow me to state in a few words my opinion with regard to the principle of toleration. There is but one healing Catholic principle of toleration which ought to find favour in this house. It is wanted not only in the colonies but here. The thirsty earth of our own country is gasping and gaping and crying out for that healing shower from heaven. The noble lord has told you the right of these people by the treaty; but I consider the right of conquest so little and the right of human nature so much that the former has very little consideration with me. I look upon the people of Canada as coming by the dispensation of God under the British government . . . the word "establishment" has been made use of; it is not only a crime but something unnatural to establish a religion the tenets of which you do not believe. Applying it to the ancient inhabitants of Canada how does the question stand? It stands thus: you have got a people professing the Roman Catholic religion and in possession of a maintainance legally appropriated to its clergy. Will you deprive them of that? Now that is not a question of establishment . . . the establishment was not made by you . . . no legislature has the right to take it away; no government has the right to suspend it. What I desire is that everyone should contribute toward the maintainance of the religion he professes; and if this is proper why not do it immediately?⁵³

This passage from Burke's speech shows his principle at its best. Clear and practical, lofty yet always applied to the situation at hand. His outspoken plea for Catholic freedom

53. Cavendish Debates 1774, p. 222, 223.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

89

will be remembered by his political opponents in this same year when he seeks to represent the city of Bristol. Years later Burke will refer to the religious settlement of the Quebec Act as an instance where justice proved practical insofar as giving religious freedom to the French Catholics kept them loyal to England during the period of the American Revolution.⁵⁴

4. Bristol Election 1774

In the autumn of 1774 it appeared for a while that Burke was not to return to Parliament, because Lord Verney was unable to send him back again as the representative of Wendover. Then there suddenly appeared two nominations in rapid succession. Through the efforts of Rockingham Burke received the nomination from Malton and was duly elected in early October.⁵⁵ The very day that he had been elected two representatives from Bristol approached him and asked him to seek one of the seats from their city which at the time was the second most important city in Britain.⁵⁶ The electors from Malton released him from obligations to that seat and on October 13 he arrived in Bristol and campaigned vigorously

54. Burke, Works, Vol. 4, p. 303.

55. Prior, op. cit., p. 151.

56. Earlier mention of the possibility of the nomination had been discussed by Rev. Wilson in June. See Burke, Correspondence, Vol. 1, p. 465-467.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

90

until his election on November 3.⁵⁷

The campaign for the Bristol seats in 1774 was very intensive and it was the first time that Burke's efforts for religious toleration and his Catholic sympathies were used by his opponents in the political contest. As early as June when Burke's name had first been suggested as a possible candidate for Bristol his sponsor and correspondent told him that, "The Quebec affair has given an amazing turn within these three weeks to the tame dispositions of the Quakers and Dissenters who before that were fast asleep."⁵⁸ From the very beginning it seemed that the campaign would involve religious factions and issues and once that happened it was understandable how Burke's religious background would be brought into the picture. In fact outside of his defense of the American colonists little was known of Burke save his religious efforts. A broadside issued two days after Burke's entrance into Bristol reminded the Quakers and Dissenters that they might expect little help from him; "Do the Quakers think you know that you were a violent opposer of that religious

57. For a recent study of this phase of Burke's career see, Ernest Barker, Burke and Bristol, Bristol, Arrow-smith, 1931, 131 p. Older but more valuable because of the many contemporary documents it quotes is G. E. Weare, Burke's Connection With Bristol from 1774 until 1780, Bristol, 1894, xviii-174 p.

58. Burke, Correspondence, Vol. 1, p. 466.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

91

liberty which the Dissenters in general have late petitioned for?"⁵⁹ This question of course ignored his very latest efforts of 1773 which had been favorable to the Dissenters and probably hoped that the Quakers would only remember his opposition to the 1772 petition to do away with the thirty-nine articles.⁶⁰

With the same inconsistency another broadside which might more honestly have been posed against Burke was used to attack the present incumbents of the seat of Bristol in this wise:

They have taken away the rights of your countrymen by introducing a despotic tyrannical government in the Province of Canada and establing [sic] the Roman Catholic religion there on the ruins of the Protestant religion of the Church of England.⁶¹

Before many years are to pass Bristol will turn the same accusation against Burke when he seeks to help the Catholics of England and Ireland. But for now she vows in verse:

Bristol forever shall approve her choice,
And thine through life shall be the
Public Voice.

59. A Broadside dated October 15, 1774 preserved in the Library of the New York Historical Society, New York City.

60. See above, 80-84.

61. Broadside, 1774 preserved in the Library of the New York Historical Society, New York City.



**TYPICAL POLITICAL LAMPOON PICTURING
BURKE AS A CATHOLIC PRIEST
(see appendix 5 for details)**

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

92

Yes Burke! Behold Britannia wrapt in joy.⁶²

During the last week of the campaign many bitter words were published about Burke by his political opponents. Most of their attacks centered about his papist leanings and his efforts for Catholics in Parliament. One broadside for instance by comparing half truths and errors sees a contradiction in the Burke who opposes Popery abroad but not at home:

Mr. Burke opposed the late Quebec bill
. . . but I am at a loss to account for
Mr. Burke's strenuously attacking Popery
at a distance when all the world know
that he married and took unto his bosom
a Roman Catholic! Is this a proof of
Mr. Burke's boasted consistency?⁶³

All of the old jibes now became the chief ammunition of his opponents in the broadside warfare. He was educated at St. Omer and was a Jesuit in disguise;⁶⁴ he married a Catholic and sent his son to France to be educated as a papist.⁶⁵ They even accused him in verse of being the means whereby:

62. The Voice of the People, A Poem inscribed to Henry Cruger and Edmund Burke, Bristol, 1774, p. 10. (Original consulted at New York Public Library)

63. A Broadside signed "A Word to the Wise" and quoted by Weare, op. cit., p. 55.

64. The garb of the priest will become the trademark of Burke in political lampoons. The earliest known foundation of it is found in Town and Country, Vol. 6, issue of Feb. 1774, p. 65: "He Burke was sent to St. Omer to finish his studies, being destined . . . for Holy Orders."

65. See Weare, op. cit., p. 56, 72 for examples.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

93

Tho' all that's dear to British hearts
of oak
Now bends obsequious to the Papal Yoke.⁶⁶

A good deal of the efforts of the Burke, Cruger party was to dispel the notion that Burke was a Catholic or a papist.⁶⁷

Although elected to Parliament from Bristol the campaign disclosed the dear price Burke would have to pay in his future political career for his principled views on religious freedom, especially towards those most in need of a champion, the Catholics of England and Ireland.

In his early parliamentary career from 1765 to 1774 Burke enunciated and clarified his principles on religious toleration. He felt that toleration must be universal and exhibited those convictions by his efforts for Dissenters in England and Catholics in Canada. His only restriction on religious liberty was that it must not be exercised in such a way as to peril the state or the common good, nor may a minority in an established church dictate the policy in a way that is contrary to the belief of the majority. He shows too a Catholic appreciation of the function of the Church and tradition in relation to the Scriptures. For the first time he manifested his deep opposition to atheism in any guise as a foe of all religious freedom and political security. His

66. See Weare, op. cit., p. 73 for examples.

67. Ibid., p. 62-65 for examples.

EFFORTS FOR RELIGIOUS GROUPS
AT HOME AND ABROAD, 1765-1774

94

efforts in behalf of religious freedom and his Catholic associations were used by his personal and political foes to picture him as a Jesuit and priest in disguise. These rumors had almost cost him the beginning of his parliamentary career as Rockingham's secretary in 1765 and again had almost cost him his seat at Bristol in 1774. But far from being daunted he will, in his prestige as the representative of the important seat of Bristol, do at home what he had formerly done abroad -- seek religious freedom for the Catholics of the British Isles.

CHAPTER V

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

1. Imperial, Political and Religious Background

The year 1778 which witnessed the humble birth of Catholic Emancipation in the British Isles was a year of great crisis within the British empire. During the period of the American Revolution Burke was sketching, "the rudiments of a new imperial grammar,"¹ and what proved to be the new theory upon which the foundations of the second Empire of 1783² were laid. As early as 1763 in the pages of the Annual Register Burke stated that the empire must see to it that all parts within its makeup must be treated with the same fairness.³ Again in 1773 he saw the empire as, "a well ordered, connected and proportioned body" and that it would be a "scheme of preposterous policy" whenever a "part gives laws to the whole."⁴ So real did he consider the organic

1. Philip Magnus, Edmund Burke, London, J. Murray, 1939, p. 112.

2. For a discussion of Burke's advance thinking on the concept of empire see Alfred Cobban, op. cit., p. 105 f. A recent book which shows the fundamental position of Burke in the more modern idea of empire is, Concept of Empire, Burke to Attlee 1774-1947 (ed. George Bennett), London, A. and C. Black, 1953, p. 33-40; 43-59.

3. Annual Register, Vol. 6, issue of 1763, p. 258-9.

4. Burke, Correspondence, Vol. 1, p. 440.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

96

nature of this union of peoples under empire that in the Quebec Act of 1774 he felt that Canada had come by Providence under the rule of Britain and to deny it liberty would be tantamount to keeping its English citizens there in slavery. Slavery in Canada would eventually mean slavery in other parts of empire including England itself.⁵ For the same reason he viewed the American Revolution as a civil war in which English citizens were defending rights of representation in America.⁶ The bond of empire was the constitution and once the rights of it are denied to any part of the empire, "the cement is gone, the cohesion is loosened, and everything hastens to decay and dissolution."⁷ In a notable passage he went to the essence of the bond of empire:

It is the spirit of the English constitution which infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire even down to the minutest member.⁸

At the very time that Burke was enunciating these principles of empire in the American crisis there was a far greater and long standing violation of the constitution in a portion of the empire much closer to England than America and

5. Cavendish-Quebec Act 1774, p. 89-90.

6. Annual Register, Vol. 18, issue of 1775, p. 15.

7. Burke, Works, Vol. 2, p. 101.

8. Ibid., p. 82.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

97

that was in Ireland. Burke's hopes for the inception of religious freedom in Ireland were about to come to pass. What justice and the constitution had demanded for the Irish, now political and military conditions would almost make imperative. For after 1760 there had grown up in Ireland a movement for national independence.⁹ A new Irish Protestant party had arisen with leaders like Pery and Gardiner. For the success of their movement it was necessary to win the bulk of the dissatisfied Catholic population to their side. The English government under the ministry of Lord North was quick to realize the potential power and danger of the Catholic population. As early as 1774 North instructed the Lord Lieutenant in Ireland to try to teach the Catholics there to look to the English government for a gradual relaxation of their position. He feared that if they became accustomed to look to the new national party for redress of grievances, they might well unite with them to ignite a second revolution within the empire. In the latter part of that year a concrete measure was adopted to win the Catholics and they were permitted to take an oath of loyalty to the English crown. In the words of the contemporary Irish historian, Plowden:

It gratified the Catholics in as much
as it was a formal recognition that

9. Edmund Curtis, A History of Ireland, London, Methuen, p. 305-310.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

98

they were subjects; and to this recognition they looked up to as the corner stone of their future emancipation.¹⁰

Early in 1778 as the American Revolution continued the English Parliament made some economic concessions to the Irish by allowing them some free trade with England. But there was still imminent the danger of a French invasion, and of a union of the Catholics and Protestant nationals in Ireland. The only practical way of placating the Irish Catholics seemed by relaxing some of the penal laws. The government felt that such a move would not be as difficult as in former days due to the abatement of religious persecution, and to the practical precedent of religious freedom granted to the Catholics in Canada a few years before. The nature of the whole situation was analyzed shrewdly in a letter of the Bishop of Derry written to Edmund Pery in 1778:

Ireland, if the war with France takes place, must almost inevitably be thrown into the greatest confusion; the first blow will certainly be directed there and the Roman Catholics, exasperated by repeated disappointments are ripe for an almost general revolt . . . a reasonable concession in time might secure that alliance and that fidelity which the fate of war might hereafter totally deny us Nothing can be more reasonable than their demands and in my opinion nothing more politic than our acquiescence I hope we

10. Francis Plowden, History of Ireland, Vol. 2, p. 170.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

99

shall be too wise to act the second part of the American tragedy and wait till our enemy compels us to terms of moderation.¹¹

The North ministry was anxious to avoid the "second part of the American tragedy" and hoped that the general religious indifference of the day would make the step to alleviate the Catholic restrictions feasible. It was this happy coincidence of factors that led the contemporary English writer Berrington to say:

. . . a philosopher who should have viewed the general features of the nation, at this time, would have been inclined to believe that a more favorable opportunity never could have offered for an oppressed party to sue for redress.¹²

2. Proximate Development of Movement for Catholic Relief

The first portion of the Catholics in the British Isles to take advantage of the situation was the Irish. Having obtained the right in 1774 to take an oath of loyalty to the king they waited for the propitious time to address him. The time they chose was late in 1777 shortly after the defeat

11. Bishop of Derry to Edmund Pery, May 15, 1778 in "Unpublished Correspondence of Burke, Grattan and others with Edmund Sexton Pery, Viscount Pery" in Irish Monthly, Vol. 6, issue of March, 1878, p. 181-202. Future references to this collection of letters will be made as Irish Monthly.

12. Berrington, op. cit., p. 98.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

100

of Burgoyne at Saratoga when the fortunes of England were reduced to its lowest ebb. Edmund Burke had a hand in this appeal insofar as they used the petition that he had originally composed in 1764. Some time later John Curry, one of the leaders of the Irish, was to recognize this debt to Burke:

That address and petition which you . . . drew up . . . in the year 1764, was found by us here so excellent . . . that we happily resolved to begin our humble suit by laying it before our viceroy . . . to be laid before his majesty.¹³

The petition had great weight because Lord Charlemont notes that the government in England, ". . . saw the necessity . . . of conciliating the affections . . . and of dividing at least between Government and parliament [Irish] that attachment which for obvious reasons had hitherto been confined to the former."¹⁴ What was needed now was a movement to be begun by the English Catholics to give a precedent for their

13. Burke, Correspondence, Vol. 2, p. 238. See Appendix 2 for the full text of the petition. Lecky, Ireland, Vol. 2, p. 197-199, did not know that it was written by Burke nor that it was actually written in 1764. Because he was ignorant of the original date, he sees a contradiction in the number of informers spoken of in the petition and the fact that they had declined considerably by 1777. The document refers to the condition in 1764 and since the original document of Burke's was not changed in 1777 there was this apparent contradiction.

14. The manuscript of Charlemont's Autobiography is quoted by Lecky, Ireland, Vol. 2, p. 195.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

101

co-religionists in Ireland. The rapidity with which it took place, however, surprised even the most hopeful of Catholics.

The inception of the impetus came surprisingly enough not from England but from Scotland. Early in 1778 the government wanted to ascertain the loyalty of Catholics in Scotland with an eye toward recruiting some of them for the American war. With that end in mind Lord North sent John Dalrymple¹⁵ to interview Bishop Hay¹⁶ the spiritual leader of the Catholics in Scotland. Dalrymple had suggested first the possibility of raising troops in Ireland. Upon reaching Bishop Hay he tried to determine what concessions the Scotch Catholics wanted in return for their military service.

The Bishop realized that a complete repeal of the laws was impractical if not impossible at that time. He asked only for the repeal of the statute forbidding the inheritance of land and of the statute demanding an oath which was against the Catholic conscience. The Bishop, however, knew that he could more easily receive a repeal of the laws if the English Catholics were included in the negotiations.

15. Sir John Dalrymple (1726-1810), wealthy landowner, author, friend of Lord North. See Dictionary of National Biography (ed. Sidney Lee), 63 Vols., London, Smith Elder and Co., 1885-1900, Vol. 13, p. 424-5. Future references will be made to this source as D.N.B.

16. For details see, Cecil Kerr, Bishop Hay, London, Sheed and Ward, [no d.], p. 89 f.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

102

In his own words he told Dalrymple, "our numbers and property being so small, little could be done . . . unless our brethren in England were joined in the business."¹⁷

Hay gave Dalrymple letters of introduction to the English Bishops. Challoner, Bishop of the London district, did not receive the agent of the ministry with too much enthusiasm. The aged prelate felt that the attempt to help Catholics would only harm them by stirring up the old anti-Catholic prejudices. Mr. Mathew Duane, the legal adviser of the Catholics also felt that the repeal of the penal laws would be "imprudent if not dangerous at that time."¹⁸

Dalrymple was about to give up when he met a young Catholic lawyer, William Sheldon,¹⁹ who convinced him that it was a matter for the Catholic laymen to settle. He formed a committee of Catholic laymen which began to carry on

17. William Forbes Leith, Memories of the Scottish Catholics during the 17th and 18th Centuries, 2 Vols., London, Longmans Green, 1909, Vol. 2, p. 368.

18. Burton, op. cit., Vol. 2, p. 189.

19. William Sheldon (1744-1830), Catholic barrister, educated at St. Omer's; mediator between English Catholic Committee, and the hierarchy. See, Joseph Gillow, A Literary and Biographical History or a Bibliographical Dictionary of English Catholics from the Break with Rome in 1532 to the Present Time, 5 Vols., London, Burns and Oates, 1885, Vol. 5, p. 500-501. Future references to this source will be made as Gillow, Catholic History.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

103

negotiations with the government. Lord Petre²⁰ became head of the committee and it soon became evident that the laymen wanted to act independently of the hierarchy.²¹ Their first concern was to inquire of the ministry and of the opposition, including Burke, how they felt toward the relaxation of the penal laws. Their fears were dispelled as they found the ministry to be more than friendly and with good reason. An anonymous diarist of the time summarized well all of the various factors that interplayed for the benefit of the relief act:

At first the great fear was of meeting with opposition from the ministry; but that fear was soon dispelled and several circumstances made them our best friends. Many of that party had great estates and connections in Ireland, and from motives of humanity wished to see the miseries of the poor Irish alleviated, but which could not be done without giving an example in Britain; the congress had given an invitation to all Catholics to go out and settle in America; which made it necessary to encourage them to stay at home, by alleviating their miseries. The fear of a French added to an American war, required that every step should be taken to suit all parties at home for the common good. Finally the dissenters in England, who had been long struggling for more liberty took it strongly into their

20. Robert Petre (1742-1801) Ninth Lord, Catholic of old nobility, active as president of Catholic Committee, yet Grand Master of Masons. See Gillow, Catholic History, Vol. 5, p. 294-296 and Maud Petre, The Ninth Lord Petre, London, S.P.C.K., 1928.

21. Burton, op. cit., Vol. 2, p. 185-191.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

104

heads that if they would support the Catholics on this occasion, the Catholics would support them again. From the above motives the whole ministry, to a man became friends to our cause.²²

Meanwhile in Ireland there was a movement on the part of the Irish to improve their economic lot. Early in the American war the English had restricted Irish exports to such an extent as to reduce Irish wealth but increase Irish desire for rebellion. Most Protestants had been pro-American and the Catholics had been loyal to the crown because of the hope of benefits. But there was serious question as to how long they would remain loyal especially since there had been American overtures to the Catholics.²³ In April of 1778 a bill was introduced in the English Parliament to improve economic conditions in Ireland. In the course of the debates the religious question was introduced. On April 7, it was suggested that help to Ireland be given a "broader base" by giving to the Irish Catholics, "such indulgences as might attach that great body of men to the present government."²⁴ Lord North agreed with the advisability of such a step and would "concur in any measure that would tend to answer so

22. Leith, op. cit., Vol. 2, p. 370.

23. Burton, op. cit., Vol. 2, p. 193.

24. Parliamentary History, Vol. 19, col. 1111.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

105

desirable an end," as long as that effort could pass in the Irish parliament.²⁵

3. Burke's Aid in the Savile and Gardiner Relief Bills

At the same time the English Catholic Committee wished to take advantage of the ministry's desire to see a bill passed which would enable the government to recruit Catholic soldiers. In its meeting of April 11, the Committee decided to appoint a group to draw up a petition to present to the King. In this matter they followed the example of the Irish Catholics and sought the services of Edmund Burke. The final petition was drawn up by Burke as is attested to by one of the members of the committee, a Mr. Stapleton:

McNamara did not draw up the address; he was chosen counsel and was of great service; but Mr. Burke was the man who drew it up and which I told you in a former letter it is not known by many and wish it may not be for the present.²⁶

The reason he desired anonymity arose from his fear that his authorship if known might hurt the chances of the bill, and from the fear that it would not set well with the anti-Catholic constituents of Bristol.²⁷ On April 27 the petition was

25. Parliamentary History, Vol. 19, col. 1112.

26. A letter of Michael Stapleton found in Stoner's Roman Agency Papers, Southwark Archives and quoted by Burton, op. cit., Vol. 2, p. 194.

27. See Ernest Barker, Burke and Bristol, p. 33 f.

The first of these is the fact that the
 system is not a simple one. It is a
 complex one, involving many factors
 which are not always understood.
 The second is that the system is not
 a simple one. It is a complex one,
 involving many factors which are not
 always understood. The third is that
 the system is not a simple one. It is
 a complex one, involving many factors
 which are not always understood.

[illegible][illegible]

AUTOGRAPH COPY OF THE ORIGINAL PETITION
TO THE CROWN WRITTEN BY BURKE IN 1778

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

106

signed by 287 of England's leading Catholics and on May 1 it was presented to the King.

The address written by Burke,²⁸ was short and stressed Catholic loyalty to the king of England. Catholics were thankful for the relaxation of the laws against them, a relaxation produced by the benignity of the crown and the spirit of the enlightened age. Rather than mention specific measures they left it to the same forces to bring further relaxations. Their dissent from the established church was only on religious grounds and their loyalty to the king could best be judged by their behavior during his reign. In conclusion they offered their services to the king in any way that he saw fit. Some years later Burke will refer to the same petition that he penned as "one of the most sober, measured, steady and dutiful addresses that was ever presented to the crown."²⁹

So well was the petition received that the Catholic Committee began to draw up a tentative bill apparently with the encouragement of the ministry. At this point in the

28. The full text of the petition may be consulted in Appendix 3. The original in Burke's handwriting is in the Wentworth Papers; see Levack, op. cit., p. 401; and Parliamentary History, Vol. 19, col. 1138-39. Opposite is a reproduction of the original petition.

29. Burke, Works, Vol. 2, p. 400.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

107

proceedings it was decided to present a separate bill restricted to the English Catholics; Bishop Hay and the Scottish Catholics who had given the original impetus for the bill were left to shift for themselves.³⁰ Once again Burke's assistance was sought in drawing up the actual bill. Although the preamble that he wrote was altered by another member of the committee, he did outline the draft of the bill and as Prior concludes:

. . . the bill was believed by his friends to be wholly his own or by his recommendation though brought forth under another name in order to avoid popular odium; which it might as the measure of an independent and influential country gentleman.³¹

The "country gentleman" was George Savile a wealthy landowner, a friend of toleration and a political acquaintance of Burke.³² On a later occasion Burke stated that Savile introduced the bill not out of partiality toward Catholics³³ but out of shame for the Act of 1699 which Savile felt was a

30. Burton, op. cit., Vol. 2, p. 198.

31. Prior, op. cit., p. 176.

32. George Savile, (1726-1784), wealthy Whig, personal friend of Burke; see D.N.B., Vol. 50, p. 364-67. J. Paul de Castro, Gordon Riots, Oxford, University Press, 1926, p. 9, feels that as a large landowner in Ireland, Savile's motives were not completely based on principles of toleration.

33. For Savile's real sentiments toward Catholicism see Parliamentary History, Vol. 17, col. 245 f.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

108

disgrace to the Protestant cause.³⁴ The bill bearing his name was introduced into the House of Commons on May 14 and was a very modest attempt to give religious freedom and property rights to Catholics.

On the same day that the Savile bill was introduced there was a discussion in the Commons of the economic concessions made to the Irish. In the course of the debates one member, Beauchamp, indicated that the economic relief would be incomplete if it did not also include some repeal of the penal laws against Irish Catholics.³⁵ A few days after that discussion in the further reading of the Savile bill Lord Cavendish introduced a motion to repeal an Act of Queen Anne which would effect the Williamite land settlement in Ireland. Both the reading of the bill and the motion of Cavendish passed with little if any opposition. On that occasion Burke sent to his friends in the Irish parliament news of the Cavendish motion as well as a copy of the Savile bill, indicating that the latter might serve as a model for them to copy there.³⁶ Macknight observes that the Cavendish motion, "gave Burke more peculiar pleasure than even the bill applying to

34. Burke, Works, Vol. 2, p. 397.

35. Parliamentary History, Vol. 19, col. 1141.

36. Burke to Pery, May 19, 1778, Irish Monthly, Vol. 6, p. 189 f.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

109

the English Roman Catholics because without such a measure nothing effectual could be done for Ireland."³⁷

Before Burke's copy of the Savile bill reached his correspondents in Ireland, Edmund Pery³⁸ wrote to Burke:

Mr. Gardiner³⁹ moved yesterday for leave to bring in heads of a bill for the relief of the Roman Catholics of this kingdom and explained his intention to be to follow the example of Great Britain.⁴⁰

Pery stated that the motion passed with very little opposition. The intention of Gardiner and of the other interested parties was to make the Irish bill, "exactly agreeable to Sir George Savile's".⁴¹ Pery felt that this sameness must be had in order to win the approval of the Bishops in the Irish House of Lords. It would be difficult for the latter group to oppose the bill if it could be shown that the English

37. Macknight, Burke, Vol. 2, p. 238.

38. Edmund Sexton Pery (1719-1806), Protestant, lawyer, member of Irish Parliament for Wicklow and Limerick; speaker of House of Commons (1771-85); pioneer of Irish Catholic relief and independence. See D.N.B., Vol. 14, p. 42.

39. Luke Gardiner (1745-1798), representative for Dublin County in Irish Parliament; later Privy Counsellor; member of new national party seeking independent Irish parliament. See, A Compendium of Irish Biography, Dublin, M. H. Gill, 1878, p. 217-18.

40. Edmund Pery to Burke, May 25, 1778; original unpublished letter, among Wentworth Papers in Sheffield Library, England. Microfilm copy has been consulted.

41. Ibid.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

110

bishops approved exactly the same type of bill in England.

"For this reason the bill is not to be brought in till we get a copy of yours."⁴² Pery also informed Burke that the Irish people were so thankful for his previous efforts in their behalf that they wanted to give him some public testimony of their appreciation, "for his vigor, perseverance and abilities" exercised for their cause.⁴³

On June 2, just a day before the Savile bill became law, Burke wrote in reply to Pery's letter and told him that he was happy that his efforts in behalf of his native land were so well thought of there. Fearful lest the expression of their gratitude might result in a gift of money Burke hastened to explain what reward he wanted from Ireland:

I shall be overpaid and in the coin which I like the best if she will do for herself that good which I can only wish for her. I solemnly declare . . . that I should not receive the tenth part of the pleasure in seeing myself absolute master of all the money or all the rank which Ireland has to give, that I should have in seeing the heads of a bill which you now have before you pass into a law.⁴⁴

42. Edmund Pery to Burke, May 25, 1778; original unpublished letter, among Wentworth Papers in Sheffield Library, England. Microfilm copy has been consulted.

43. Ibid.

44. Burke to Pery, June 2, 1778 in Irish Monthly, Vol. 6, p. 189. The original from the Wentworth Papers has also been consulted in microfilm copy.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

111

Burke told Pery that he was sending a copy of the Savile bill that the former had requested in his previous letter. He added that the Bishops in England added a clause to the bill there whereby clerics who were convicted before taking the oath indicated in the bill, were to be excluded from some of its benefits. Such an amendment was made, concluded Burke, "that they might not appear to let a bill about religion pass without something to do with it."⁴⁵

The day following, the Catholic relief bill for England received the royal approval under the title of the Savile Act and became law on June 3, 1778.⁴⁶ The act was very modest, permitting Catholics to hold and inherit land, and abolishing the reward formerly given to informers. Bishop Challoner did away with the last obstacle when he approved the oath appended to the Act, as containing nothing contrary to the Catholic faith.⁴⁷ The Act was by no means a political emancipation of Catholics but it was a beginning and laid a foundation for future legislation. In addition to the legal benefits it also undermined some of the standing

45. Burke to Pery, June 2, 1778 in Irish Monthly, Vol. 6, p. 189; for the amendment see Burton, op. cit., Vol. 2, p. 205-6.

46. For proceedings of the bill see Parliamentary History, Vol. 19, col. 1137-1145.

47. Burton, op. cit., Vol. 2, p. 210.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

112

prejudices and restored to English Catholics, ". . . a thousand indescribable charities in the ordinary intercourse of social life which they had seldom experienced."⁴⁸ In the words of Burke the Act was important, modest though it was, for it drew, ". . . the first sketch of toleration, which did little more than disclose a principle and mark out a disposition."⁴⁹

The deeper purpose of the Savile Act, however, was not as important for England where Catholics were a minority but for Ireland where they constituted the majority of the nation. It was hoped that the example and precedent of the Savile Act would produce the same benefits in Ireland. Sometime early in June, a letter which is certainly Burke's summed up the whole strategy of the Savile Act in relation to the Catholics of Ireland:

. . . the act of King William. But our repeal of both that act and of the Act of Queen Anne, relative to the Irish forfeiture, were ultimately intended for you The whole was laid together for that purpose. Parliament wished to speak its sense,

48. Butler, Historical Memoirs, Vol. 2, p. 85.

49. Burke, Works, Vol. 2, p. 404.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

113

as clearly as it could do, without using
its authority to Ireland.⁵⁰

The Savile Act had laid down a great "fundamental point" of giving property and freedom in every portion of the British empire including Ireland, and on this principle all religious and political parties in England stood in agreement on the Act in question.⁵¹

Even before the passing of the Savile Act and for the two months following, Burke worked incessantly for the Irish Catholics and with greater vigor than he had expended for them in the matter of trade. During the summer months from June to August he corresponded with leaders in the Irish parliament like Pery, Gardiner and Lord Kenmare. He counseled and advised them on the pitfalls and obstacles that were met and finally overcome in the Irish parliament. He also acted as their agent in London to gain the approval of the Privy Council. The correspondence between Burke and the Irish leaders gives the most complete account of his efforts for the Catholics of his native land.

On June 16, Burke answered a letter of Pery's in which

50. An unsigned letter in the National Library Dublin Mss. The photostat of it has been consulted at the Fordham University Library, New York. Portions have been quoted by Levack, op. cit., p. 406. Both the writing and matter indicate that Burke was the author; italics added.

51. Ibid.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

114

the latter had indicated that the first draft of the Catholic bill in Ireland had been amended by the old Protestant "Ascendency" with a clause which held out special privileges to children of Catholics who became Protestants. In analyzing the clause in question Burke showed his peculiar genius by rising from the specific case to a most penetrating treatise on government, Catholicism and human nature:

I had much rather see the act without the clause about the children . . . it . . . shows an hankering after our old unfortunate system of promoting the purity of religion by the corruption of morality. To corrupt family relations is to poison fountains; for the sources of the commonwealth are within the households, and errors there are irretrievable We do not give credit enough to our original and genuine affections. Nature is no bad chancellor Until the governing power, whoever he may be, is thoroughly convinced that it is the sole business of his office to make his people happy and prosperous, and not to convert them to any system of theology--that he is to be their ruler and not their apostle⁵²

Shortly thereafter Pery wrote to Burke telling him that two important amendments had been added to the bill. One was a substitution of a lease of 999 years for outright title to land, and the second was the introduction of a clause which would relieve the Dissenters from the Sacramental Test.⁵³

52. Burke to Pery, June 16, 1778, Irish Monthly, Vol. 6, p. 190-91.

53. See Irish Monthly, Vol. 6, p. 193-95.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

115

The first amendment would remain in the bill and the second almost caused the whole to be rejected in England.

Between June 24 and 26 Burke wrote no less than four letters to Pery⁵⁴ showing his efforts and proving his desire to have the Irish bill become law. While Burke did not particularly like the lease clause still he told Pery it was practical enough and hoped that Pery's fame would last in Irish memories as long as the lease of 999 years.⁵⁵ He was much more upset by the clause of the Dissenters; "I take it for granted, that affair had been thrust in to destroy the bill and for no other purpose."⁵⁶ This assumption was true and Lecky summarizing the opinion of the opposition leaders, feels they brought in the Test Act with the hope that it would, "introduce such an element of dissension that it [the bill] would be wrecked."⁵⁷ Burke felt that this spirit could

54. Three of the letters for June 24, 25 and 26 were printed in Irish Monthly. Levack, op. cit., p. 408, has compared them with the original letters in the National Library, Dublin and noted that the letter of June 26 is incorrectly listed as June 20 in Irish Monthly.

55. Burke to Pery, June 26, 1778, Irish Monthly, Vol. 6, p. 193.

56. Burke to Pery, June 25, 1778, Irish Monthly, Vol. 6, p. 194.

57. Lecky, Ireland, Vol. 2, p. 215; Gardiner also felt the same; see Burke, Correspondence, Vol. 2, p. 235.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

116

hardly have arisen from the true leaders of the Dissenters because, "Some of . . . them attended the meetings at Sir George Savile's in the Roman Catholick bill, and all agreed not to disturb the operation of a spirit which must ultimately be of advantage to their cause."⁵⁸ Burke was especially piqued by the inconsistent objection that the Irish bill was too much like the English, and he concluded:

. . . as if England meant to drive them to it I remember it was the universal opinion that our taking the first step was essential to the success of that measure; and that our holding back would be fatal to it. It is odd that our favourable or unfavourable opinion of the plan should both equally work against it.⁵⁹

Pery answered Burke's four letters on July 1, confirming the rumor that although, "the liberal example which you set us in England had much weight here,"⁶⁰ it was mentioned as a trivial objection to the measure. He felt that the Irish bill, a copy of which he sent Burke, would not be as extensive as its English counterpart, but that it was an encouraging victory over the ancient prejudices of the "Ascendency" against the Catholics. He agreed with Burke

58. Burke to Pery, June 25, 1778, Irish Monthly, Vol. 6, p. 195.

59. Ibid.; italics added.

60. Pery to Burke, July 1, 1778, Burke, Correspondence, Vol. 2, p. 223.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

117

that the Test clause would cause trouble whether retained or revoked by the English parliament. Whatever its fate the clause must not prejudice the ultimate success of the Catholic relief bill. Pery looked to Burke as their agent in England to take the steps necessary to accomplish that goal:

To insure success to this measure, it is necessary that the most explicit directions should be given, from your side of the water, to the administration here, and the most determined language held by them.⁶¹

While Pery hoped for ultimate success he admitted to Burke alone as his confidant that it has become a precarious affair, and that he entrusted to Burke the difficult role of removing the obstacles to the approval on the bill by the English ministry.⁶²

Before this letter of Pery reached Burke, he had received a communication from Alexander Wedderburne,⁶³ at his home on July 3. Wedderburne was the newly appointed attorney general and knowing that the first draft of the Irish bill

61. Pery to Burke, July 1, 1778, Burke, Correspondence, Vol. 2, p. 223.

62. Ibid., p. 224.

63. Alexander Wedderburne (1733-1805), Scotch lawyer, friend of Lord Bute; returned to Tory party in 1771; attorney general 1778; lord chancellor 1793-1801; see D.N.B., Vol. 60, p. 132. For letter to Burke see, Correspondence, Vol. 2, p. 226-7. Just six months previous Burke and Wedderburne almost had a duel over differences on the American Revolution. See, Dixon Wecter, "Burke's Prospective Duel" in Notes and Queries, Vol. 174, issue of March 12, 1938, p. 186-7; 296-7.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

118

had already arrived in London, wanted Burke's aid in the smooth passage of the bill. He was aware that the test clause would arouse debate and he called on Burke to supply him with information since he knew the latter could "refer to chapter and verse for all that part of ecclesiastical history that regards our tests."⁶⁴ Not only did Burke give him this information but also explained to him his general thoughts on the whole enactment. Writing to Pery later Burke described the essence of his communication to Wedderburne in this way, "The general drift was strongly to recommend the whole . . . and to obviate the objections."⁶⁵ On the same day Burke went to London and although he was unable to see the Chancellor, Thurlow⁶⁶ he did see the Solicitor,⁶⁷ and sought to convince him, "of . . . the same points using all the force I was master of."⁶⁸ At the end of this busy day Burke wrote to Pery, describing what he had accomplished with

64. Wedderburne to Burke, July 2, 1778, Burke, Correspondence, Vol. 2, p. 226.

65. Burke, Works, Vol. 6, p. 199-200.

66. Edward Thurlow (1731-1806), great advocate of royal prerogative; attorney general 1771; chancellor 1778. See D.N.B., Vol. 56, p. 344.

67. The Solicitor was General Wallace, a member of North's ministry; see Burke, Works, Vol. 6, p. 200.

68. Burke, Works, Vol. 6, p. 200.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

119

members of the ministry.⁶⁹ He informed him that he had spoken among others to Sir Grey Cooper⁷⁰ and summarized their meeting thus:

I have told him for Lord N [North] a great deal of my opinion relative to the effectual mode of pressing the Bill; the most material part of which is, that the Lord ought to take your opinion and advice in every part of the progress of this business. What his Lordship will do I know not, but the proposition did not seem to be ill received . . . my clear opinion is that they ought to work the whole under you if they mean any good.⁷¹

Burke also told Pery in this same letter that he feared that the Test clause would be rejected; the rejection would probably cause the Dissenters to oppose the whole bill which made him, "tremble for the bill attacked with so much spirit and defended with so much imbecility."⁷² As always Burke saw the relief bill in the context of the imperial crisis and as an important element to prevent that crisis

69. Burke to Pery, July 3, 1778 in original unpublished letter in National Library, Dublin Mss., consulted in a microfilm copy.

70. Sir Grey Cooper (d. 1801), member of Rockingham Whigs; secretary of the Treasury 1765-82. See D.N.B., Vol. 13, p. 144.

71. Burke to Pery, July 3, 1778, National Library, Dublin Mss.

72. Ibid.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

120

from becoming more accute. He reported to Pery that General Howe was home, that Philadelphia had been evacuated, and that a possible understanding with France and Spain was being considered. In such a situation he viewed the tragedy of the failure of the Gardiner bill thus, ". . . if it is lost the bastions of publick security are shaken. Never were we in greater want of a thorough and hearty union."⁷³ Even from the aspect of expediency he felt that the property clause of the Gardiner bill was a wiser choice for securing British security than the contemplated loan to France. "I think I should rather risque a Papist purchasing an estate for himself than to provoke him, and arm France to deprive me of mine."⁷⁴

On July 10 Pery acknowledged Burke's letter of the third and was happy that the rumored rejection of the whole bill was not true.⁷⁵ He agreed with Burke that the crisis of empire as well as the unity of party feeling coalesced to form a rare opportunity for Catholic relief. If the advantage was missed he despaired, "of ever seeing the like combination of

73. Burke to Pery, July 3, 1778, National Library, Dublin Mss.

74. Ibid.

75. Pery to Burke, July 10, 1778, Burke, Correspondence, Vol. 2, p. 227-230.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

121

of circumstances again."⁷⁶ Pery also informed Burke that there were some Irish Catholics who despaired because of the opposition and foolishly believed that a delay to the next session might benefit their cause. He insisted that the relief bill even without the test clause would pass the Irish parliament if it were sent over during the current session, but added:

. . . to insure its success, explicit directions should be sent to the Castle which according to their account, they have not hitherto received I shall be anxious until I know the decision upon this subject in England.⁷⁷

The inference of Pery's letter was clear. The relief act even without the test clause would pass in Ireland provided that the English ministry made its mind clear to the Castle government in Dublin. He confidently hoped that Burke would be able to accomplish the first and most necessary step in the process, to convince the English ministry of the wisdom of sponsoring the Gardiner bill and then of enlightening the Castle of their feeling.

In a long letter written around July 20, Burke informed Pery of his efforts to accomplish his portion of the compact in England, namely to convince the ministry of accepting the Gardiner bill and then informing the Lord

76. Burke, Correspondence, Vol. 2, p. 228.

77. Ibid., p. 229, 230.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

122

Lieutenant in Ireland.⁷⁸ Alarmed by the report which reached him on July 10 from Macnamara, that the ministry was considering rejecting not only the test clause but the whole bill, Burke went up to London, to argue against such a step. He went first to the Treasury where he spoke with Grey Cooper. He sought to show him how dangerous such a rejection would be for general security and also on party grounds reminded him:

. . . of the understood compact between parties, upon which the whole scheme of the toleration originating in the English bill was formed,--of the fair part which the Whigs had acted in a business which, though first started by them, was supposed acceptable to all sides, and the risk of which they took upon themselves when others declined it.⁷⁹

Having made some impression on Cooper, Burke then went to see Lord North and "had a great deal of discourse with him."⁸⁰

North was opposed to the whole bill because of the test clause which he felt would serve as a bad precedent in England. Burke argued that analogy was a bad principle in determining specific policies. For in the empire there was a

-- 78. This letter is printed in Burke, Works, Vol. 6, p. 199-206. Although it is dated July 18, both the contents and the fact that Pery had not received it by July 28, indicate that it could not have been written before July 21. Further references will be made as Works, Vol. 6, with the proper page.

79. Burke, Works, Vol. 6, p. 201.

80. Ibid.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

123

Presbyterian Church in Scotland and a Catholic one in Canada without prejudice to the established Church in England because, "those things were governed . . . not by general maxims, but by their own local and peculiar circumstances."⁸¹ But Burke found North "very cool" on the subject and tried to convince him that it was unpolitic and unnecessary to reject the whole bill because a portion foreign to the whole had been introduced. When nothing seemed to convince North, Burke showed him the necessity of passing the bill in the present session and how the Irish would be ready to do so, by reading to him the contents of Pery's letter of July 10. Having read the letter Burke then "renewed advice" on what Pery considered to be the pivotal point, that "the Lord Lieutenant should be instructed to consult and cooperate . . . in the whole affair."⁸² The impact of the letter and the advice of Burke were "apparently very fairly taken."⁸³

On the same evening Burke was able to see the Chancellor, Lord Thurlow. The Chancellor's objection was on the grounds that the bill was inadequate and so should be delayed to a better day. Burke again read Pery's letter to show although the bill was modest it was an important start and

81. Burke, Works, Vol. 6, p. 202.

82. Ibid.

83. Ibid.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

124

should be made immediately. But even though the letter "had its effect," and Burke "said everything he could think of"⁸⁴ Thurlow still seemed inclined to reject the bill.

Burke then shifted his ground and had more success. He impressed the Chancellor that it would bring great disgrace on his government to have introduced a bill and then to reject it because his opponents had introduced a foreign and unwelcome element. This line of thought made its mark and after the conversation Burke felt that Thurlow was now well disposed toward the relief bill.⁸⁵

Upon returning to Beaconsfield Burke followed up his conversation with Grey Cooper by a letter reminding him of the main points of their discussion and outlining again, "the plan which was suggested for carrying them into execution."⁸⁶ One important part of that plan was to communicate to the Castle government the feeling of the English ministry. On July 20, Cooper answered Burke and informed him that he had forwarded his letter to Lord North and that both he and the Prime Minister had taken all of Burke's suggestions into consideration. In concluding this long letter to Pery, Burke

84. Burke, Works, Vol. 6, p. 202.

85. Ibid., p. 205.

86. Ibid.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

125

apologized to him for having used his confidential correspondence of July 10 in his efforts to convince the English ministry.

Burke's efforts and advice had apparently not been fruitless because the bill that was almost on the point of being rejected in England was returned to Ireland on July 27.⁸⁷ The opposition in Parliament there was not enough to prevent its being passed on August 10. Again the key position of Burke was revealed in the late interest which the Castle government took in the successful reception of the bill. The Gardiner Act was not as complete as the Savile Act had been in England.⁸⁸ The major concession to Catholics was to permit them to hold land and then only with a lease term of 999 years.

Shortly after the bill had successfully been passed by the Irish parliament Burke received letters of gratitude for his efforts from the Irish leaders like Gardiner, Pery, Curry and Lord Kenmare. Pery was overjoyed and felt that the bill was imperfect but, "of more real importance to our

87. Pery to Burke, July 28, 1778, Burke, Correspondence, Vol. 2, p. 230.

88. See, The Statutes At Large, passed in the parliaments held in Ireland; from the third year of Edward the second, A.D. 1310, to the fortieth year of George the third, A.D. 1800, 20 Vols., Dublin 1786-1801, Vol. 11, p. 298-301.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

126

country than any law which has passed during my time."⁸⁹ Because of his efforts throughout the whole affair Pery told Burke that everyone in Ireland, ". . . know their obligations to you and have the strongest sense of them."⁹⁰ Gardiner extended his personal thanks to Burke and asked for one final favor. He wanted Burke to explain to his friends in England why the Act bearing his name in Ireland had fallen short of its counterpart in England.⁹¹ Lord Kenmare's note⁹² of thanks contained a shrewd analysis of the reason for the late interest of the Castle government in the Gardiner Act. He felt that support was given when it began to "recollect that its [the bill's] fate was closely connected with that of their own authority."⁹³ The administration feared that if the party in opposition to the Gardiner Act was not checked it might grow too confident and strong to control in the

89. Pery to Burke, August 11, 1778, Burke, Correspondence, Vol. 2, p. 232.

90. Pery to Burke, August 26, 1778, Burke, Correspondence, Vol. 2, p. 239.

91. Gardiner to Burke, August 11, 1778, Burke, Correspondence, Vol. 2, p. 233-237.

92. Kenmare was president of the Irish Catholic Association. His letter of August 11, 1778 to Burke is unpublished and is found among the Wentworth Papers; microfilm copy consulted.

93. Kenmare to Burke, August 11, 1778, Wentworth Papers.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

127

future. Kenmare concluded that all parties in Ireland joined out of respect for Burke's work in helping, ". . . this poor kingdom and the relief of its natives from the Inquisitorial oppression they so long labored under"94 A few days later another member of the Catholic Committee, John Curry, wrote to Burke and explained how important his petition of 1764 was in the attainment of the present Gardiner Act. It had, "made such an impression as was in a great measure productive of what followed . . . Dimidium facti qui bene coepit, habet."95

Even before this group of letters had reached Burke he had written congratulatory notes to some of them. In writing to Gardiner96 Burke very humbly takes little credit for the Irish Act but is proud to have had even a small share in it. He wrote:

You very much overvalue my feeble endeavors to do my duty in the late regulations with regard to Ireland. It only shows with what sincerity you love

94. Kenmare to Burke, August 11, 1778. Wentworth Papers.

95. John Curry to Burke, August 18, 1778, Burke, Correspondence, Vol. 2, p. 238.

96. Burke to Gardiner, August 1778, an original and unpublished letter of Burke. The original was consulted in the Pierpont Morgan Library, New York and is quoted with the permission of the Trustees of the Library. The content and references establish the other correspondent as Gardiner.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

128

your country, when you rate so highly
the slightest attempt to serve it
. . . . And I trust you will live to
see and enjoy the good you have done
in the total extinction of all spirit
of party which has religious opinions
for its principles.⁹⁷

In the conclusion of this letter Burke stressed how important was the effect of the Act of uniting the citizens of Ireland to its government.

In writing to Pery Burke wrote in the same vein as he had to Gardiner and reminded him that their humble efforts had fixed the firm foundation for future liberal enactments. He encouraged him thus: "Let your success encourage you to complete the great work--the redemption of your country."⁹⁸ Later in the same month Burke wrote a familiar letter to his cousin in Ireland, Garrett Nagle. To him he confided that the bill was all the more amazing because of the deep rooted prejudices against which it had to struggle. That is why he admitted, "Be assured that no event of my time has given me so much pleasure."⁹⁹ He also paid a special tribute to the Protestants who in and out of Parliament had labored to undo

97. Burke to Gardiner, August 1778, Pierpont Morgan Library, New York.

98. Burke to Pery, August 12, 1778, Irish Monthly, Vol. 6, p. 197.

99. Burke to Garrett Nagle, August 25, 1778 in "Original Letters of Burke" in New Monthly Magazine, Vol. 16, issue of February, 1826, p. 156.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

129

the evil of their ancestors.

On November 11 of that same year a resolution of the Catholic Committee in Ireland voted that a gift of 500 guineas be forwarded to Burke in appreciation of the intimate and important role he played in the Catholic relief act.¹⁰⁰ He refused the gift and explained how all of his efforts in behalf of the Irish Catholics had proceeded from deep seated principles.¹⁰¹ One of these principles was an abhorrence of all injustice and he explained:

I have even had a particular detestation to the penal system of Ireland, and I am yet very far from satisfied with what has been done toward correcting it,--which I consider as no more than a good beginning.¹⁰²

If there should be gratitude Burke felt that it should not fall to him alone since there were many others in England and Ireland who worked as hard as he. This he said came from certain knowledge for he was one "who knew more of the secret history as well as the public of this business than falls to the share of many."¹⁰³ Burke's second great principle which

100. The Minute Book of the Catholic Committee 1773-1792 (ed. R. Dudley Edwards) published in Archivum Hibernicum, Vol. 9, 1942, p. 32.

101. Burke, Correspondence, Vol. 2, p. 281, 282, 290.

102. Ibid., p. 293.

103. Ibid., p. 293.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

130

motivated all of his efforts in the movement was his deep desire for peace and unity within the empire, and "to see every part of the empire and every denomination of men in it happy and contented and united on one common bottom of equality and justice."¹⁰⁴ His only sorrow was that the principles of empire, "in so well constituted a community . . . should . . . have gone not only beyond the Irish sea, but beyond the Atlantic Ocean."¹⁰⁵

By the end of 1778 Burke had seen Acts passed in both England and Ireland which would serve as a modest foundation of future Catholic emancipation. In both the beginning and successful execution of the Savile and Gardiner Acts Burke had played no small part. Knowing that such public aid would only increase the hostility of the anti-Catholic faction of Bristol, he risked such opprobrium because he felt that both the principles of justice and religious toleration and the exigencies of the imperial crisis demanded it. Both petitions from the Catholics of England and Ireland were composed by him as well as the tentative outline of the Savile Act itself. In his long correspondence with Pery he guided the leaders of the Catholic movement in Ireland. By his efforts both spoken and written he acted as their vigorous agent in

¹⁰⁴. Burke, Correspondence, Vol. 2, p. 296.

¹⁰⁵. Ibid.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

131

England. At a time when it seemed that the Catholic relief for Ireland was almost certainly doomed to failure he alone, by his convictions resting on principle and prudence, was able to rescue it. He convinced the privy council in England and through them the Castle government in Dublin of the wisdom and expediency of the Gardiner Act. When the Act was passed he refused any reward and modestly gave credit to those who were far less responsible than he for the Act's successful approval by the Irish parliament. His only reward was to see his principles of religious toleration applied in England and Ireland for Catholics as they had formerly been for English Dissenters and Canadian Catholics. His whole conduct in the movement for Catholic relief in England and Ireland echoed his words at the inception of the Act that the success of such toleration would give him more pleasure than in "seeing himself absolute master of all the money or all the rank which Ireland has to give."¹⁰⁶ During the whole movement too Burke showed that he was not only a statesman of high principles but an extremely practical one. He saw the close connection between religious liberty and unity of empire. He desisted from expounding his principles in parliament at this time and devoted his energies to the practical

106. Burke to Pery, June 2, 1778, Irish Monthly, Vol. 6, p. 190.

BIRTH OF CATHOLIC TOLERATION
IN THE BRITISH ISLES 1778

132

work behind the scenes. But before many years are to pass he will have to defend the newly won concessions given to the Catholics and in his defense he will lay bare the principles of toleration on which his efforts were based.

CHAPTER VI

CRISIS OF CATHOLIC TOLERATION: 1779-80

1. Reaction in Scotland

Although the Scotch Catholics had been the first group approached in the early negotiations prior to the Savile Act, they did not share in the relief from the penal code that the Savile and Gardiner Acts extended to their co-religionists in England and Ireland. As the Savile Act was reaching its final stages it was deemed prudent to introduce a separate bill for each group and in the words of Bishop Hay, leader of the Scotch Catholics, "the committee left us to shift for ourselves."¹ Bishop Hay and Lord Linton² remained in London until the final passage of the Gardiner Act. They were in touch with Edmund Burke during this time and he probably advised them concerning the drawing up of their petition, and heads of a bill. Among the manuscripts of Burke in the Wentworth Papers is an outline of the heads of a bill to be introduced into Parliament in

1. Cecil Kerr, Bishop Hay, London, Sheed and Ward, [n.d.], p. 93.

2. Lord Linton was the representative of the government who worked with the Scotch Catholics.

behalf of Scotch Catholics.³ It was more than likely given to Burke for his approval or suggestions. On a later date Burke referred to their meetings in this way:

I have never had the honor of conversing with any of them but Lord Linton and Mr. Hay . . . in several conversations.⁴

Owing to the lateness of the season it was deemed advisable to wait until the next session of Parliament before introducing the bill to aid the Catholics of Scotland. Bishop Hay returned to Scotland with a great deal of optimism that the following year would witness the same toleration extended to his flock as had been meted out to the Irish and English churches. His hopes however were premature. The rumor of his visit to England was enough to have the move for repeal of the code opposed by a number of pamphlets and resolutions of the Presbyterian synods.⁵ The first outbreak of

3. This document has been consulted in a microfilm copy from the Wentworth Papers. Almost all of the original papers relating to Burke in this chapter are from a box of his manuscripts in the Wentworth Papers, entitled, "Notes on the anti Catholic riots in Scotland, 1779 and the St. George's Field Massacre, 1780."

4. Burke, Correspondence, Vol. 2, p. 259.

5. Scots Magazine, Vol. 40, issue of 1778, p. 565. An example of this early moderate Protestant reaction was, Some Reflections on the Scheme at present adopted by Parliament for giving relief to Roman Catholics wherein the inexpediency of that measure especially with regard to Scotland is pointed out, by a friend to the Protestant Establishment in Church and State, Glasgow, 1778, 22 p. (Consulted in a microfilm copy from the British Museum)

violence occurred in Glasgow on October 18, 1778 when a mob, incited into action by the pamphleteers and preachers, destroyed the house where Mass was celebrated for the twenty odd Catholics of that city. Feeling ran so high at the time that the magistrates cautioned Catholics against seeking compensation for their losses.⁶

But Bishop Hay was not dissuaded so easily and early in January of the following year he returned to London to watch the formulation of the projected bill. Meanwhile in Scotland the pamphlet literature became more violent and inflammatory. One writer, W. Drysdale, ended a long tract with this advice:

Let us rouse therefore and oppose this beast of Rome Popery is always the same. Let but this mongrel, this leopard loose amongst us . . . and we will soon discover . . . that none will be safe to go out or come in, to lye down or rise up in a Papist neighborhood. Having thus given my voice against the Popish Toleration Bill I shall conclude my speech hereon in the words of Marius when he encouraged the people to carry on the war against that accomplished villain Jugurthe.⁷

In addition to this literature, and the synodal resolutions of the Kirk, a group calling themselves "Friends to the

6. Scots Magazine, Vol. 40, p. 565-567.

7. W. Drysdale, Popery Dissected or a Speech against the Popish Toleration Bill, Edinburgh, 1779, p. 123.

Protestant Interest" drew up a petition and offered it to the Town Council of Edinburgh. They asked that the Popish bill be opposed and the Council agreed to communicate with their representative in Parliament to oppose even the introduction of the Bill.⁸ Such ordinary means did not please the "Protestant Interest" and they began to publish Broad-sides like the following which called for direct action:

Men and Brethren
Whoever shall find this letter will take
as a warning to meet at Leith Wynd on
Wednesday next in the evening to pull
down that pillar of Popery lately erected
there.

A Protestant
Edinburgh, January 27, 1779
P.S. Please to read this carefully,
keep it clean and drop it somewhere else.⁹

When such notices were brought to the attention of the leaders of the "Protestant Interest" they denied authorship of such broadsides and decried such methods. They dismissed the whole matter lightly by stating, "there is no doubt that they the Catholics are at the bottom of the present project."¹⁰

The meeting of the rabid anti Catholic group took place none the less in Edinburgh on February 2, and the "pillar of Popery" was pulled down. A number of houses owned

8. Scots Magazine, Vol. 41, issue of 1779, p. 106.

9. Ibid., p. 107.

10. Ibid., p. 108.

by Catholics were burned to the ground and many shops of Catholics were damaged severely. The following day a proclamation was issued by the Town Council which assured the populace that the penal code would not be repealed because:

The Lord Provost is authorized to assure them that the bill for that purpose is totally laid aside After this public assurance the Lord Provost and Magistrates will take the most vigorous measures for repressing any tumultuous or riotous meetings of the populace.¹¹

The assurance of the Council that the bill had been laid aside was no idle promise because shortly after the Edinburgh riots, Bishop Hay decided against pressing for the bill at that time.

Recent research has turned up an interesting correspondence between Boswell and Burke on the question at hand. On February 22, Boswell wanted assurance that the bill in behalf of Scotch Catholics had been definitely dropped and he sought that information from the person most likely to know, Edmund Burke. He wrote to Burke the following:

. . . there is a very universal opposition in Scotland to the repeal of the penal statutes against Roman Catholics. . . . I know the people of Scotland well; and I am sure that if it were to pass, there would be as desperate a rebellion against government as in the days of Charles the Second But in order to remove every apprehension may I beg to hear from you that

11. Scots Magazine, Vol. 41, p. 108-109, italics added.

CRISIS OF CATHOLIC TOLERATION: 1779-80

138

there is no intention at present of moving that affair. Your name shall not be mentioned if you disapprove of it. It will be enough for me to say that I have good authority.¹²

Burke replied to Boswell on March 1, and chided him as a resident of Edinburgh for the violent reaction to the Catholic relief. He did admit, however, that the bill had been dropped for the time at least.¹³

On the advice of Burke the Catholic leaders decided to appeal directly to Parliament for compensation for their losses suffered in the riots at Edinburgh and Glasgow. Bishop Hay and Lord Linton returned to London again for that purpose and once more they sought the assistance of Burke. He most probably had a hand in drawing up the petition that he read in Parliament on March 18, 1779.¹⁴ The petition outlined the history of the loyalty of Catholics to the crown, reminded the government in England and Scotland of their obligation of protecting them; asserted their right to

12. Dixon Wecter, "Four Unpublished Letters from Boswell to Burke," in Modern Philology, Vol. 36, No. 1, issue of August, 1938, p. 48-49. James Boswell, the famous biographer of Johnson had made Burke's friendship only the previous year. See Burke, Correspondence, Vol. 2, p. 207-209.

13. Claude Colleer Abbott, A Catalogue of Papers relating to Boswell, Johnson and Sir William Forbes, Found at Fettercairn House, Oxford, University Press, 1936, p. 250. There are eight Burke letters summarized in this catalogue, one of which is Burke's answer to Boswell's letter above.

14. Parliamentary History, Vol. 20, col. 322-326.

compensation for damages, and petitioned again for the relaxation of the penal code at some more propitious occasion. After reading the petition Burke spoke for some time on the absurdity of the persecution of a minority so harmless and peace loving as the Catholics. He accused the government of gross neglect in not protecting the Scotch Catholics. Just as he stated this he noticed that Lord North was nodding. He quickly seized upon the situation to coin one of the most famous of Parliamentary puns. Turning to North he said, "Brother Lazarus is not dead but only asleep."¹⁵

In the debates that followed Burke's reading of the petition and his speech, Lord George Gordon revealed his future position by violently opposing any relaxation of the penal code or compensation for Catholics. Fox took the opposite position. He wanted not only compensation but complete toleration. Burke's views were between these two extremes. He argued strongly for compensation for damages but would have relaxation of the code delayed to a day when the Scotch temper of society had grown more tolerant.¹⁶ When the vote was taken a direct settlement by Parliament was voted down and the matter of damage reparations was left to the decision of the Edinburgh Town Council. After this decision

15. Parliamentary History, Vol. 20, col. 326.

16. Ibid., col. 327-328.

was handed down Burke arose again to warn the Commons that it was responsible for any retaliatory measures passed against Protestant minorities on the continent.¹⁷

The obligation of the city of Edinburgh to pay the damages pleased neither the Town Council nor the citizens of that city. A brief drawn up by Catholics of Edinburgh was sent to Burke and indicated how averse the city was to make compensation for the results of the riots.¹⁸ A number of pamphlets appeared at this time that argued against any compensation for Catholics on the grounds that it would serve as a bad precedent. At least one of these pamphlets was addressed to Burke because of his efforts in behalf of Scotch Catholics.¹⁹ An open letter was written to Burke in the same vein and warned him of the great evil he was fostering in aiding the cause of Catholics.²⁰

17. Parliamentary History, Vol. 20, col. 328.

18. This document entitled, Observations on the Dispositions of the City of Edinburgh about Reparations of Damages to the Roman Catholics, is a two page brief which has never been published and is among the Burke papers from the Wentworth Papers.

19. An Answer to Mr. Burke's Speech in Parliament in Favor of Scots Roman Catholics, by a Scotsman, Edinburgh, April, 1779, 47 p.

20. The open letter in question was written by a Mr. Lindsey of Edinburgh, and from internal evidence is almost certainly addressed to Burke. For the letter and the evidence establishing Burke as the recipient see, J. F. Gordon, The Catholic Church in Scotland from the Suppression of the Hierarchy Till the Present Time, Being Memorabilia of the Bishops, Missionaries and Scotch Jesuits, Glasgow, John Tweed, 1869, p. 170.

In his speech in the House of Commons, Burke had apparently been quite severe on leaders of the "Protestant Interest" and certain preachers as responsible for fanning the flame which ignited the riots. On March 28 a Scotch merchant, Patrick Bowie, wrote to Burke that the pamphlets quoted by him in Parliament did not reflect the opinions of the "Protestant Interest" and he enclosed a few writings that did.²¹ Burke answered Mr. Bowie²² and stated that after reading the writings of the "Protestant Interest" he found little difference between them and the ones that he had quoted in Parliament. His reason was because, "they breathe the same spirit; they support the same system of intolerance." He asked that the "Interest" pay damages to those "who have suffered by the flame you have been the means of lighting up," and in the future, "rather employ your abilities in enlightening than inflaming the people."²³

The second group that had been shouldered with heavy responsibility for the riots was the preachers. The Rev. John Erskine objected in their name in a letter²⁴ to Burke

21. Mr. Patrick Bowie to Burke, March 25, 1779, in Burke, Correspondence, Vol. 2, p. 253-255.

22. Burke to Bowie, March 30, 1779, Ibid., p. 255-261.

23. Ibid., p. 256, 260.

24. Rev. John Erskine to Burke, April, 1779, in Burke, Correspondence, Vol. 2, p. 266-267.

in late March. Burke's answer²⁵ transcended the specific question at hand and outlined some of his deepest principles on religious toleration. He reminded his correspondent of the basis of natural and Christian unity in this wise:

I wish with you that we may not be so far Englishmen and Scotchmen as to forget we are men; or even so far Presbyterians, or Episcopalians or Catholics, as to forget we are Christians, which is our common bond of religion while we are distinguished into sects, as the former is when we are divided into states.²⁶

Burke then went on to explain that although he was "by choice as well as education and habit a very attached son of the Church of England," he had no more right to persecute a Presbyterian than the latter had to persecute a Catholic.²⁷ Because men believe sincerely in whatever portion they have of revealed truth, Burke respected all parts of the Christian Church. He must also give respect for non Christian religions that have "human reason for their origin" because even here the human reason based on the natural law has a divine origin. On this ground he stated that he would show more respect for pagan religion than the "Protestant Interest" has shown for a Christian group:

25. Burke to Erskine, April, 1779, Burke, Correspondence, p. 268-274.

26. Burke, Correspondence, Vol. 2, p. 269.

27. Ibid., p. 269.

CRISIS OF CATHOLIC TOLERATION: 1779-80

143

I profess that I could not justify to myself to give to the synagogue, the mosque or the pagoda the language which your pulpits so liberally bestow upon a great part of the Christian world.²⁸

He admitted to Erskine that his reverence for all religions did not or could not exclude Catholicism and for this reason he had earned the epithet of "Papist". But far from feeling this is an insult he stated:

If on this account people call me a Roman Catholic it gives me not the smallest disturbance. They do me too much honour who will aggregate me as a member to any of these illustrious societies.²⁹

He also took Erskine and his associates to task for preaching insulting and frightening accounts of Catholics and then disclaiming any responsibility for the results.³⁰ He concluded this letter with a shrewd analysis of the state of affairs in England and Scotland:

The matter of the contest is over for the year. You have obtained in Scotland a victory over those who differed from you in opinion. In England we are still better off; for we have obtained two victories, though of a very different nature; not over our adversaries but over our own passions and prejudices.³¹

28. Burke, Correspondence, Vol. 2, p. 270.

29. Ibid., p. 270, 271.

30. Ibid., p. 272.

31. Ibid., p. 273.

Shortly after this letter was written the episode of Burke's efforts in behalf of Scotch Catholics was over. They were granted £1600 in compensation, one-half being paid by the government and the other half by the city of Edinburgh.³²

2. Growth of English Opposition

The defeat of the bill to give relief to Scotch Catholics encouraged the followers of the "Protestant Interest" to extend their efforts to a wider field. Between 1779 and 1780 the group was reorganized and extended to England where it was called the "Protestant Association."³³ The avowed purpose of the Association was to prevent the growth of Popery by seeking the repeal of the Savile and Gardiner Acts. For a period of a week they came perilously close to accomplishing this purpose and although they eventually failed they did succeed in setting back the final emancipation of Catholics for some years. When the crisis that the "Association" fomented had passed Burke wrote that final emancipation would be delayed for some time because, "A storm came upon us in the early spring of our toleration and whilst it was shooting out its tender buds."³⁴

32. Cecil Kerr, op. cit., p. 108.

33. For a good short history of the Association see, Burton, Challoner, Vol. 2, p. 220-222.

34. Burke, Correspondence, Vol. 2, p. 437.

The "storm" that he speaks of was the propaganda warfare against Catholics that finally caught fire in the Gordon Riots of 1780. Shortly after compensation had been granted to the Catholics in Scotland the "Protestant Association" began to publish a host of broadsides and leaflets against English Catholics in the hope that they would be as successful in London as they had been in Edinburgh. In 1779 they issued a tract³⁵ printed in London which pointed up the danger to English liberties in granting toleration to Catholics. The Appeal repeated all of the old canards about the former crimes of the Popes and the prices that had to be paid for the forgiveness of various sins against the flesh or faith.³⁶ It went on to state very righteously the different fate that the same type of bill had in Scotland:

But this act had a different fate in Scotland; it was not passed in that session; for there the people had full time to foresee its fatal effects and to prevent their taking place; and though we cannot approve the conduct of the mobs at Edinburgh and Glasgow, yet the spirited and successful opposition in Scotland to the Popish bill

35. An Appeal from the Protestant Association to the People of Great Britain concerning the Probable Tendency of the late Act of Parliament in favor of the Papists, London, 1779, 62 p.

36. The Appeal, p. 18 gave the prices demanded for the forgiveness of certain sins; thus, "defiling a virgin, 9 shillings; incest, 7 shillings", but, "forging the Pope's handwriting, 1 Pound, 7 shillings".

will forever endear those who were concerned in it to every true Protestant.³⁷

The Appeal concluded by asking for a complete renewal of all of the Penal statutes and the execution of the same.³⁸

There were not wanting appeals by more tolerant Protestants who wanted the Savile and Gardiner Acts preserved. One pamphlet³⁹ wanted Catholic relief on the grounds of the Protestant principle of freedom of conscience; another⁴⁰ used the Quebec Act as an example of showing that freedom to Catholics only helped to foster loyalty to the crown. One broadside addressed to "good Protestants" is among the Burke papers at Sheffield in its autograph stage, and there are insertions in the text written in Burke's hand.⁴¹ While the literature favoring the retention of the Savile Act appealed to high motives and to reason, the bulk of the tracts of the

37. The Appeal, p. 42, italics added.

38. Ibid., p. 60.

39. An Essay on the Toleration of Papists, London, 1779, 32 p.

40. A Free Address to those who have Petitioned for the Repeal of the Late Act of Parliament in Favour of the Roman Catholics by a Lover of Peace and Truth, London, 1780, 27 p.

41. The Draft of a broadside written under the heading of "Good Protestants" is among the Burke papers of the Wentworth Papers. It was apparently sent to Burke for suggestions or changes. There is only one insertion in the text in Burke's handwriting.

CRISIS OF CATHOLIC TOLERATION: 1779-80

147

"Protestant Association" was of a bigoted and fanatical vein. One of their techniques was to reissue a number of old anti-Catholic attacks antedating 1680 and preceded with the warning, "What you or your posterity may expect should popery prevail again in these realms."⁴² Another means of inflaming the minds of the unenlightened was to propagate the "conspiracy" idea. In line with this method it was argued that the Catholic faction planned to seize all power in England. They began by having the Quebec Act passed abroad and then struck at home with the Savile Act.⁴³ The concluding advice to the people was:

The 'Accursed Thing' which has brought a curse upon the land is still in the midst of us; and that curse will not cease nor depart from us until the 'Accursed Thing' be routed and swept away.⁴⁴

42. A Warning to English Protestants on Occasion of the Present More than Ordinary Growth of Popery, London, 1780, p. 2.

43. The Phenomenon of Northern Comet, Proving that all Evils and Misfortunes which have befallen this Kingdom from the close of the last Glorious War to the Present Ruinous and Disgraceful Period, Originated in one Sole, Individual and Identical Person; and Tracing his Scheme for Introducing Popery into the British Dominions, London, 1780, 93 p.

44. Ibid., p. 92-93.

The Methodists under Wesley⁴⁵ contributed their share of opposition to the Catholic relief act.

The main brunt of "routing and sweeping away" the Catholic relief, however, fell to the "Protestant Association" under the leadership of Lord George Gordon.⁴⁶ Gordon had for many years been radical in his Parliamentary opinions and had manifested a strong Anti-Catholic bias.⁴⁷ When he was approached by representatives of the "Association" to act as its president Burke sought to dissuade him. When Burke saw that arguments from reason failed he told Gordon that he would have to choose between his friendship and the "Association". When Gordon chose the latter a contemporary stated

45. Some Catholic authors have given undue blame to Wesley as the main cause for fomenting the riots. Thus, Thomas Arnold, "Challoner" in the Month, issue of January 1880, p. 67. Those who see him as one of many contributing causes are nearer the truth, as J. B. Hexter, "The Protestant Revival and the Catholic Question 1778-1829", in Journal of Modern History, Vol. 8, issue of September 1936, p. 299.

46. For details of Gordon's life see the contemporary Robert Watson, The Life of Lord George Gordon, With a Philosophical Review of his Political Conduct, Longon, 1795, 137 p.; or Percy Colson, The Strange History of Lord George Gordon, London, 1937, xxix-226 p.

47. David Mathew's comment is enlightening. "It is notable that while the Londoners supporting his association had the most ingenuous hatred of Popery, a religion of which they had the slightest knowledge, Lord Gordon had a fanatical distaste for the familiar. His home was in a Catholic part of Scotland; his father the third Duke of Gordon had been brought up a Catholic; his aunt the Duchess of Perth had been a mainstay of Scottish Catholicism." David Mathew, Catholicism in England, London, Eyre and Spottiswoode, 1948, p. 146.

that, "the friendship of many years was sacrificed in an instant and no familiarity ever after subsisted between them."⁴⁸

Gordon had the peculiar ability to organize the "Association" that had been fanned to white heat by the inflammatory pamphlet literature. His main weapon in all of his speeches to his followers was to appeal to their anti-Catholic prejudices which at the time still formed part of the "normal psychology of Englishmen."⁴⁹ While the importance of the religious question as a cause cannot be minimized, still it is probably true that for Gordon the Catholic problem, "chanced to be the pretext that first offered itself to his restless political ambition for setting the country aflame."⁵⁰ In a troubled age of imperial and economic unrest he might just as easily have exploited some other question as the American War with the same effect.⁵¹

3. The Gordon Riots and Burke's Defense of Catholics

Whatever his motives may have been Gordon had as his

48. Robert Watson, op. cit., p. 19.

49. Philip Magnus, op. cit., p. 101.

50. J. Paul DeCastro, The Gordon Riots, Oxford, University Press, 1926, p. 9. Colson, op. cit., p. 61, gives greater intrinsic weight to the religious question because of Gordon's peculiar anti-Catholic bias.

51. Robert Murray, op. cit., p. 279.

immediate object the repeal of the Savile Act with the probable consequent repeal of the Gardiner Act in Ireland. With that end in mind he had some twenty thousand names signed to a huge petition asking for the repeal of the Catholic relief act of 1778. In the first week of June, 1780, he led this large group to the Parliament hoping to force the members with this display of strength.⁵² Once the huge group began to move it became uncontrollable. It stirred up and unleashed all the baser elements of the London populace. The Catholics became the scapegoat and the Catholic question the fire that ignited all the social unrest of the day into a raging inferno. For a full week London was at the mercy of a band of incendiaries and brigands who in time lost all sight of the original purpose of the uprising. The week has come to be known in history as the Gordon Riots.⁵³ In the words of Burke in the Annual Register:

. . . the metropolis presented on the following day in many places the image of a city recently stormed and sacked; all business at an end, houses and shops shut up, the Royal Exchange, public buildings and streets possessed and occupied

52. The Riots are studied as an example of extra Parliamentary pressure by Herbert Butterfield, George III, Lord North and the People, London, G. Bell, 1949, p. 373-382.

53. The history of the riots is best related in the works of DeCastro and Colson cited above; also see, Annual Register, Vol. 23, issue of 1780, p. 189-200; 254-287; "Gordon Riots" in Dublin Review, Vol. 72, issue of April 1873, p. 381-401; Vol. 73, issue of July 1873, p. 50-67. Charles Dickens has fictionalized the Riots in his "Barnaby Rudge."

by the troops and burning ruins, with a dreadful void and silence.⁵⁴

In his letter to Shackleton Burke related how his and Savile's houses would have been destroyed except for the protection of the military.⁵⁵ During the riots he and his wife lived with General Burgoyne. Because of his efforts in the Savile Act, and more recently in the Scotch affairs Burke knew full well that he would be a popular target for the mob. On the first morning of the Riots as Burke was on his way to the House he was discovered by the mob. The London Chronicle related the incident:

Mr. Burke was presently surrounded by some of the most decent of the petitioners who expostulated with him on his conduct in abetting Sir George Savile's motion for the Roman Catholic Bill; Mr. Burke in his defence said he certainly had seconded the motion for the bill and thought himself justified in so doing; he . . . understood he was a marked man.⁵⁶

Burke was not however to be intimidated by what he always feared, mob rule. Rather did it accentuate the need of speaking his mind openly and clearly. In his own words:

I therefore resolved they should see that for one I was neither to be forced nor intimidated from the straight line of what was right; and I returned, on foot,

54. Annual Register, Vol. 23, issue of 1780, p. 195.

55. Burke, Correspondence, Vol. 2, p. 352-355.

56. London Chronicle, issue of June 6, 1780, p. 1.

quite through the multitude to the House, which was covered by a strong body of horse and foot. I spoke my sentiments in such a way, that I do not think I have ever on any occasion seemed to affect the House more forcibly.⁵⁷

During the original passing of the bill Burke had thought it prudent to be silent in the House lest his known Catholic sympathies prejudice the passing of the relief act. Now he felt compelled to break that silence in order to preserve what had been won in 1778. And so he said at that time, "I who exerted myself very little in the quiet passing of the bill thought it necessary then to come forward."⁵⁸ He worked night and day in and out of Parliament, "yielding in abilities to many, I yielded in zeal to none."⁵⁹

From the very first session, which found the mob at the doors of the chamber, Burke spoke on the dangerous proceedings of the populace and was very severe on those who had misled the people.⁶⁰ He knew that many members of the Parliament might be easily swayed by fears, and so he spoke to them for three hours on toleration, "on grounds much larger

57. Burke, Correspondence, Vol. 2, p. 354.

58. Burke, Works, Vol. 2, p. 412.

59. Ibid.

60. Parliamentary History, Vol. 21, col. 622 f; Burke, Correspondence, Vol. 2, p. 374.

than those on which the bill complained of stood."⁶¹ Unfortunately there is nothing approaching a full record of what Burke said on this occasion. Among the Wentworth Papers there is a listing of the main points of Burke's talk taken down by some listener in the House. The list is very general but there are also some of Burke's thoughts jotted down on odd scraps of paper in his own hand. One of these is most valuable because it gives an excellent precis of one of his favorite themes on the relation of Protestantism to Catholicism. He more than likely used the argument in his speech on this occasion against those who had a negative attitude toward Catholicism. He argued:

Before a man can be a Protestant he must be a Christian. For it is a name of distinction among Christians. To say that a man is not a Protestant is not to say he is a Christian. If not being a Papist is enough to make a man a Protestant, the Jews, Mohammedans and heathen are much better Protestants than we.⁶²

All the while that Burke was speaking Lord Gordon was running back and forth between the House and the gallery stairs marking out those members who opposed the repeal, "particularly Mr. Burke, the member for Bristol."⁶³

61. Annual Register, Vol. 23, p. 191.

62. Both the outline of Burke's speech and the handwritten portion quoted above are from the Wentworth Papers.

63. Annual Register, Vol. 23, p. 258.

In the course of the debates Alderman Bull said he was glad of the riots because it showed a spirit of opposition to the evils of Popery.⁶⁴ Burke reproved him for his ignorance of history and of human nature. He felt that the Petition of the "Protestant Association" reflected bigotry and fanaticism of the worst sort and that those in the House who defended it were guilty of an unusual share of intolerance. He finally vindicated the Papists from the charges registered against them by his reasoning on toleration.⁶⁵

Burke saw clearly what implications a repeal of the Savile Act would involve. The members had made the Catholics take oaths and promises when the Act was passed. Now they wanted to break the faith they had demanded from the Catholics. The members would then stand guilty of the false crimes of which the Catholics had been accused - of having no faith or honesty. In language as strong as anything he ever uttered Burke called those members who would agree with the petition of the "Association" as, "not only a convention of **treacherous tyrants** but a gang of the lowest and dirtiest wretches that ever disgraced humanity."⁶⁶

The patience and forbearance of Catholics under th

64. Parliamentary History, Vol. 21, col. 707.

65. Ibid., col. 708-709.

66. Burke, Works, Vol. 2, p. 412.

force of the riots drew the respect and praise of Burke.

"Though provoked by everything that can stir the blood of men . . . not a hand was moved to retaliate or defend."⁶⁷ He had a special admiration for the Catholic priests who exerted all of their influence and efforts to keep their people in check.

Although Gordon had not opposed the original Act he led the opposition to it now. A contemporary pamphleteer accused Gordon and his methods of repeal in this way:

Forty thousand men are to force parliament to undo what the individual who heads them might perhaps by a few words at the time have persuaded parliament never to have done.⁶⁸

But neither the ranting of Gordon nor the pressure of the mob was able to bring about a repeal of the Savile Act. That the Relief Act successfully withstood this attack was in no small measure due to the efforts of Edmund Burke.

Even while the petition of the "Protestant Association" was being considered, Burke saw the necessity of having a petition come from the Catholics asking for the retention of the Savile Act. He also felt that the House should have a resolution ready which could be offered in opposition to the

67. Burke, Works, Vol. 2, p. 413.

68. Fanaticism and Treason or a Dispassionate History of the Rise, Progress and Suppression of the Religious Insurrections in June, 1780, by a real friend to religion and to Britain, London, 1780, p. 10.

Gordon amendment. On June 15, Burke wrote to the newly appointed Chief Justice, Wedderburne and enclosed a copy of the resolutions that he had drawn up himself. In the end of the letter he offered to send "the sketch of what I thought a proper petition."⁶⁹ Wedderburne was apparently in conference with the ministry because at the end of the same week Burke received a communication from Lord North.⁷⁰ The Prime Minister enclosed a copy of the final resolution that he felt was acceptable to the House.⁷¹ He admitted his debt to Burke for he wrote, "You will see I have made free with your third resolution, and do not greatly differ with you in the other two."⁷² The third resolution which was almost a verbatim copy of Burke's read:

That all endeavors to disquiet the minds of the people by misrepresenting the said act of the 18th year of the reign of his present majesty, as inconsistent with the safety or irreconcilable to the principles of the protestant religion, have a manifest tendency to disturb the public peace, to break the union necessary at this time, to bring dishonour to the national character to discredit the protestant religion in the eyes of other nations,

69. Burke, Correspondence, Vol. 2, p. 356. The editor of the Correspondence states in footnote 1, "no copy has been found of these resolutions."

70. Ibid., p. 361-63.

71. The full text may be found in footnote 4, Ibid., p. 361, 362.

72. Ibid., p. 361, 362.

and to furnish occasion for the renewal of persecution of our protestant brethren in other countries.⁷³

Lord North felt that the substance of some of Burke's other two resolutions were incorporated but not all of the words because he feared that many people would be alarmed if the House adopted, "so large and extensive a plan of toleration"⁷⁴ as advanced by Burke. The petition of the Catholics was apparently drawn up by some one other than Burke, but the original in the Wentworth Papers reveals so many changes and insertions by Burke as to almost make that document his too.⁷⁵ The petition not only asked for the retention of the Savile Act, and reparations for damages but also asked for further relaxations of the law at a more propitious time.

That the petition contained a request for reparations for damages was at the advice of Burke. During the riots he had admired the patience of Catholics but now he reminds them of their legal and constitutional rights which should guarantee compensation for what they suffered at the hands of the rioters. Earlier he had demanded redress for the Scotch

73. The editor never came across the original resolution (see note 69 above), contained in the Wentworth Papers. The entire three resolutions of Burke may be consulted in the full text in Appendix 4, and compared with the North Resolution.

74. Burke, Correspondence, Vol. 2, p. 362.

75. The petition also in the Wentworth Papers has been consulted in a microfilm copy.

Catholics when their bill had been defeated and now he demanded the same for the English Catholics when their bill had been saved.⁷⁶

A letter of this period from Burke gives a shrewd analysis of the traditional Catholic reticence and estrangement brought about by centuries of civil and social restrictions. The "Protestant Association" had loaded the tables of Parliament with petitions against the Catholics and if no demands were forthcoming from the Catholics, they would stand guilty by their silence of the very crimes falsely heaped upon their name.

It is just that way of skulking to which under the idea of a prudent caution the Roman Catholics have been advised at other times, that has tended to a very great degree to bring that odium upon them which those who conceal their faces and are supposed to entertain secret and concealed dogmas are sure to excite.⁷⁷

Furthermore the things that they as Catholics believe were "a while ago held by the whole world,"⁷⁸ and even in Burke's day were believed by many great nations who proclaimed their beliefs openly. He warned Catholics that their past experience had shown the folly of a backward policy and that in the present crisis Parliament would only protect those who were willing to be protected. He concluded by advising

76. Burke Works, Vol. 2, p. 413-414.

77. Burke, Correspondence, Vol. 2, p. 358-359.

78. Ibid., p. 359.

Catholics against, "flying from the sobriety of Parliament as from the fury of the populace."⁷⁹

4. Burke and the Conservative Protestant Compromise

When the tumult of the riots had subsided and the Savile Act had been apparently saved there occurred a second attack upon it from the conservative Protestant element. This group felt that some restrictions should be placed upon Catholics to prevent future outbreaks. Typical of their viewpoint are the words of one of their spokesmen:

. . . with regard to the Papists it was for . . . good reasons that the late act made for their relief was not repealed at the clamours of a riotous multitude; but though it would have been improper to give way at that time yet it may be prudent to lay some foundation for our future peace and security . . . the papists are to be allowed free exercise of their religion upon certain conditions⁸⁰

The conditions recommended would have been a retention of the entire penal code.

One of the conditions listed in this tract was the

79. Burke, Correspondence, Vol. 2, p. 359.

80. A Letter to the New Parliament: with Hints of Some Regulations which the Nation Hopes and Expects from them, London, 1780, p. 7-8. There were however a number of pamphlets written by Protestants that wanted an extension of toleration given to Catholics, such as, Considerations of the Late Disturbances by a Consistent Whig, London, 1780, 34 p; A Letter to Lord North on his Re-Election Into the House of Commons, by a Member of the late Parliament, London, 1780, 43 p.

denial to Catholics of the right of teaching. A bill reflecting the feelings of many reactionary Protestants was introduced into parliament by George Savile.⁸¹ The bill wanted Catholics excluded from teaching not only Protestants but also their fellow Catholics. Burke opposed this bill most vehemently. Factually he argued that there were no Protestants in Catholic schools and that it would be better for Catholics to be educated at home than abroad. He showed that the natural law was violated by such a bill since parents had the right to dispose of the education of their children and he even quoted St. Thomas Aquinas to prove his point.⁸² As Protestants, they did not want their children educated by Catholics, and yet demanded that Catholics accept a false principle by restricting their education to Protestant teachers.⁸³ The proposal never became law as it was eventually voted down by the House of Lords. According to Prior, Burke was responsible for the failure of the Bill in the House of Lords. Seeing that the cause was lost in the Commons:

. . . he drew up a petition to the other House which had so much effect upon Lord Thurlow, that on the third reading he

81. Parliamentary History, Vol. 21, col. 715-727.

82. Ibid., col. 718.

83. Ibid., col. 726.

quitted the woolsack and by one of his forcible assaults upon the principle of the measure, drove it out of the House without a division.⁸⁴

Thus the years 1779 and 1780 saw the first step toward eventual Catholic Emancipation severely tested. While the efforts of Burke were not able to overcome the antipathy of the Scotch Protestants, he was the one person most responsible for insisting on reparation, from the Edinburgh and Glasgow riots. In the crisis of the Gordon Riots, he who had worked behind the scenes in the passage of the Savile and Gardiner Acts, now came out boldly to safeguard them. He wrote and spoke for the Catholic relief and against those who would destroy it by petitions, force or compromise. If the Savile Act had been repealed in England then Ireland would almost certainly have followed suit. The cause of Catholic toleration would have been harmed seriously and set back for many years. That the foundation of the toleration weathered the storm of all attacks was due more to the efforts of Burke than to any other single person. Soon after the riots, Charles Butler wrote that in Burke, "a more able and sincere advocate the Roman Catholics never had."⁸⁵ Shortly after Burke's death Bishop Milner expressed the gratitude of Catholics in this way:

84. Prior, op. cit., p. 191.

85. Charles Butler, op. cit., p. 100.

In this and in the whole business of their emancipation the Catholics were assisted by the talents and virtues of several of the greatest and best men of whom this nation can boast; and more particularly by that illustrious character to whom it was principally indebted at a certain crisis for its salvation from that precipice of anarchy on which it hung. It may be permitted me not that he is no more to proclaim how much the Catholics . . . were indebted on that occasion to the wisdom, experience and exertions of the immortal Edmund Burke.⁸⁶

Burke had to pay a dear price for his courageous and open defense of Catholic relief. For only two months after the riots he had to stand for re-election in Bristol. During his unsuccessful campaign he will be forced to reveal his deepest principles on religious toleration and to defend his efforts in behalf of Catholic toleration in the British Isles.

86. John Milner, Letters to a Prebendary, being an answer to Reflections on Popery, by Rev. J. Sturges, Baltimore, 1810, p. 286; italics added.

CHAPTER VII

BRISTOL, BURKE AND THE CATHOLIC QUESTION

1. Reaction of Bristol to Burke's Religious Position

In the original campaign of 1774 when Burke won the representation of Bristol in Parliament, the Catholic question was an important issue. In fact his known or exaggerated Catholic sympathies had almost cost him the election.¹ This was not surprising when the judgement of one religious historian is considered:

From the so called Reformation until the accession of George II, in no commercial city of the British empire was Catholic faith and practice more discouraged and despised than in Bristol.²

Not until thirty years before Burke's election to the Bristol seat were any Catholic families permitted to live in that city and then only for economic reasons. In 1775 Burke lost the backing of the Bristol Methodists and most of the Anglicans when their respective leaders, John Wesley³ and Josiah

1. See above, p. 87-90.

2. George Oliver, Collections Illustrating the History of the Catholic Religion in the Counties of Cornwall, Devon, Dorset, Somerset, Wilts and Gloucester, London, Dolman, 1857, p. 108.

3. John Wesley also favored the retention of the penal code before the Gordon Riots. See above, note 45 in chapter 6, p. 148.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

164

Tucker⁴ opposed the American revolution with which Burke had sympathized.⁵ One of the residents of his constituency was so enraged with Burke's conduct in 1776 that he had threatened assassination against him in a letter, "too terrible for quotation."⁶ In April of 1778 Burke began to move for the relaxation of commercial restrictions placed upon Ireland and this motion of his proved to be very unpopular at Bristol. He deplored the situation by posing this question to his electors, "Was it not enough that our forward zeal . . . has made America abhor the name of Bristol without endeavoring to make Ireland too detest us."⁷ Knowing the feeling of that city Burke feared to visit it because he knew, "that a visit from me at this time and in the present temper of the city of Bristol would do much more harm than good."⁸ Although conscious of their sentiments Burke still wanted to seek re-election in 1780.⁹ At the same time he would not sacrifice

4. Josiah Tucker, (1713-1799), a clergyman who wrote pamphlets on a wide variety of subjects, especially of an economic nature. See D.N.B., Vol. 57, p. 282.

5. For details see, Ernest Barker, Burke and Bristol, p. 26 f; 90-94.

6. This letter fell into the hands of Burke's Bristol correspondent and friend, Richard Champion and the incident and letter are only found in Hugh Owen, Two Centuries of Ceramic Art in Bristol, Gloucester, 1873, p. 177.

7. Burke to Richard Champion, April 30, 1778, in Burke, Correspondence, Vol. 2, p. 218.

8. Burke to John Noble, April 24, 1778, in Burke, Correspondence, Vol. 2, p. 214.

9. Ibid., p. 216.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

165

the common good of the empire to cater to the passions and prejudices of Bristol. He expressed this principle shortly after he helped to win some freedom for Irish commerce:

I do not wish to represent Bristol or to represent any place but upon terms that shall be honorable to the chosen and to the choosers. I do not desire to sit in Parliament for any other end than that of promoting the common happiness of all those who are in any degree subjected to our legislative authority; and of binding together in one common tie of civil interest and constitutional freedom every denomination of men amongst us.¹⁰

Shortly after writing this letter Burke worked for the relaxation of the penal code against Irish and English Catholics and although he worked behind the scenes, the anti-Catholic bias of many from Bristol caused him to be suspect as a mover of the Savile and Gardiner Acts. Their suspicions were more than justified in 1780 during the Gordon Riots when Burke openly defended the newly won Catholic freedom. It was perhaps less in protest against Catholic relief, than against the part their representative played in winning it, that Bristol rioted in the manner of London, in June of 1780. When Burke wrote in the midst of the London riots he added, "For an increase of horror we hear that at Bristol you are in

10. Burke, Correspondence, Vol. 2, p. 216-217. This sentiment is but an echo of Burke's words on the occasion of his election in 1774, "You choose a member indeed; but when you have chosen him he is not a member of Bristol, but he is a member of Parliament," in Burke, Works, Vol. 2, p. 96.

the same way."¹¹ The political opponents of Burke used his open defense of Catholics during the Gordon riots as their chief propaganda weapon against him. In August, a month before election, they circulated the rumor that Burke, realizing how unpopular his Irish and Catholic policies had made him, intended to decline to run again for the seat of Bristol. Burke however, informed one of his Bristol correspondents, Mr. Watts, that he intended to offer his services again.¹² Passing on to the question of religion he answered his opponents in this way:

You tell me besides that religious prejudices have set me ill in the minds of some people. I do not know how this could possibly happen; . . . I have been a steady friend since I came to the use of reason to the cause of religious toleration; not only as a Christian and a protestant but as one concerned for the civil welfare of the country in which I live.¹³

As always he combined in his defense, principles and prudence. He justified his Catholic policy toward England and Ireland on the basis of justice and on the basis of the practical experience gained from the American revolution in this way:

11. Burke to Champion, June 7, 1780, in Burke, Correspondence, Vol. 2, p. 351.

12. Burke to Mr. Watts, August 10, 1780, in Burke, Correspondence, Vol. 2, p. 367.

13. Ibid., p. 369.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

167

I never thought it right, . . . to force men into enmity to the state by ill treatment upon any pretense either of civil or religious party; and if I never thought it wise in any circumstances still less do I think it wise, when we have lost one half of our empire by an idle quarrel to distract and perhaps to lose too, the other half by another quarrel not less injudicious and absurd.¹⁴

The following day, Burke wrote in the same vein to another correspondent, John Noble.¹⁵ He discussed what seemed to have become the chief issue before election, the Catholic question. In defending his position Burke reminded his correspondent of the great unanimity of Parliament in passing the Savile and Gardiner Acts and in condemning the Gordon Riots. He then asked, "Am I to be the only sour and narrow hearted bigot of all four hundred and fifty-eight gentlemen?"¹⁶ He found it even more difficult to explain the silence of the constituents after the passing of the Savile and Gardiner Acts if they ran contrary to their wishes. Burke asked, "Why did none of them express their dislike of it until after it passed?"¹⁷ He placed those who started the rumors of religious bigotry about him into the same class as

14. Burke, Correspondence, Vol. 2, p. 369.

15. Burke to John Noble, August 11, 1780, in Burke, Correspondence, Vol. 2, p. 372-375.

16. Ibid., p. 372.

17. Ibid., p. 373.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

168

the rioters themselves. He reminded his correspondent that he would not be influenced by their prejudices even though it might cost him the seat of Bristol. He compared the rioters at London with the political intriguers at Bristol in this way:

I never will act with such sets of robbers and incendiaries, or their abettors, though they should threaten to burn my house or destroy my interest at any election, which I think the worse of the two.¹⁸

During the latter weeks of August, as the political campaign began to quicken, the religious question and Burke's efforts in behalf of Catholics became more and more important in the opposition's pamphlets and political tracts.¹⁹ When Burke finally arrived in Bristol in late August he lost no time in explaining and defending his parliamentary career since 1774. On September 6, he delivered at the Guildhall at Bristol what has been termed by many as his best speech,²⁰ wherein he rendered, "even the common and temporary affair of an election a medium for promulgating great and permanent political truths, such as the hustings never before supplied us with, and never since."²¹

18. Burke, Correspondence, Vol. 2, p. 375; italics added.

19. See, G. E. Weare, op. cit., p. 149-153 for examples.

20. Morley, Burke, p. 95.

21. Prior, op. cit., p. 194.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

169

2. Burke's Analysis of Catholic Relief and Toleration

In his speech before the Guildhall audience Burke treated the four major objections to his Parliamentary conduct.²² After disposing of the criticism that he had not visited the city of his constituency enough, he passed on to the Beauchamp Bill,²³ and the Irish trade regulations.²⁴ He then devoted the major portion of his time to a consideration of the last charge against him, namely his efforts in behalf of Catholics. He first discussed the Savile and Gardiner Acts and then concluded with his part in the crisis of the Gordon Riots. The last section of his speech is extremely important as it sheds light on his role in the movement for Catholic Relief, and gave him the opportunity as never before to expound his deepest convictions on his principles of religious toleration.

He began by telling the assembly that his actions with regard to the Savile Act and the practical religious

22. The entire speech is in Burke, Works, Vol. 2, p. 367-423. The speech together with a good introduction and annotated commentary may be had in, Burke's Speeches at Bristol, (ed. Edward Bergin), New York, American Book Co., 1916, 198 p.

23. The Beauchamp Bill provided for the relief of debtors and Burke had voted in favor of the bill.

24. For details on the bill favoring Irish trade which Burke had advocated see, Burke, Works, Vol. 2, p. 247-264.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

170

relief that it afforded to Catholics, did not spring merely from expediency but from his deep seated sentiments on toleration. He stated:

I could do nothing but what I have done on this subject without confounding the whole train of my ideas and disturbing the whole order of my life.²⁵

The reformation was in his mind a liberating force in religious matters, but since it was born in an age of revolution it begot fear and the spirit of retaliation. Persecution he felt was not essential to Protestantism any more than it was to Catholicism. It sprang rather from an infection in both of "worldly interests and passions."²⁶ In fact he showed that in many instances Protestant nations had passed laws that were more cruel and bloody than those passed by Catholic nations. When such laws did not bring the death penalty as in England, they were worse for, "they were cruel outrages on our nature and kept men alive only to insult them in their person every one of the rights and feelings of humanity."²⁷ Until such time as the principles of the Reformation had been disentangled from such intolerance and persecution, "the Reformation is not complete."²⁸

25. Burke, Works, Vol. 2, p. 388.

26. Ibid., p. 391.

27. Ibid.

28. Ibid., p. 390.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

171

He then listed and described some of the more severe laws that were still in force against English Catholics in 1778. As a result of this oppression he felt that Catholics had been, "obliged to fly from the face of day."²⁹ Such "bad laws are the worse form of tyranny."³⁰ But an even worse form of tyranny is had when the laws can be used for the profit and advantage of mercenary informers. While a government in its judicial courts might use some discretionary prudence in applying the laws, the informer knows no such restriction. Thus:

Under such system the obnoxious people are slaves not only to Government, but they live at the mercy of every individual . . . and the worst and most unmerciful men are those on whose goodness they most depend.³¹

Burke then moved on to the question concerning the real authorship of the Savile Act. He denied the assertion commonly believed in Bristol that he was the mover or the seconder of the Act. He reminded them that he never once opened his lips during the whole passage of the bill. He was however honest enough to admit, "I do not say this as disclaiming any share in that measure. Very far from it."³²

29. Burke, Works, Vol. 2, p. 391.

30. Ibid., p. 395.

31. Ibid.

32. Ibid., p. 396.

His reason was that he did not want to take any credit away from the real author after whom the act was named, George Savile. After describing the many virtues of Savile he added that the latter did not act out of partiality toward Catholics. On the contrary Burke contended, "among his faults I really cannot help reckoning a greater degree of prejudice against that people than becomes so wise a man."³³ Savile's motive in acting in behalf of Catholic relief was rather his hatred of all oppression and his desire of vindicating the, "honor and principles of the Protestant religion to which all persecution was or ought to be wholly adverse."³⁴

Burke saw in the rapid and almost unanimous passage of the bill a sign that the various groups and factions in Parliament were, "both evidently and importantly right."³⁵ He found it very difficult to believe that the Parliament had been wrong and the "Protestant Association" right. He stated:

To say that all these descriptions of Englishmen unanimously concurred in a scheme for introducing the Catholic religion, or that none of them understood the nature and the effects of what they

33. Burke, Works, Vol. 2, p. 398.

34. Annual Register, Vol. 21, issue of 1778, p. 190.

35. Burke, Works, Vol. 2, p. 399.

were doing so well as a few obscure clubs of people . . . is shamelessly absurd.³⁶

Perhaps while the constitution was being formed there may have been some justification for the early penal laws against Catholics, but at the end of the eighteenth century not only were these laws unjust but imprudent. As Burke had said at the time of the passage of the bill, "All true policy forbade the keeping up of such standing memorials of civil rancour and discord."³⁷ He felt it was imprudent because it continued to foster disunity at a time when England had practically lost America and had been threatened with a French invasion. Burke referred to this condition whereby Catholics should be permitted to help unity as a, "revolution in our affairs which makes it prudent to be just."³⁸

It was at such a time that the Catholics in England approached the "steps of a tottering throne with one of the most sober, measured, steady and dutiful addresses that was ever presented to the crown."³⁹ Burke felt that the very danger of a French invasion made the appeal more sincere

36. Burke, Works, Vol. 2, p. 399.

37. Annual Register, Vol. 21, issue of 1778, p. 190.

38. Burke, Works, Vol. 2, p. 405.

39. Ibid., p. 400. Even as late as 1780 it was not known by the audience, nor admitted by Burke that he was the author of the address. See above, p. 105 for details and Appendix 3 for full text.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

174

since, "nothing but a decided resolution to stand or fall with this country could have dictated such an address."⁴⁰

The old fear of the disloyalty of Catholics in the event of a French invasion was dispelled by their address to the king for it rendered Catholics of England and Ireland, "peculiarly obnoxious to an invader of their own communion."⁴¹

The government had to act as quickly as it did in granting some of the requests of the English Catholics since, "to delay protection would be to reject allegiance."⁴² Burke failed to see why England should have rejected the loyalty of her own subjects on the ground that they were Catholics, when America, "the most protestant part of this protestant empire,"⁴³ found it to her advantage to be an ally of Catholic nations like France and Spain. Furthermore, in the past England itself had been an ally of Catholic nations and the government would be most imprudent if it refused the allegiance of her own subjects at this critical time. Finally he pointed out how inconsistent it was for Englishmen to sympathize with the far removed colonies that were in rebellion against the Crown, and to deny sympathy to people who were

40. Burke, Works, Vol. 2, p. 400.

41. Ibid.

42. Ibid.

43. Ibid., p. 401.

neither strangers nor rebels but loyal residents of England.⁴⁴

Burke then considered the chief effects of the Savile Act. Foremost among the benefits was the unity it brought about between England and Ireland in time of great imperial crisis. He hinted at the close connection of the Savile Act to the Gardiner Act in this way:

. . . its most essential operation was not in England. The Act was immediately though imperfectly copied in Ireland; and this imperfect transcript of an imperfect act . . . completed in a most wonderful manner the reunion of the state or all Catholics of that country. It made us what we ought always to have been, one family, one body, one heart and soul⁴⁵

Another less noticeable but very practical effect was also pointed out to the Bristol electors by Burke. He reminded his audience, who were of an economic bent of mind, that the English Catholics were small in numbers but, "consist mostly of our best manufacturers."⁴⁶ Many of them had come to England in former times when religious persecution had driven them from Flanders. Had the legislature refused to recognize the allegiance of these Catholics, they might have returned to Flanders again where they would have been most welcome at

44. Burke, Works, Vol. 2, p. 402.

45. Ibid.

46. Ibid., p. 406.

the time. He analyzed such a calamity as, "a spectacle . . . by our persecutions driving back trade and manufacture as a sort of vagabond, to their original settlement."⁴⁷

The Act according to Burke, further the reputation of England and of Protestantism on the continent, for, "abroad it was universally thought . . . we had granted a full toleration."⁴⁸ Although the act had not accomplished this great end, still Burke felt that, ". . . no one thing done for these fifty years was so likely to prove beneficial to our religion at large as Sir George Savile's Act."⁴⁹ Far from feeling that Parliament had done too much in passing the Savile Act there were some who felt that the whole framework of the penal laws should have been destroyed at once. Burke with more prudence stated that, "to revise the whole body of penal statutes was . . . an object too big for the time."⁵⁰ He thought it was wiser to, "disclose a principle and mark out a disposition"⁵¹ of toleration, which could act as the foundation for later enactments. He felt that the people would benefit by:

47. Burke, Works, Vol. 2, p. 406.

48. Ibid., p. 407.

49. Ibid., p. 408.

50. Ibid.

51. Ibid., p. 404.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

177

. . . a progressive experience . . . and would grow reconciled to toleration once they should find by its effects that justice was not so irreconcilable an enemy to convenience as they imagined.⁵²

After his analysis of the Relief Acts Burke then discussed the Gordon Riots, the memory of which was still fresh in the mind of the Bristol listener. He regretted having to mention at all the violent and prejudiced reaction of the "Protestant Association" but added, "since it must subsist for our shame, let it subsist for our education."⁵³ He examined in turn the various objections to the relief acts as a cause of the riots. The first group felt that perhaps Parliament should have been slower in giving Catholics these religious liberties, and had the Parliament deliberated longer and acted less hastily the riots might never have occurred. Burke answered them, "The direct contrary. Parliament was too slow. They took fourscore years to deliberate on the repeal of an act which ought not to have survived a second session."⁵⁴ If they should have waited longer what he asked were they to wait for? Not certainly for the invectives and calumnies against Catholics as published by the "Protestant Association." For indeed these things had been heard, "a

52. Burke, Works, Vol. 2, p. 409.

53. Ibid., p. 410.

54. Ibid., p. 415.

thousand times over and a thousand times despised."⁵⁵

Others felt that Catholics should not have been granted liberties because they were enemies to the constitution. Burke dismissed this objection as a contradiction because Catholics could not be called enemies to a constitution in the benefits of which they hardly shared. Nor should it be wondered that they seemed to lean more to the Crown than to the constitution, for, "the executive power is the natural asylum of those upon whom the laws have declared."⁵⁶ The group that so objected against Catholics would deprive them of all civil liberty and thus would condemn them to abject slavery. It would place Catholics under the tyranny of the strongest faction and "factions are just as capable as monarchs of cruelty and injustice."⁵⁷ People who advanced this position labored under a misconception of the nature of political liberty. Such people never felt free unless they had another group dependent upon them, subservient to them and subject to their whim and fancy. Such feeling extended even to the lowest members of such a faction. Thus:

. . . a protestant cobbler debased by poverty but exalted in his share of the ruling church, feels a pride in knowing

55. Burke, Works, Vol. 2, p. 415.

56. Ibid., p. 416.

57. Ibid.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

179

it is by his generosity alone that the peer whose footman's instep he measures⁵⁸ is able to keep his chaplain from jail.

Burke felt that this way of "proscribing the citizen by denominations and general descriptions"⁵⁹ was an abuse of the powers of government. Malice, cowardice and sloth are the only reasons why the state tyrannizes Catholics or any other minority. It is much easier to lump all together and to punish all for the suspected crimes of a few, than to remember the principle that, "crimes are the acts of individuals and not of denominations."⁶⁰ To act contrary to this maxim is to stand guilty of "an act of unnatural rebellion against the legal dominion of reason and justice."⁶¹ To Burke it made little difference whether liberties were refused to Catholics on religious or political grounds. It is unjust to deny freedom to Catholics whether your pretext is to safeguard the Constitution of the Church or of the state.

The last objection that Burke discussed came from a group that felt it would have been better to have left the prejudices of the people undisturbed, in light of the riots that followed when those prejudices were shaken. Burke told his Bristol audience that he felt far different. Despite the

58. Burke, Works, Vol. 2, p. 417.

59. Ibid.

60. Ibid.

61. Ibid.

riots that were instigated against the relief that he helped direct he said, "I never was less sorry for any action in my life."⁶² Burke who has often been accused of sacrificing principles to prudence was in the present instance glad of the riots if only that they showed the laws catered to an evil spirit of prejudice. Speaking to an audience that was not too well disposed toward Catholic relief Burke admitted honestly and openly his defense of the relief bill during the riots:

I called forth every faculty that I possessed and I directed it in every way in which I could possibly employ it. I laboured night and day. I laboured in Parliament; I laboured out of Parliament. If therefore the resolution of the house of commons . . . be a crime I am guilty among the foremost.⁶³

In his mind the relief act had not caused the riots but had aroused the prejudiced elements in the state and this was not surprising since, "tolerance is odious to the intolerant."⁶⁴ And if the whims and passions of the basest people must be catered to, good would never be accomplished and by a dreadful inversion of order, virtue would lie under a perpetual subjugation and bondage to vice.

Fortunately however, Burke reminded his hearers, the

62. Burke, Works, Vol. 2, p. 419.

63. Ibid., p. 413.

64. Ibid., p. 420.

"people" had not been opposed to the liberties granted to Catholics as the two years of tranquility following the act proved. The riots were a result of a planned instigation of a minority whose chief weapon was misrepresentation. But even, for sake of argument, continued Burke, had the people wanted a repeal of the act, it still would have been wrong. For while he subscribed to the "policy of making government pleasing to the people,"⁶⁵ Burke added, "the people are not competent to alter the essential constitution of right and wrong."⁶⁶ The rights of the people must be, "confined within the limits of justice."⁶⁷ He concluded his reasoning on the deeper issues of toleration involved in the campaign, by reminding his constituents - as his conduct during the riots proved - that, "I never will act the tyrant for their amusement."⁶⁸

3. The Catholic Question and Burke's Defeat at Bristol

Throughout the latter portions of Burke's eloquent speech before the electors of Bristol, there runs a thread of foreboding on Burke's part, that he is to be rejected by

65. Burke, Works, Vol. 2, p. 420.

66. Ibid., p. 421.

67. Ibid.

68. Ibid.

the freeholders. His very last remarks reflect that fear and sound more in the nature of a farewell than of an appeal for re-election. Thus he stated:

It is certainly not pleasing to be put out of public office . . . but . . . it would . . . be absurd to renounce my objects to obtain my seat. I declare myself . . . if I had not much rather pass the remainder of my life hidden in the recesses of the deepest obscurity Gentlemen, I have had my day.⁶⁹

For a period of three days after the speech Burke made a canvass of the electors but in that short time he realized that his re-election as the representative of Bristol was hopeless. So it was that on September 9, he appeared before the electors again in the Guildhall and stated very simply, "Gentlemen - I decline the election."⁷⁰ He had surveyed the situation sufficiently to convince, "my own mind that your choice will not fall upon me."⁷¹ During the canvass one of the candidates, Mr. Coombe, died very suddenly. This sudden tragedy only accentuated Burke's state of mind and caused him to utter his memorable, "What shadows we are and what shadows we pursue."⁷²

The loss of the seat of Bristol was a keen

69. Burke, Works, Vol. 2, p. 421.422.

70. Ibid., p. 427.

71. Ibid.

72. Ibid., p. 429.

disappointment to Burke. As its representative in Parliament his position had a special importance for at the time it was the second most important city in the empire. The main reason accounting for Burke's loss of Bristol however, has been evaluated differently by his various biographers and students of his thought. For instance in 1894 on the occasion of the unveiling of a statue erected to Burke at Bristol, the then prime minister, Lord Rosebery, felt that the reason for his defeat was most practical, namely his long absence from his constituents, and the lack of funds necessary to wage a successful campaign.⁷³ William Hunt⁷⁴ reflects the more common opinion that the major reason for his defeat is to be found in his stand on Irish free trade which was most unpopular with the commercial class at Bristol. In this viewpoint the religious question has little real importance. A slightly different version of the same theory is advanced by Barker.⁷⁵ He feels that the economic question was the paramount reason for Burke's defeat but that the latter spent more time explaining the religious question because while it was of secondary importance, it was less understood than the economic

73. Speech of Lord Rosebery in the London Times, issue of October 30, 1894 as quoted by Edward Bergin, op. cit., p. 37.

74. William Hunt, Bristol, London, Longmans Green, 1895, p. 196, "the chief grievance against Burke was based on the support that he had given in 1778 to Irish trade."

75. Ernest Barker, op. cit., p. 90 f.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

184

issue. Many recent studies, however, like that of Cobban⁷⁶ and Burke's Politics⁷⁷ have assigned equal importance to the economic and religious issues as reasons for Burke's defeat. It would seem that if the major reason was to be chosen that it would be Burke's religious stand on the Catholic question.⁷⁸

For psychologically, the religious issue was far more capable of swaying the average citizen of eighteenth century Bristol, than any purely economic or legal argument. Politicians in opposition to Burke realized full well the possibilities of exploiting the religious element especially in the instance of one who had always been stigmatized as a "Papist," and who represented a community that had a reputation for being openly hostile toward Catholicism.⁷⁹ Latimer

76. Alfred Cobban, Edmund Burke and the Revolt Against the Eighteenth Century, New York, Macmillan, 1929, p. 61, "... the main causes of the alienation of Bristol from him were his acknowledged Catholic sympathies and his honorable refusal to be a silent witness to the crushing of Irish Trade."

77. Ross Hoffman and Paul Levack editors of Burke's Politics, p. 130, "Burke's break with his Bristol constituents was due not only to Irish trade but also to Irish Religion."

78. This is stated by both, Lionel Johnson, "Gordon Riots" in Month, Vol. 78, issue of May 1897, p. 520; and by Denis Gwynn, "To the Beginners the Glory - Edmund Burke and Catholic Emancipation" in The Catholic World, Vol. 128, issue of January 1929, p. 394. Neither, however, supports this conclusion with any documentation. In fact Gwynn admits in a letter dated June 10, 1949 that at the time he wrote his article he had little direct proof for the conclusion.

79. See Oliver, op. cit., above in footnote 2 of this chapter, p. 163.

for instance notes a fact concerning the election in 1774 that was an augury of 1780, "Not a single beneficed clergyman in the city supported Burke, and only one did not vote against him."⁸⁰ During his term, the Methodists and Anglicans opposed Burke on his American and Irish views and they began in 1778 to join ranks in their common attack of Burke - his sentiments and acts in behalf of Catholics.⁸¹ The religious and economic questions or rather Catholic relief and Irish trade were closely connected in the minds of these Protestant leaders of Bristol. They knew that if Catholic relief for the Irish meant anything it would eventually result in political freedom, which would necessitate the lifting of economic barriers as well. The best way to prevent such political and economic freedom was to prevent religious freedom, and this end was best guaranteed by the full retention of the penal code. This accounts for the unpopularity of Burke's defense of Catholics whether they happened to be English or Irish, or whether his defense was based on religious or economic grounds.

What the Bristol Protestant leaders feared concerning Burke was more than verified before 1780. They learned

80. John Latimer, The Annals of Bristol in the Eighteenth Century, [no place of publication, or publisher], 1893, p. 410.

81. See Barker, op. cit., p. 26 f.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

186

of his influence behind the scenes of the Savile and Gardiner Acts, his defense of Scotch Catholics, and his open championing of Catholic relief during the Gordon Riots. For this reason the whole period between 1774 and 1780 witnessed a constantly increasing attack on Burke's most vulnerable point. Thus Weare states:

From the date of his election in 1774 down to the time he appeared in Bristol in 1780 to seek re-election the rumor that he had received his education at St. Omer's and was a Jesuit in disguise had been continuously kept in circulation Burke's political opponents knew that his support of the bill for relieving Roman Catholics . . . was circulated to give color to the assertion that he was a Roman Catholic in disguise, so they industriously set to work to warn the electors against him.⁸²

At the time of the election in 1780 Burke's opponents did not have to search very far for an example with which to "warn the electors" for the Gordon Riots and Burke's stand during it was still fresh in the minds of the citizens. The London Chronicle of August 22 in its column on Bristol reports only two items for that city and they seem even then to be a symbol of the fate that Burke was about to suffer by associating with him the partial cause of his defeat:

Our worthy member Edmund Burke arrived in this city last night . . . the trials of the unfortunate men who were concerned

82. G. W. Weare, op. cit., p. 150; italics added.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

187

in the burning of the Roman chapel at
Bath are now fixed.⁸³

It was not surprising therefore that the vast bulk of the literature of the campaign was directed against Burke's religious views and efforts. The virulence of the campaign caused one contemporary journalist to remark, "no man has been requited by a greater torrent of abuse . . . and the most artful means have been used to prejudice him in the opinion of some of you."⁸⁴ Quite typical of the feeling of the average Bristol citizen against Burke was a letter sent during the election to the Gentleman's Magazine. The writer analyzed briefly the Beauchamp and Irish trade bills and then stated what he felt to be Burke's worst fault:

The last part of his conduct which finally determined the people of Bristol to withdraw their good opinion from Mr. Burke was the very strenuous and remarkable efforts he made in support of the Roman Catholic bill.⁸⁵

This same writer was especially impatient with Burke's claim that there had been unanimity with regard to retention of Catholic relief during the riots, without mentioning the fact that the latter amendment made to it by George Savile was

83. London Chronicle, issue of August 22, 1780, p. 13.

84. Quoted by G. W. Weare, op. cit., p. 154. He has other examples, p. 149-157.

85. "Letters from a Bristol Citizen", in Gentlemen's Magazine, Vol. 50, issue of 1780, p. 619.

opposed most vehemently and almost singly by Burke.⁸⁶

It is interesting to note that one of the few extant defenses of Burke's parliamentary conduct as a representative of Bristol, sedulously avoids any discussion of his efforts in behalf of Catholics. The very silence of Burke's apologist on this point seems to indicate how indefensible it would have been in the eyes of the electors.⁸⁷ The opponents were more successful than the defenders of Burke and their exploitation of the Catholic question caused the average Bristol elector to withdraw his support from Burke.

Macknight sums up this feeling thus:

Had the election depended on the Whig gentleman he would have triumphantly returned. But the ignorant freeholders of that age, intent on their ale and their guineas, and horrified by the reports of Jesuitism and Catholicism, were less than lukewarm.⁸⁸

In Burke's own mind the Catholic issue was the greatest single cause of his unpopularity and hence the main reason why he feared he might lose his seat from Bristol. He kept the religious question until the last place in his speech at the Guildhall and he developed it more than the

86. "Letters from a Bristol Citizen", in Gentlemen's Magazine, Vol. 50, issue of 1780, p. 620. See above, Chapter 6, p. 159 f. for Burke's stand.

87. The apologia for Burke is, A Review of Mr. Burke's Conduct as the Representative of Bristol in Parliament with Remarks on Dean Tucker's Review on the Service of Lord Nugent, by a citizen, Bristol, 1780, 51 p.

88. Macknight, op. cit., Vol. 2, p. 387.

combined time devoted to all the other points. In addition to the passing considerations, it offered to him an opportunity as never before to expose his principles on religious toleration. He himself related that all of the complaints against his acts in parliament had been based on the objection that he had, "pushed the principles of general justice and benevolence too far."⁸⁹ Certainly in no other question that he considered in his speech did he apply these principles more generally and consistently than in his support of Catholics. He felt however that his efforts had reconciled King and subject in England and Ireland and had made Catholics look to home rather than to abroad for protection. So important was the success and defense of this Catholic relief in his mind that he told his audience, "I can close the book I have not lived in vain."⁹⁰ The loss of his seat at Bristol was due mainly to following his principles in the matter of Catholic toleration rather than bowing before expediency, following "the dictates of his conscience and judgement rather than the selfish will of the constituency."⁹¹

89. Burke, Works, Vol. 2, p. 423.

90. Ibid.

91. John J. O'Shea, "Some Reflections of Edmund Burke's Centenary" in American Catholic Quarterly, Vol. 22, issue of October, 1897, p.520.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

190

Burke's support of Catholic relief was the greatest single reason for the loss of his seat at Bristol. Economic reasons may have been paramount in the minds of the merchants but the religious question was the psychological wedge that really separated Burke from the constituency. In losing the seat Burke suffered a temporary loss but gained a permanent victory. In the words of one author:

His vindication of himself before the electors from Bristol forms a noble episode in a noble career. I doubt whether Burke's moral grandeur was ever more conspicuous than it was in the hour of a glorious personal defeat.⁹²

Shortly after his decision to decline the poll at Bristol, Burke received a letter from his fellow Whig, Charles Fox.⁹³ Fox was amazed at Burke's patience toward Bristol, "that rascally city, for so I must call it after the way in which it has behaved to you."⁹⁴ At the time of the writing Fox himself was in the midst of a campaign to retain his seat from Westminster. His whole letter revolved around the issue of Catholic relief and its importance in the outcome of his own election. Having benefited by the fate of Burke at Bristol the adherents of Fox were determined that

92. J. O'Connor Power, "Edmund Burke and His Abiding Influence" in North American Review, Vol. 165, issue of December, 1897, p. 668.

93. Charles Fox to Edmund Burke, September 15, 1780, in Burke, Correspondence, Vol. 2, p. 376-379.

94. Ibid., p. 376.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

191

their candidates would not suffer a like defeat and so they issued a public advertisement, signed by Fox, that ran:

. . . I never have supported, nor ever will support any measure prejudicial to the protestant religion or tending to establish popery in this kingdom.⁹⁵

This disavowal of Catholicism by a shrewd politician following Burke's defeat, indicates what a contemporary thought of the importance of the religious question in Burke's loss of Bristol. Fox was sensitive of Burke's judgement and he sought to convince the latter that such a public advertisement did not indicate, "that I had given up in the smallest degree the great cause of toleration."⁹⁶ He pleaded with Burke, "Pray judge me severely and say whether I have done wrong."⁹⁷ He indicated too that his opposition was using the same tactics against him that had proved so successful in Bristol, that was, "to publish hand bills and to fill their papers with abuse of me upon this popery subject."⁹⁸ Like Burke, Fox had voted for the Savile and Gardiner Acts and had resisted the Gordon attempt to repeal them. But unlike Burke he did not openly defend his action but circumvented the Catholic issue by his statement declaring loyalty to

95. Burke, Correspondence, Vol. 2, p. 377

96. Ibid.

97. Ibid.

98. Ibid., p. 378.

BRISTOL, BURKE AND THE CATHOLIC QUESTION

192

Protestantism. Fox ignored the religious question and was re-elected to the seat from Westminster.⁹⁹ His approach and his successful re-election was a political commentary on the defeat of Burke and only confirms the primary importance of the Catholic question in the Bristol election of 1780.

As the representative of Bristol between 1774 and 1780 Burke acted upon the principle that a member of Parliament was to serve the common good of the nation rather than the selfish demands of his constituency. In following this principle he lost the support of many of the freeholders of Bristol. The city of his representation had a strong bias against Catholicism and Burke's known or supposed sympathies toward Catholics was exploited to the full by his opponents as a psychological wedge to upend his popularity at Bristol. During his entire six years of office his rivals constantly caricatured him as a Jesuit and Papist in print and picture. Burke's support of relief for Irish and English Catholics in 1778 and his defense of that freedom in 1780 only confirmed what had previously been whispered in rumors. When Burke came to Bristol to seek re-election he knew from correspondence

99. Fox's most recent biographer Hobhouse admits the importance of the Catholic issue in Burke's and Fox's campaign thus, "In some places the Whigs were denounced for having truckled to the papists Everywhere the terrified electorate, equally afraid of the riots, and of the concessions which had provoked the riots, voted for the existing powers. This was how Burke lost Bristol.", in Christopher Hobhouse, Fox, 1948, London, Constable and Murray, p. 107; *italics added.*

BRISTOL, BURKE AND THE CATHOLIC QUESTION

193

and from political literature that the seat would stand or fall on his defense of his position on Catholics. He was aware that his long absence and his stand on debtors and Irish trade had helped to make him unpopular at Bristol. At the same time however he knew full well that the main issue that would be exploited by his political rivals would be the Catholic question, a question that had so far dogged his entire political career. For this reason Burke spent the greatest portion of his main speech on the matter of Catholic relief. He publicly admitted his share in the formation and defense of that relief in the Savile and Gardiner acts and the Gordon Riots. He defended his position as being one with every act of his career and he expounded as never before the principles of religious toleration on which his acts were based. He finally decided to decline the poll when he saw that he could not overcome the deep seated religious prejudices of the Bristol voter. The successful campaign of his fellow Whig, Fox, during the same year of 1780, only confirmed the main reason why Burke lost his seat at Bristol - his public support and defense of Catholic relief on the basis of deep convictions and principles on the subject of religious toleration.

CHAPTER VIII

BURKE AND THE END OF THE IRISH PENAL CODE, 1782

1. The Movement for Irish Independence, 1778-81

After his defeat at Bristol Burke seriously considered retiring from public life.¹ He was deeply hurt by the way in which his efforts in behalf of religious toleration and freedom within the imperial system had been misunderstood by his constituency. Worse than this was the lack of appreciation on the part of those who should have been most appreciative of his efforts, the Irish. Shortly before he had begun his Bristol campaign Burke was the object of an open letter from Ireland which accused him of having forgotten the land of his birth and of having sacrificed its interests to those of England. Its major complaint stated:

Mr. Burke is too patriotic; in other words too much an Englishman to wish for equality of rights and privileges to every part of the British empire.²

Despite the rejection by Bristol and the misunderstanding by

1. This is stated by a contemporary of Burke, Sir Samuel Romilly, Memoirs, London, 1840, Vol. 1, p. 135.

2. A Letter to Edmund Burke Esq. by birth an Irishman, by adoption an Englishman, containing some reflections on Patriotism, Party Spirit and the Union of Free Nations with Observations upon the means which Ireland relies for obtaining Political Independence, Dublin, 1780, p. 3-4. (Consulted in a microfilm copy from the British Museum)

some of the Irish, Burke finally decided to remain on the political scene and in late 1780 accepted the offer of the town of Malton to represent it in the House of Commons.³

During the early years as the representative of Malton, Burke was to be involved in the crisis of government arising from the American war. Despite this preoccupation he never lost interest in Ireland and in the problems of religious toleration especially as it affected the British Isles.

During the years 1778 to 1781 a number of great changes had taken place both within and without Ireland which would determine her political future. The Gardiner Act of 1778 and the Irish commercial relief act of 1779 gave some religious and economic freedom to the Irish, and in both bills Burke had played an important role.⁴ It was under the stress of the crisis produced by the American Revolution that both of these benefits had been won. It was because of the military situation resulting from this same revolution that the Irish Volunteers were founded in late 1778. During that year there was a strong rumor that the French intended to invade Ireland since the English troops usually kept there were being used in America. Because of the threat and the

3. Prior, Burke, p. 197.

4. For his part in the Gardiner Relief Act of 1778 see chapter five above; for his part in the commercial acts see Burke, Works, Vol. 6, p. 207 f.

unprotected state of her country the Protestant Patriots organized a volunteer militia called the Volunteers. The troops were financed by public subscription. Although at first the Catholics were excluded, they did contribute to the public subscription, out of thanks for the recent Gardiner Relief.⁵

The Castle government in Dublin was embarrassed and fearsome lest the armed volunteers use their strength to force Parliament to recognize certain political demands. The government feared, too, the consequences of the American example. But under the very real threat of an enemy invasion they had no other choice but to risk that possibility. In April of 1780 Henry Grattan moved for an independent Parliament, but there was no outbreak among the Volunteers or any of the Irish.⁶ In fact on September of 1781 Mr. Goold, a Cork merchant wrote to Burke describing the loyalty of the Irish Catholics when presented with a very concrete issue.⁷ He told Burke that a large segment of the French fleet had been seen and that an invasion through the port of Cork was feared. Since at the time the government in Ireland was financially embarrassed, Goold spoke for the Catholics of Cork and offered a sizeable amount of money to the government

5. Lecky, Ireland, Vol. 2, p. 227.

6. Ibid., p. 252.

7. Goold to Burke, September 15, 1781, in Burke, Correspondence, Vol. 2, p. 432-433.

BURKE AND THE END OF THE IRISH PENAL CODE, 1782 197

to pay for the defense of the city. Both the gift and the Catholic declaration of loyalty were forwarded to the Lord Lieutenant, Carlisle. Goold summarized for Burke what he thought to be the chief significance of the whole affair in these words:

Hence you see, a Roman Catholic stepped forth in the hour of danger to support the government when others would not risk a guinea. Your sense of us is, in this small instance proved. I . . . hope our legislators will see that there are not a people more steady . . . nor that less merit a rod of severity by the laws than we.⁸

This letter pleased Burke and impressed him because he was to discuss it with another correspondent in a short time.

Just three days later Lord Petre wrote to Burke on the recent enactment of the Emperor Joseph II⁹ on religious toleration. He contrasted that liberal document with the resolutions of the Gordon faction in England and Scotland. In answering Petre, Burke regretted that the British Isles could not follow the liberal example of the continent in the field of religious toleration. He referred to the recent Gordon riots and their woeful effect on toleration in this way:

We are not yet ripe for anything very

8. Burke, Correspondence, Vol. 2, p. 433; italics added.

9. Ibid., p. 436-437.

essential. A storm came upon us in the early spring of our toleration, and whilst it was shooting out its first tender buds. They had not strength enough to sustain it.¹⁰

Burke closed the letter on a hopeful note in telling Petre about the recent action of the Cork Catholics and he was sure that it would help in the cause of toleration for Irish Catholics.¹¹

Burke's hope were soon to be justified. The Volunteers and the Protestant Party in Parliament both wanted the repeal of the remnant of the old penal code against the Catholics. This desire sprang partly from the greater spirit of tolerance that the latter portion of the century ushered in, and partly from the practical benefits that had resulted from the Garretts Relief act of 1778. But above all else it sprang from the movement for parliamentary independence. The new national force in Ireland knew that one of the surest guarantees of the success of their movement was to gain the favor of the majority of the population which was Catholic. To win that favor the new party wished to give religious toleration to the Catholics and they wanted them to look to their own parliament for that benefit rather than to the English crown as had been their custom in the past. Just before

10. Burke, Correspondence, Vol. 2, p. 437.

11. Ibid., p. 438.

the recess of the Parliament in December 1781, a bill was under consideration for the relief of Catholics. The Lord Lieutenant wrote to England that, "the members who take the lead in this are chiefly independent members," who wanted a bill introduced without any impetus from England as had been the case in the Gardiner Act of 1778.¹² The union of Catholic and Protestant working for religious and political freedom verified Burke's prediction made in 1778 that the Gardiner Act would help to bring about, "the total extinction of all spirit of party which had religious opinions for its principles."¹³

2. Burke and the Catholic Relief Act of 1782

Shortly after the Christmas recess, Luke Gardiner introduced another bill for discussion which was to extend certain benefits to Irish Catholics. There was almost unanimity on the points of full religious toleration and property ownership, but a great deal of opposition on civil and educational freedom as well as on the question of marriage with Protestants. After further discussion the projected bill was given over to a committee for further study.¹⁴

12. A letter of Lord Carlisle of December 29, 1781 quoted by Lecky, Ireland, Vol. 2, p. 278.

13. Burke to Gardiner, August 1778, unpublished manuscript letter consulted in the Pierpont Morgan Library Mss.

14. Lecky, Ireland, Vol. 2, p. 279 f.

Just three days after the bill was introduced Lord Kenmare, head of the Catholic Association, wrote to Burke in England.¹⁵ Along with his letter he enclosed a copy of the rough draft of Gardiner's relief act for Catholics as well as some suggestions made by friends of the Catholic cause. He told Burke that some opposition would be forthcoming from the leaders of the old "Ascendency" like the Bishop of Cashel, who were against the complete repeal of the code because, "tho' they allow the major part to be unjust and oppressive . . . are pleased to term the Palladium of the Constitution."¹⁶ Another group opposed allowing Catholics to be educated abroad and to encourage them to stay at home, Kenmare indicated that the provost of Trinity had offered a number of working scholarships to Catholics for his college. The opposition also wanted to keep a close supervision on the Catholic hierarchy by making them subject to crown appointments. Kenmare, however, felt that the majority of the leaders in and out of Parliament were "unanimous for toleration."¹⁷ He then listed for Burke all the reasons why he felt the bill would eventually pass:

15. Kenmare to Burke, February 4, 1782, an unpublished original from the Wentworth Papers consulted in a microfilm copy.

16. Ibid.

17. Ibid.

I must say the good conduct of those of our persuasion, the policy of reuniting the minds of all subjects, the present distress of the British empire, the danger if not certainty of an almost total emigration, plead strongly for it . . .¹⁸

In the course of the letter Kenmare made one statement that must have been a great comfort to Burke so soon after his loss of Bristol. Kenmare told him that in the discussion and explanation of the Catholic question in the Irish press that "the strongest had been the republication of your ever memorable speech at the Hustings in Bristol."¹⁹

Before Burke answered this letter from his Catholic friend in Ireland, a significant event took place. The Irish Volunteers, impatient with the slowness of Parliament and of Carlisle's government in discussing the question of Irish parliamentary independence, decided to use some external pressure. They met at Dungannon in February and drew up a number of resolutions. One written by Grattan stressed the close relationship of the Catholic relief with the national movement for independent parliamentary action in this way:

We hold the right of private judgement in matters of religion to be equally sacred in others as in ourselves; that as men and as Irishmen, as Christians and Protestants, we rejoice in the relaxation of the penal laws against our Roman Catholic fellow subjects, and that

18. Kenmare to Burke, February 4, 1782, Wentworth Papers.

19. Ibid.

we conceive the measure to be fraught with the happiest consequences to the union and the prosperity of the inhabitants of Ireland.²⁰

This wedding of the religious question with the political prompted Carlisle to write to England that, "Mr. Grattan . . . has with great earnestness concurred in bringing forward to public discussion every question tending to assert the independent right of legislation in Ireland."²¹

It was against such a background that Burke answered Kenmare's letter on February 21. Burke's letter was unusually long, running to some sixteen pages, and this despite his many burning interests in 1782. Both the length and nature of the writing indicated Burke's great concern for Ireland and the deeper principles surrounding the problem of religious toleration.²² Burke told Kenmare that his copy of the projected bill was the second one that he had received.

20. This resolution may be consulted in Lecky, Ireland, Vol. 2, p. 284.

21. This letter of Carlisle is quoted by Lecky, Ireland, Vol. 2, p. 288.

22. The letter is printed in Burke, Works, Vol. 4, p. 217-240. Prior, Burke, p. 210, claims that it was written "amid a multiplicity of business public and private, allowing him so little leisure that it was said to be dictated sometimes while eating a family dinner, sometimes while dressing, or even while engaged in familiar conversation." The original letter has been examined in a microfilm copy from the Wentworth Papers and indicates that the whole was written in Burke's own hand with however many revisions and insertions.

Still he had to admit that he could not speak about the concrete value of the bill since it was impossible to make a complete judgement about it from, "a piece of paper."²³ It had been years since he had been in Ireland and thus he felt that he was out of touch with the "actual map of the country."²⁴ The real value of the bill depended for its operation on the motives of the Protestant leaders of the country and he could make no judgement about those motives since he had not been in correspondence with any of their representatives for some years. He noted the difference on his relations to the Gardiner Bills of 1778 and 1782 in this way:

On the first bill for the relief of the Roman Catholics of Ireland, I was consulted both on your side of the water and on this. On the present occasion, I have not heard a word from any man in office, and know as little of the intentions of the British government as I know of the temper of the Irish Parliament.²⁵

Having thus explained his inability to speak on the practical and concrete value of the projected relief, Burke passed on to an abstract examination of the bill. In very strong language he characterized it as a "renewed act of Universal, Unmitigated, Indispensable, Exceptionless Disqualification."²⁶ A stranger who would read the text would

23. Burke, Works, Vol. 4, p. 219.

24. Ibid., p. 220.

25. Ibid., p. 220, 221.

26. Ibid., p. 221.

imagine that it was a bill passed immediately after a savage conquest of an enemy country. One would never guess from reading the bill that the Irish Catholics had been loyal subjects for over a century. They were still treated like slaves since it excluded them from civil affairs, public office, the professions and education. This stranger, says Burke, viewing the situation would have concluded, "What must we suppose the laws concerning those good subjects to have been, of which this is a relaxation?"²⁷

Burke saw the exclusion of Catholics from the professions and public office as a crime against justice. He explained that the citizen supports the state by his taxes but in return he receives a share in the allotment of offices and in the benefits of the common good. But in the case of the Catholics, "a great body of the people who contribute to this state lottery are excluded from all the prizes . . . a cruel hardship amounting in effect to being double and treble taxed."²⁸ Since the Catholics are thus excluded from the benefits he was of the opinion that justice demanded at least, "some compensation to a people for their slavery."²⁹ Denied the privilege of voting, the Catholic was robbed of

27. Burke, Works, Vol. 4, p. 222.

28. Ibid., p. 223.

29. Ibid., p. 226.

the only means of legally bettering his position and so he was placed under a perpetual oppression of the dominant clique whether it happened to be a religious or political minority. He made a passing reference to the inconsistency of the leaders of the Protestant patriots who failed to see that their arguments against the tyranny of England could be turned against them by the Catholics. And so he asked:

How they can avoid the necessary application of the principles they use in their disputes with others to their disputes with their fellow citizens, I know not.³⁰

This inconsistency was not to be resolved until 1829 with the political emancipation of Catholics.

Burke then passed on to a further criticism of the bill in its lack of provisions for the education of Catholics and more expressly of the clergy. He deplored a system whereby a cleric, coming from the poorest class in Ireland had to study abroad and then return to live in abject poverty among a downtrodden people. Now the new bill denied them even the provision of the meagre education abroad. In this mean system of preventing the clergy from improving their minds Burke saw the "worst species of tyranny that the insolence and perverseness of mankind ever dared to exercise."³¹

30. Burke, Works, Vol. 4, p. 226.

31. Ibid., p. 228.

BURKE AND THE END OF THE IRISH PENAL CODE, 1782 206

Kenmare had mentioned in his letter that the provost of Trinity had offered a number of sizarships³² to Catholic clergymen. Burke dismissed this offer as no solution; he saw it as worse than that. For as far as the cleric was concerned it would only "foment his wounds with brandy."³³ His reason for feeling thus was that the doctrine, ritual and training of a Catholic priest was far different from that of a Protestant minister. He could never be properly taught a distinctive doctrine and discipline in an institution founded "for the purposes and on the principles of another, which in many points are directly opposite."³⁴ The only solution was a Catholic seminary where such things as confession and celibacy would be respected and taught and not ridiculed as they would be in a Protestant foundation.

Burke's next basis of analysis and comparison revealed his great familiarity with Church history and with his understanding of the Catholic priesthood. He compared the Latin and Greek Churches and he saw the weakness of the latter in its married clergy and lack of seminary training. In former times the Western Church had suffered from the same

32. A sizarship was an institution used in eighteenth century Cambridge and Trinity whereby a student would be given an educational allowance for services rendered to other university students.

33. Burke, Works, Vol. 4, p. 229.

34. Ibid., p. 230.

maladies but since the Council of Trent the celibacy and seminary training of priests had lifted its prestige on the continent considerably. Only because the Irish priests had been educated in these continental seminaries had they been prevented "from becoming an intolerable nuisance to the country instead of being . . . a very great service to it."³⁵ In comparing the different training of the Catholic priest and the Protestant minister Burke returned to one of his deepest convictions. He had frequently stated that the Catholic doctrines contained the Protestant. He reiterated this sentiment by explaining to Kenmare why it would be more of a hardship for a Catholic to be educated in a Protestant seminary than for a Protestant in a Catholic institution, because:

The Protestant educated amongst Catholics has only something to reject; what he keeps may be useful. But a Catholic priest learns little for his peculiar purpose and duty in a Protestant college.³⁶

In advocating a separate institution for Catholics Burke anticipated the ultimate foundation of Maynooth.³⁷

Burke's last observation to Kenmare was a violent protest against a scheme whereby the Castle government would appoint the Catholic hierarchy. It would be bad enough if

35. Burke, Works, Vol. 4, p. 231.

36. Ibid., p. 232.

37. For an interesting study of Burke's relationship to the foundation of Maynooth, see, Denis Gwynn, "Dr. Hussey and Edmund Burke," in Studies: an Irish Quarterly Review, Vol. 17, issue of October, 1928, p. 529-546.

the government had provided education and subsistence, but when a people who are destitute have to pay a tax to support a Church foreign to their conviction, and are then denied even the disposition of their own clergy -- such a state is nothing short of tyranny. If a scheme were introduced whereby a Protestant clique would select Catholic bishops then "that nation will see disorders, of which, bad as things are, it has yet no idea."³⁸

In a postscript which was added after a re-reading of the letter Burke gave his final estimate of the new relief act for Catholics. He saw it as a practical religious toleration and so an end to the worst foundation of the penal code. His main criticism was that it put new civil strictures on the Catholics and he would have wished that the civil enactments had come first since he was sure that religious liberty would follow. In demanding political equality he was one of the pioneers of the later emancipation movement. His last remark to Kenmare was in the nature of a complaint that his reputation had been lessened by his foes in Ireland.³⁹

In a letter dated March 14, Kenmare answered Burke.⁴⁰

38. Burke, Works, Vol. 4, p. 237.

39. See above footnote 2.

40. Kenmare to Burke, March 14, 1782, an unpublished letter from the Wentworth Papers, consulted in a microfilm copy.

He thanked Burke for his very full analysis and criticism of the projected relief bill. He informed him that the letter was read by both Gardiner and Grattan and it "stopt their proceeding on a crude and ill digested plan for the home education of our clergy."⁴¹ According to Kenmare's letter the property and religious clauses of the bill were passed in the Commons but the section on marriage rejected and that on education postponed.⁴² He told Burke that the opposition to the education clause had been led by the Bishop of Cashel. He asked that one of Burke's "influential Yorkshire friends" write the Bishop a letter dissuading him from his stand. He was sure that such a letter would be enough to appeal to the Bishop's pride.⁴³ As far as Burke's fear that his reputation had been lessened in Ireland, Kenmare informed him:

I must also beg leave to assure you that you are much misinformed if you apprehend there is the least division here about your merits, talents and character; all parties look up to you as the greatest ornament of your country and this age; we the dirtiest part of this community owe principally to you our enfranchisement.⁴⁴

On March 20, another important person in Ireland, William

41. Kenmare to Burke, March 14, 1782, Wentworth Papers.

42. Lecky, Ireland, Vol. 2, p. 312-314.

43. Kenmare to Burke, March 14, 1782, Wentworth Papers.

44. Ibid; italics added.

BURKE AND THE END OF THE IRISH PENAL CODE, 1782 210

Eden,⁴⁵ wrote to Burke and told him that he too had read his long analysis of the relief act in the letter to Kenmare.⁴⁶ He felt that the bill would meet opposition in the House of Lords after the Easter recess.⁴⁷

Meanwhile, events that were to have a bearing on Irish religion and independence, began to move rapidly in England. Late in March the North ministry fell and Lord Rockingham was asked to form a new government.⁴⁸ Rockingham, Burke's patron, had always been friendly toward Ireland and religious toleration, partially due no doubt to Burke's influence. Shortly after the new cabinet was formed the question of Irish independence was introduced into the English Commons. For reasons of prudence Burke yielded to Fox in the prosecution of the Irish cause.⁴⁹ The new government sent the Duke of Portland to Ireland as the new Lieutenant. Before he left, Burke gave him a copy of the penal laws against Irish

45. William Eden (1744-1814), statesman and diplomat, in Ireland as representative of English Government, during 1782; made Baron Auckland in Irish peerage in 1789. See D.N.B., Vol. 16, p. 362.

46. Eden to Burke, March 1782, in Burke, Correspondence, Vol. 2, p. 450-461. Burke also received a second letter from Kenmare dated March 17, 1782, Wentworth Papers.

47. Burke, Correspondence, Vol. 2, p. 460.

48. See Magnus, Burke, p. 109 f. for details.

49. Parliamentary History, Vol. 20, col. 20-37 for details.

Catholics, showing again his great concern for the question of religious toleration.⁵⁰ The Irish parliamentary independence was declared in May of 1782 and although Burke had little to do with the proximate enactment in the English Parliament still the judgement of Magnus in his regard should be kept in mind:

It was an England worn out by the long struggle with America and semi-educated in the rudiments of the new imperial grammar of Edmund Burke, which allowed the concession of Irish Parliamentary independence to pass.⁵¹

There had been a close relationship of the Catholic relief and parliamentary independence from the beginning and an almost implied promise that the new parliament would not forget the loyalty of the Catholics to their movement. Shortly after the independence of the Irish Parliament had been won, the Gardiner Relief Act of 1782 was passed.⁵² Although it did not alter the educational and civil restrictions it did give property rights to the Catholics and gave them complete religious freedom. It is in this latter sense that the enactment may be truly called the "end of the purely

50. See, The Epistolary Correspondence of the Right Hon. Edmund Burke and Dr. French Laurence, London, Rivington, 1827, p. 88 for mention of this significant detail.

51. Magnus, Burke, p. 112; italics added.

52. Lecky, Ireland, Vol. 2, p. 311-314; Henry Grattan, Memoirs of the Life and Times of the Rt. Hon. Henry Grattan, London, 1849, Vol. 2, p. 201.

penal part of the religious code."⁵³ Soon after the legislative independence and the Gardiner Act had become realities, Burke wrote to the Duke of Portland in Ireland and saw the new freedoms as the basis of a bright future:

It seems to me that this affair, so far from ended is but just begun. A new order of things is commencing. The Old Link is snapped asunder. What Ireland will substitute in the place of it in order to keep us together I know not -- I say what Ireland will substitute; because the whole is now in her hands If things are prudently managed Ireland will become a great country by degrees.⁵⁴

In this affair of Ireland in 1782 Burke again showed himself to be a champion of religious toleration. Despite his many interests at that time, he gave freely of his time when his advice was sought by the Catholic leaders in Ireland. His speech at Bristol was reprinted in Ireland and was used as an effective weapon to win further religious relief. In his long correspondence with Kenmare he examined the first draft of the Gardiner act of 1782. In the letter he repeated his older principles on religious toleration and applied them to a new situation, and especially as they were related to the political state of affairs. He manifested once again a

53. Curtis, A History of Ireland, p. 313.

54. Burke to Portland, May 25, 1782 is only published in, The R. B. Adam Library Relating to Dr. Samuel Johnson and His Era, 1929, Oxford, University Press, Vol. 1, p. 647.



CINCINNATUS in Retirement
falsely supposed to represent Jengh-izid driven back to his native Poles

BURKE PICTURED AS A PRIEST IN 1782 AFTER
 LOSS OF BRISTOL AND DEATH OF ROCKINGHAM

deep understanding of Catholicism and some of its institutions like the seminary and the priesthood. For the first time he clearly stated that he was not satisfied with a mere religious toleration of the Catholics if it did not mean eventual civil and social freedom as well. In this stand he marked himself as a pioneer of eventual emancipation. His suggestions and criticisms were not in vain as the leaders of the Irish party changed the act to conform to some of his ideas. Finally when Portland went to Ireland to represent Burke's patron, Rockingham, Burke gave him a copy of the penal code to convince him of the injustice of that system.

3. Pioneer of Catholic Emancipation

On July 1, of that same year, Lord Rockingham died.⁵⁵

It was the end of a phase of Burke's life, for:

There is a great homogeneous period of Burke's life which runs from the year 1765 in which he became Rockingham's secretary to the year 1782 in which Rockingham died. It is perhaps the greatest of his career.⁵⁶

The loss of Bristol and the death of his sponsor and friend caused Burke to become less influential in his party. During the remainder of his career he will spend most of his efforts in the field of India and the French Revolution. With rare

55. Burke, Correspondence, Vol. 2, p. 491-492.

56. Ernest Barker, Burke and Bristol, p. 46.

exception he will leave the problems of religious toleration to the Irish leaders themselves. Yet his efforts up to 1782 in the field of religious toleration stamp him as a pioneer of Catholic emancipation.⁵⁷ All of his principles were manifested in the major field of his efforts in behalf of toleration, in the British Isles. Years later Burke commended Hercules Langrishe⁵⁸ for his work in the same area of toleration. Burke's words of praise might well have been applied by all the Catholics of the British Isles to Burke himself in this wise:

. . . it [the code] was so constructed that if there were once a breach in any essential part of it, the ruin of the whole . . . was . . . a certainty. For that reason I honour . . . and love you and those who first caused it to stagger, crack and gape. Others may finish; the beginners have the glory; and take what part you please at this hour; your first services will never be forgotten by a grateful people.⁵⁹

57. For a brief treatment of this theme see, Denis Gwynn, "To the beginners the glory: Edmund Burke and Catholic Emancipation," in The Catholic World, Vol. 128, issue of January 1929, p. 385-396.

58. Hercules Langrishe, (1738-1811), Irish political leader who worked for political freedom of Catholics; correspondent of Burke. See D.N.B., Vol. 32, p. 115-116.

59. Burke, Works, Vol. 4, p. 305.

CONCLUSIONS

1. Consistency of Burke's thought on religious toleration. Throughout the period under study, 1765-1782, Edmund Burke manifested in both his writings and speeches a consistency and continuity in the field of religious toleration. This consistency was founded upon the firm basis of the Christian natural law in which Burke believed firmly. The same convictions can be discerned in his correspondence with Shakleton and in his Tract on the Penal Laws in 1765, and in his long letter to Kenmare in 1782. It was the same set of principles applied in this period of time to problems of religious toleration in the case of French Canadians, English Dissenters and Catholics of the British Isles.

2. Burke's practical efforts in behalf of religious toleration. He had a most practical hand in the Savile Act in England and the Gardiner Act in Ireland in 1778. He drew up the petitions for both bills, and he acted as the agent in England for the Irish Catholics. His personal influence with the ministry as well as his advice and correspondence to the Irish leaders made the first Catholic Relief Act for the English and Irish Catholics a reality. His inability to overcome prejudice in the case of the Scotch Catholics only made him more adamant in the crisis of the Gordon Riots. His great efforts during the Gordon Riots were mainly responsible

CONCLUSIONS

216

for the preservation of the newly won Catholic relief. No other single person worked so consistently and sincerely for the religious toleration of Catholics in the British Isles between 1778 and 1782. For this reason Burke is truly the pioneer of ultimate Catholic Emancipation. O'Connell only built upon his foundation.

3. Religion and Burke's political career. His long defense of religious freedom and especially for the Catholics of the British Isles hurt his political career. From 1765 to the end of his life he was caricatured as a priest and a Jesuit. Still he never sacrificed his convictions to political expediency. It was in fact this integrity in the affairs of religious toleration that cost him the important and influential seat of Bristol in 1780.

4. Burke's Thought on religion and toleration. In his various utterances and writings during these years Burke has left a rich testimony of wisdom which manifests principles and insights based upon reason, justice and the Christian tradition of the West. He showed himself most liberal and brilliant on the exposition of the nature and limits of religious toleration; on the primacy of conscience; on the relationship between religion and the common good. He had a sympathy for and an understanding of Catholicism and of its teaching and institutions, that set him above any other

CONCLUSIONS

217

statesmen of the eighteenth century. In later years he will shift his sights to the cause of India, and to the field of the French Revolution. But it will be the same rational and Christian foundation that he exposed in the affairs of religious toleration between 1765 and 1782. It will be the same wisdom that has set Burke aside as, "the last great non-Catholic exponent of the age-old and well tried principles of the ethical traditions of Western Christendom."¹

1. Moorehouse F. X. Millar, "Burke and the Moral Basis of Political Liberty," in Thought, Vol. 16, issue of January, 1941, p. 81.

BIBLIOGRAPHY

PRIMARY SOURCES

Annual Register, Vol. 8 (1765) to Vol. 25 (1782).
A good contemporary account of events during the years of this study. Especially valuable since Burke was editor during this time and wrote the main revue article. (Princeton University Library)

An Answer to Mr. Burke's Speech in Parliament in favor of Scots Roman Catholics, by a Scotsman, Edinburgh, 1779, 47 p.

An attack on Burke's defense of Scotch Catholics. Example of spirit that will eventually result in Gordon Riots. (New York Public Library)

An Appeal from the Protestant Association to the People of Great Britain concerning the probable tendency of the late act of Parliament in favour of the Papists, London, 1779, 62 p.

One of earliest appeals of the Protestant Association in England to follow the example of the resistance of the Scotch and to repeal all of the Savile Act. (Redpath Collection, McGill University Library)

Berrington, Joseph, State and Behaviour of English Catholics from the Reformation to the Year 1781, London, 1781, 184 p.

An excellent account of English Catholicism by a priest, chaplain to one of the Catholic squires; good insight to conditions just prior to the Savile Act. (New York Public Library)

Burke, Edmund, Correspondence (edd. Charles Fitzwilliam and Richard Bourke), 4 Vols., London, Rivington, 1844. Valuable for early religious development as well as efforts in Catholic relief and Gordon Riots. Contains only about one-half of all known Burke letters. (Seton Hall University Library)

Burke, Edmund, The Works of the Right Honorable Edmund Burke, 12 Vols., Boston, Little Brown and Co., 1865-1867. This American edition is the most available of the editions. Contains treatises, speeches and letters applicable to this study. (Seton Hall University Library)

BIBLIOGRAPHY

219

Butler, Charles, Historical Memoirs of the English, Irish and Scottish Catholics, 4 Vols., London, 1822.

Valuable as a source of many contemporary witnesses to the story of Catholic emancipation. (New York Public Library)

"Catholics and Catholicism in the Eighteenth Century Press," (ed. John Brady), in Archivium Hibernicum, Vol. 16, issue of 1951, p. 1-112.

Most valuable chronological anthology of eighteenth century Catholicism in Irish press. Many of the papers quoted have since been destroyed by fire. (New York Public Library)

Collection of Broad-sides of the Bristol Election of 1774 in the New York Historical Society Library.

Some of these broadsides reflect the early importance of Catholic Cause in the political career of Burke. (New York Historical Society Library)

Considerations of the Late Disturbances, by a consistent Whig, London, 1780, 32 p.

An appeal in behalf of liberal Protestants that deplored the Gordon Riots and asked the retention of the Savile Act. (Redpath Collection, McGill University Library)

Curry, John, An Historical and critical Review of the Civil Wars in Ireland from the Reign of Queen Elizabeth to the Settlement Under King William with the State of the Irish Catholics from that Settlement to the Relaxation of the Popery Laws in the Year 1778. 2 Vols., London, Robinson and Murry, 1786.

Curry as a member of the Irish Catholic Committee knew some of the history of Burke's relation to the Gardiner Act. Valuable for the printing of Burke's petition; only place available. (New York Public Library)

Debates in the House of Commons in 1774 on the Bill for Making More Effectual Provision for the Government of the Province of Quebec Drawn from the Notes of Sir Henry Cavendish, (ed. J. Wright), London, 1839, xii-303 p.

A complete account of the Debates on the Quebec Act. Records many of Burke's principles and first utterances on toleration in general and Catholicism in particular. (New York Public Library)

BIBLIOGRAPHY

220

A defense of the Act of Parliament lately passed for the Relief of Roman Catholics containing a true state of the laws now in force against Papacy, by a Protestant, London, 1780, 39 p.

Written at the time of the Gordon Riots, showing the wisdom of the repeal of the laws against Catholics and describing the many disabilities that remain. (New York Public Library)

The Douai College Diaries, Seventh Diary 1715-1778, (edd. Edwin Burton and Edward Nolan), London, 1928, 327 p.
Authentic account of an important aspect of Catholicism in eighteenth century. (New York Public Library)

Drummond, William Hamilton, One is Your Master - even Christ: A discourse containing a Refutation of Certain High Church Principles held by the celebrated Edmund Burke and by the Rev. Dr. Charles R. Elrington, London, 1831, 36 p.

A sermon attacking Burke for his great respect for the organization and structure of the Christian church, whether Anglican or Catholic. (Microfilm copy from British Museum)

Drysdale, W., Popery Dissected or a Speech against the Popish Toleration Bill, Edinburgh, 1779, 123 p.

A most bitter tract written against Scotch Catholic relief; called for actual armed resistance and was type of writing that inflamed the people of Edinburgh to riot. (Redpath Collection, McGill University Library)

The Epistolary Correspondence of the Right Hon. Edmund Burke and Dr. French Laurence, London, Rivington, 1827, xxvii-305 p.

Prints correspondence of Burke not found in the Fitzwilliam edition. Makes mention of the action of Burke in the repeal of the Irish penal code in 1782. (Pierpont Morgan Library, New York)

An Essay on the Toleration of Papists, London, 1779, 43 p.

One of the few Protestant tracts written before the Gordon Riots that advocated the toleration of Catholics. (Redpath Collection, McGill University Library)

BIBLIOGRAPHY

221

"Extracts from Mr. Burke's table talk at Crewe Hall written down by Mrs. Crewe" (ed. R. M. Milnes) in Miscellan-ies of the Philobilon Society, Vol. 8, London, 1862, 62 p.

Burke's refutation of the St. Omer story, as well as some of his brilliant comparisons of Catholicism and Protestantism are recorded in this source alone. (New York Public Library)

Fanaticism and Treason or a dispassionate History of the Rise, Progress and Suppression of the Religious Insurrec-tions in June 1780, by a real friend to religion and to Brit-ain, London, 1780, 120 p.

A good contemporary account of the whole history of the Savile Act and the resulting Gordon Riots. The author asks for complete toleration for Catholics. (Redpath Collection, McGill University Library)

A Free Address to those who have petitioned for the repeal of the late act of the Parliament in favour of the Roman Catholics, by a lover of peace and truth, London, 1780, 23 p.

The writer asked for a full toleration of Catholics and used as an argument for his position the success of the toleration granted to French Catholics by the Quebec Act. (Redpath Collection, McGill University Library)

Gentlemen's Magazine, London, Vol. 50, issue of 1780. Contains a letter from a Bristol citizen evaluating the relation of Burke's efforts for Catholic tolera-tion and his loss of the election of 1780. (Con-gressional Library, Washington, D.C.)

Historical Manuscripts Commission. Twelfth Report, Appendix, Part X. The Manuscripts and Correspondence of James, First Earl of Charlemont, 2 Vols., Eyre and Spottis-woode, 1891.

Some letters of Burke on Ireland and Catholicism, and the account of Burke's supposed conversion to Cathol-icism are contained here. (Princeton University Library)

Huntington Library Manuscript Collection. Eighteen unpublished letters of Burke were consulted in microfilm copies, but they do not pertain to the subject of study.

BIBLIOGRAPHY

222

Leadbeater Papers (ed. Mary Leadbeater), 2 Vols., London, 1862, Vol. 1, x-416 p.
Prints some Burke, Shackleton correspondence not found elsewhere. Important for understanding early principles on religion and toleration. (New York Public Library)

Leith, William Forbes, Memoirs of the Scottish Catholics during the 17th and 18th Centuries, 2 Vols., London, Longmans Green and Co., 1909.

Another good source for contemporary anecdotes and estimates of Catholicism. Contains excellent account of a diarist at the time of the Savile Act. (Union Theological Library, New York)

A letter to Edmund Burke, Esq., by birth an Irishman, by adoption an Englishman, containing some reflections on Patriotism, Party Spirit, and the Union of Free Nations with observations upon the Means on which Ireland relies for obtaining political independence, Dublin, 1780, 37 p.

A curious open letter to Burke written by an Irishman just before Burke lost the seat from Bristol. The author felt that Burke had betrayed the cause of Ireland by being too pro English. (Microfilm copy from the British Museum)

A Letter to Lord North on his re-election into the House of Commons, by a member of the late Parliament, London, 1780, 47 p.

An example of the liberal Protestant group that sought further relief of the Catholics. (Redpath Collection, McGill University Library)

A Letter to the New Parliament; with hints on some Regulations which the Nation hopes and expects from them, London, 1780, 47 p.

An example of the moderate Protestant reaction that believed it would have been wrong to have repealed the Savile Act during the Riots, but felt that the Parliament should do so. (Redpath Collection, McGill University Library)

London Chronicle or Universal Evening Post, 1778-80.

A contemporary account of Burke's reaction to the crisis of the Gordon Riots; some interesting notes on the Bristol campaign of 1780. (New York Public Library)

BIBLIOGRAPHY

223

Maseres, Francis, Occasional Essays, London, 1809, xvi-607 p.

Describes Burke's efforts before the Quebec Act of 1774 to aid Catholic majority in Canada. (Congressional Library, Washington, D.C.)

Milner, John, Letters to a Prebendary Being an Answer to Reflections on Papacy by Rev. J. Sturges, Baltimore, 1810, ix-400 p.

A contemporary Catholic expression of the gratitude of Catholics to Burke for his parliamentary efforts in their behalf. (New York Public Library)

"The Minute Book of the Catholic Committee," 1773-1792 (edit. R. Dudley Edwards) in Archivium Hibernicum, Vol. 9, 1942, p. 3-172.

Contains the authentic story of the birth of Catholic toleration in Ireland; prints the resolution to render Burke a gift for his work for the Gardiner Act. (New York Public Library)

Musgrove, Richard, Memoirs of the Different Rebelions in Ireland, Dublin, Milliken and Stockdale, 1801, x-636 (Appendix 166) p.

Contains the account of Burke's supposed near conversion to Catholicism at the time of his marriage to Jane Nugent, by one of his contemporaries.

National Library, Dublin Manuscripts.

Three unpublished letters of Burke on the Gardiner Act have been consulted in microfilm copies. (Through courtesy of Director of National Library, Dublin)

Oliver, George, Collections Illustrating the History of the Catholic Religion in the Counties of Cornwall, Devon, Dorset, Somerset, Wilts and Gloucester, London, Dolman, 1857, viii-576 p.

Important for factual proof of how some Catholics held land during penal times in these sectors of England. (Union Theological Library, New York)

"Original Letters of Burke," in New Monthly Magazine, Vol. 16, issue of February, 1826, p. 153-161.

Contains an important letter from Burke to his cousin Garrett Nagle after the Gardiner Act became law. Not found in Correspondence. (Princeton University Library)

BIBLIOGRAPHY

224

Original letters, principally from Lord Charlemont, Edmund Burke, and William Pitt, Earl of Chatham to the Right Hon. Henry Flood, London, 1820, 182 p.

Contains letters from Burke on his early associations with Hamilton and his efforts for Catholicism. (New York Public Library)

Owen, Hugh, Two Centuries of Ceramic Art in Bristol, Gloucester, 1873, xxiv-414 p.

This work prints portions of Burke-Champion correspondence published nowhere else. One letter of 1776 recounts a threat of assassination of Burke because of his religious stand. (New York Public Library)

Parliamentary History of England (edd. W. Cobbett and J. Wright), 36 Vols., London, 1806-20.

Especially valuable for some debates and speeches of Burke on Savile and Gardiner Acts and during Gordon Riots. (New York Public Library)

The Phenomenon or Northern Comet, Proving that all the evils and misfortunes which have befallen this kingdom, from the close of the last glorious war to the present ruinous and disgraceful period originated in one, Sole Individual Person; and tracing the gradations of his scheme for introducing Popery into the British Dominions, London, 1780, 93 p.

The author blamed all the evils in the British Empire on the scheme to introduce Catholic toleration, first in Canada and then at home. Asked for violent destruction of the 'accursed thing'. (Redpath Collection, McGill University Library)

The Pierpont Morgan Library Manuscripts, New York.
An unpublished letter of Burke to Gardiner has been consulted. (Pierpont Morgan Library, New York)

Scots Magazine, Vol. 40, issue of 1778.

Gives some valuable details from a contemporary source on the Scotch Riots of 1778 against Burke's relief act for Scotch Catholics. (Princeton University Library)

Sir Robert Peel Collection of Political Caricatures, Broad-sides, Portraits, Lampoons, etc., Vol. 12.

The twelfth volume contains a number of cartoons and lampoons which refer to Burke's Catholic sympathies. (Pierpont Morgan Library, New York)

BIBLIOGRAPHY

225

Some Reflexions on the Scheme at present adopted by Parliament for giving relief to Roman Catholics, wherein the inexpediency of that measure especially with regard to Scotland is pointed out, by a friend to the Protestant establishment in Church and State, Glasgow, 1778, 22 p.

One of the earliest reactions against Burke's attempt to alleviate Scotch Catholics. The author represents the common Protestant feeling in Glasgow that the penal laws should be left undisturbed on the ground that they affected such a small minority. (Microfilm copy from the British Museum)

The R. B. Adams Library Relating to Dr. Samuel Johnson and His Era, London, Oxford Press, 1929, Volume 1, 703 p.

Prints a number of Burke letters which are unavailable elsewhere. One letter is concerned with the Irish Relief Act and Parliamentary Independence of 1782.

A Review of Mr. Burke's Conduct as the Representative of Bristol in Parliament with Remarks on Dean Tucker's Review of the Services of Lord Nugent, by a citizen, Bristol, 1780, 43 p.

An apologia for Burke which makes no reference to efforts for the Irish or in behalf of Catholics, indicating that his defenders sought to avoid those issues which had made him unpopular with his Bristol constituents. (Rare book room, New York Public Library)

A Serious Answer to Lord George Gordon's Letters to the Earl of Shellburne, London, 1782, 54 p.

Shows that Lord Gordon tried to carry his fight to Ireland against Catholicism when his Riots had failed in England. (New York Public Library)

Town and Country, London, Vol. 6, (1774); Vol. 8-12 (1778-82)

Contains some contemporary references to Burke's Catholic sympathies and of his efforts in behalf of toleration. (New York Public Library)

"Unpublished Correspondence of Burke, Grattan and others, with Edmund Sexton Pery, Viscount Pery" in Irish Monthly, Vol. 6, issue of March 1878, p. 181-202.

Contains letters from Burke, Pery, Gardiner and Curry which pertain to the Gardiner Act. Not found in the Correspondence. (Princeton University Library)

BIBLIOGRAPHY

226

A Warning to English Protestants on occasion of the more than ordinary growth of Popery, London, 1780, 95 p.

A reprint of older anti papal tracts dating from 1680 published in 1780 to warn the English Protestant what they might expect should the Catholics gain full toleration. (Redpath Collection, McGill University Library)

Watson, Robert, The Life of Lord George Gordon, with a Philosophical Review of His Political Conduct, London, 1795, 137 p.

A contemporary life of George Gordon by one of his associates. Describes relationship between Gordon and Burke. (New York Public Library)

Wecter, Dixon, "Four Unpublished Letters from Boswell to Burke," in Modern Philology, Vol. 36, issue of August, 1938, p. 47-58.

One of these letters published from the Wentworth Papers is important for the anti-Catholic riots in Edinburgh in 1779 and its relation to Burke.

Wentworth Woodhouse Papers, Sheffield Central Library, England.

A number of unpublished letters between Burke and Irish parliamentary leaders, concerning the Gardiner Relief Acts of 1778 and 1782, and unpublished notes of Burke on the Scotch and Gordon Riots have been consulted. (Microfilm copies from Sheffield Library)

SECONDARY SOURCES

Abbott, Claude Coleer, A Catalogue of Papers relating to Boswell, Johnson and Sir William Forbes, at Fettercairn House, Oxford, University Press, 1936, 257 p.

Lists and describes eight of Burke's letters to Boswell in the unpublished Fettercairn Papers. One of the letters refers to anti-Catholic riots of 1779 in Edinburgh and Burke's part in the affair.

Amherst, W. J., The History of the Catholic Emancipation (1771-1820), 2 Vols., London, Kegan Paul, Trench & Co., 1866.

Old but standard history of the Emancipation movement. Makes only general references to Burke's efforts for English and Irish Catholics.

BIBLIOGRAPHY

227

Arnold, Thomas, "Challoner" in Month, Vol. 73, issue of January 1880, p. 59-68.

Short study of Bishop Challoner and his fears of disturbing the state of Catholics by repealing penal code.

Barker, Ernest, Burke and Bristol, Bristol, J. W. Arrowsmith, 1931, 131 p.

This study is penetrating but it minimizes the religious question in the loss of Burke's seat at Bristol in 1780.

Bellesheim, Alphons, History of the Catholic Church in Scotland, 4 Vols., Edinburgh, Blackwood, 1890.

Rather complete study of the background to the anti-Catholic riots in Edinburgh in 1779 but makes no reference to Burke.

Belsham, Thomas, Memoirs of the Late Reverend Theophilus Lindsey, M.A., London, 1812, xxiii-544 p.

Gives a contemporary description of Burke's religious principles on toleration during the debate of 1773 on toleration for Dissenters. Author felt Burke's principles were Catholic enough to make him sound "like a Jesuit." (Congressional Library, Washington, D.C.)

Benincasa, Luigi, Edmund Burke and the Quebec Act of 1774, unpublished Master's thesis, Fordham University, New York, 1950, 66 p.

The portion of the thesis that studies the religious element of the Quebec Act is relevant to the understanding of Burke's principles on toleration and Catholicism.

Bibliography of British History, The Eighteenth Century, 1714-1789, (edd. by Stanley Pargellis and D. J. Medley), Oxford, Clarendon Press, 1951, xxvi-642 p.

Excellent for source material of the whole century. Makes reference to projected index of the correspondence of Burke in the various published works, and archives in the world.

Brady, William Maziere, Episcopal Succession in England, Scotland and Ireland 1400-1875, 3 Vols., Rome, 1877.

An older study of the hierarchy of England and Ireland based upon contemporary sources, many of which have been destroyed or are unavailable.

BIBLIOGRAPHY

228

Brichel, A. G., "Cardinal Newman and Edmund Burke," in Catholic World, Vol. 109, issue of August, 1919, p. 637-645.

Shows an amazing similarity in the thought, expression and careers of Burke and Newman. Important for understanding why Burke is often misunderstood by eclectic quotations.

Bristol Bibliography: A Catalogue of the Books, Pamphlets, Collectanea, etc., relating to Bristol, Contained in the Central Reference Library, (ed. E. R. Norris Matthews), Bristol, 1916, 404 p.

Among its listings are some pertinent items referring to Burke during his representation of the city of Bristol.

Brown, Baldwin James, An Historical Account of the Laws Against the Catholics, London, 1813, 213 p.

A summary of the history of the penal laws written before final Emancipation. Valuable for extensive quotations from original documents.

Burke's Politics, (edd. Ross J. S. Hoffman and Paul Levack), New York, Alfred A. Knopf, 1949, xxxvii-536 p.

An excellent anthology of Burke's writings and speeches grouped around the leading ideas and issues of his political life. Each section is preceded by a good editorial comment and analysis. The thirty-seven page introduction is the best short estimate of the importance of Burke's thought by two of the leading American Burke scholars.

Burke's Speeches at Bristol, (ed. Edward Bergin), New York, American Book Co., 1916, 198 p.

Gives the complete text of Burke's Bristol speech of 1780 and has a good introduction and commentary. Sees the Catholic question as the main reason for the rejection of Burke by the Bristol electors in 1780.

Bryant, Donald Cross, Edmund Burke and his literary friends, Washington University Studies, St. Louis, 1939, xii-323 p.

Helps in understanding early career of Burke in England and also his later relations to Johnson and Boswell.

BIBLIOGRAPHY

229

Bryant, Donald Cross, "Edmund Burke, New Evidence, Broader View," in Quarterly Journal of Speech, Vol. 38, issue of December, 1952, p. 435-445.

Describes the importance of the O'Hara-Burke correspondence as well as the Wentworth collection at Sheffield. Gives some examples of Burke's speech from them.

Butler, W. F., "What Catholic Emancipation Meant," in Dublin Review, Vol. 184, issue of May, 1919, p. 194-205.

Short description of Catholic life and restrictions upon it before the final Emancipation of 1829. Act of 1778 and 1782 understood as important for the inception of Act of 1829.

Butterfield, Herbert, George III, Lord North and the People, London, G. Bell, 1949, xi-407 p.

A study of extra-parliamentary action in the age of George III. Important chapters on Gordon Riots and Irish movement for religious and political improvement in 1779.

Burton, Edwin, The Life and Times of Bishop Challoner 1691-1781, 2 Vols., London, Longmans Green & Co., 1909.

The classic and definitive history of Challoner and his age. Best single study for background and efforts of Burke in the Savile Act of 1778. Quotes heavily from otherwise unavailable sources and archives.

Cobban, Alfred, Edmund Burke and the Revolt Against the Eighteenth Century, New York, Macmillan, 1929, 280 p.

Shows how Burke, in running against the common views of his century, returned to the traditional western concepts of the natural law and of religion, and the relation of both to the well being of the State.

Colson, Percy, The Strange History of Lord George Gordon, London, Robert Hale and Co., 1937, xix-286 p.

An attempt to justify the Riots in light of the traditional English fear of Papists. Author betrays an abnormal anti-Catholic prejudice.

Compendium of Irish Biography (ed. Alfred Webb), Dublin, M. H. Gill, 1878, xix-598 p.

Contains good outline of the lives of Irish leaders in the age of Burke. Details on some of the lesser known personages are unavailable elsewhere.

BIBLIOGRAPHY

230

Cone, C. R., "Burke's Library" in Bibliographical Society of American Papers, Vol. 44, No. 2, issue of April, 1950, p. 153-172.

A study of Burke's library which helps in ascertaining some of the traditional Christian and Classic authors that help to mould Burke's thought.

Copeland, Thomas W., Our Eminent Friend Edmund Burke, New Haven, Yale University Press, 1949, ix-251 p.

A group of essays by one of the outstanding literary experts on Burke. His essays on the relation of Burke to the Annual Register, and his pages on the Catholic question in Burke's career are valuable.

- - - - - , "Problems of Burke's Letters," in Proceedings of the American Philosophical Society, Vol. 94, No. 4, issue of August 25, 1950, p. 357-361.

A helpful article by the man who has been commissioned by the Carnegie Foundation to edit the correspondence of Burke. Gives brief indication of the many books and articles wherein some of Burke's letters have been printed.

Corcoran, Rev. T., S.J., "Catholic Education during the penal times," in Catholic Emancipation Centenary Review (edited by Myles V. Ronan), Literary Committee, Dublin, 1929, p. 44-49.

A short but descriptive survey of Catholic education in the penal times of Ireland.

Cordasco, Francesco, Edmund Burke: A Handlist of Critical Notices and Studies, (18th century Bibliographical Pamphlets No. 12), New York, Long Island University Press, 1950, iii-12 p.

Has 106 entries; only such bibliography available but is very incomplete.

Coupland, Reginald, The Quebec Act: A Study in Statesmanship, Oxford, University Press, 1925, iv-224 p.

The most complete study of the Quebec Act giving a good study of the religious elements involved and Burke's reasoning on the whole Act.

Creed, J. M. and Smith, J. Boys, Religious Thought in the Eighteenth Century, Cambridge, 1934, xi-301 p.

A survey of religious thought in Burke's century heavily documented from contemporary writing.

BIBLIOGRAPHY

231

Crowley, Sister Patricia José, "Burke and Scholasticism" in the New Scholasticism, Vol. 28, No. 2, issue of April, 1954, p. 170-185.

Shows the many religious, moral and political ideas of Burke that stem from the Medieval scholastics.

DeCastro, J. Paul, The Gordon Riots, Oxford, University Press, 1926, xiv-279 p.

The most complete study of the Gordon Riots. Not as valuable for the religious elements involved as might be expected. Little reference to Burke's part in it.

Dictionary of National Biography (ed. Sidney Lee), 63 Vols., London, Smith Elder & Co., 1885-1900.

Valuable for information on many of the persons connected with the Savile and Gardiner Acts.

Einaudi, Mario, "British Background of Burke's Political Philosophy," in Political Science Quarterly, Vol. 49, issue of December, 1934, p. 576-598.

A good study of the English political and theological writers and thinkers who influenced the thought of Burke.

- - - - - , Edmondo Burke e l'indirizzo Storico nelle scienze politiche, Torino, 1930, 116 p.

A study of the philosophy of history as developed in the writings of Burke. Pages 74-78 are very valuable, showing the importance of religion in the principles of Burke.

George, Mary Dorothy, Catalogue of Political and Personal Satires Preserved in the Department of Prints and Drawings in the British Museum, Vol. V (1771-83), xxxix-852 p.

A painstaking reference work that lists and describes the political cartoons of the British Museum. Many of them pertain to Burke and those that lampoon the Catholic sympathies of Burke are most enlightening.

Gillow, Joseph, A Literary and Biographical History or a Bibliographical Dictionary of English Catholics from the Break with Rome in 1532 to the Present Time, 5 Vols., London, Burns and Oates, 1885.

Very complete biographical and bibliographical references to some of the lesser known persons connected with Burke and the Savile Act.

BIBLIOGRAPHY

232

Gordon, J. F., The Catholic Church in Scotland from the Suppression of the Hierarchy till the Present Time being Memorabilia of the Bishops, Missioners and Scotch Jesuits, Glasgow, John Tweed, 1869, 572 p.

Gives a good account of the whole movement for relief of the Scotch Catholics in 1778-79 and the part played by Burke in it. The author quotes a letter which seems to have been directed to Burke. (Immaculate Conception Seminary Library, Darlington, N.J.)

"Gordon Riots," in Dublin Review, Vol. 72, issue of April, 1873, p. 381-401; Vol. 73, issue of July, 1873, p. 50-67.

A study from a Catholic viewpoint which stresses the religious factors that were involved.

Grattan, Henry, Memoirs of the Life and Times of the Rt. Hon. Henry Grattan, 5 Vols., London, 1849, Henry Colburn, Vol. 2, 455 p.

Very helpful for an understanding of the background of the end of the penal code in Ireland and the close connection between the religious and constitutional freedoms sought by the Irish.

Gwynn, Denis, Bishop Challoner, London, Douglas Organ, 1946, 256 p.

The most recent study of the life and times of Bishop Challoner. Makes many references to the efforts made by Burke for English and Scotch Catholics. Not as valuable as it might be since it has little documentation.

- - - - - , The Struggle for Catholic Emancipation, 1750-1829, London, Longmans Green, 1928, xxiv-290 p.

A good survey of the whole movement for Catholic Emancipation; especially helpful because it stresses the Irish aspect of the struggle.

- - - - - , "To the Beginners the Glory: Edmund Burke and Catholic Emancipation" in Catholic World, Vol. 128, issue of 1929, p. 385-396.

One of the few studies of Burke's relation to the movement for Catholic Emancipation. Sees his political career hurt by Catholic question.

Hallam, Henry, The Constitutional History of England, 2 Vols., New York, A. C. Armstrong, 1893.

Good for the understanding of the Penal Code against Catholics in the framework of English constitutional and legal history.

BIBLIOGRAPHY

233

Hexter, J. B., "The Protestant Revival and the Catholic Question 1778-1829," in Journal of Modern History, Vol. 8, issue of September, 1936, p. 297-319.

Shows the repercussions of the Catholic emancipation movement upon English Protestant sects. Discusses relation of Wesley to Gordon Riots.

Hoffman, Ross J. S., "The Wentworth Papers of Burke, Rockingham, and Fitzwilliam" in Proceedings of the American Philosophical Society, Vol. 94, issue of 1950, p. 353-356.

A report on the various letters pertaining to Burke and his associates as contained in the Sheffield Library by one who is one of America's foremost Burke scholars.

Hudson, Wilson M., An Index to the Works of Edmund Burke, unpublished doctoral thesis, University of Chicago, 1947, 460 p.

An analytical index of the leading ideas as found in the works of Edmund Burke. Such entries as, Catholics, Providence, religion and toleration helpful to this study.

Hughes, Philip, The Catholic Question 1688-1829, New York, Benziger, 1929, 334 p.

A history of the political and social importance of the Catholic question from the Glorious Revolution to Emancipation. Shows little appreciation for principles and motives of Burke in field of religious toleration.

Hunt, William, Bristol, London, Longmans Green, 1895, 230 p.

One section of the book (p. 190-206), is devoted to a study of Burke's relationship to Bristol during the years of 1774-1780.

Johnson, Lionel, "The Gordon Riots" in Month, Vol. 78, issue of May, 1893, p. 60-76.

Short but good study of Gordon Riots. Feels that Burke's defense of Catholic relief in Gordon Riots was chief reason for his loss of Bristol seat in election of 1780.

BIBLIOGRAPHY

234

Kennedy, Duncan MacFarlan, The Political Philosophy of Edmund Burke with Special Reference to the Natural Law, unpublished doctoral thesis, New York, New School for Social Research, iii-129 p.

Shows how important traditional concept of natural law was in the political thought of Burke. Traces similarity of his thought to that of Aristotle and Aquinas.

[no date] Kerr, Cecil, Bishop Hay, London, Sheed and Ward, 175 p.

Bishop Hay was leader of Scotch Catholics at inception of Savile Act and during Scotch Riots of 1779. Author describes work of Burke in behalf of Scotch Catholics but unfortunately, there is little documentation.

Latimer, John, The Annals of Bristol in the Eighteenth Century, 1893, Bristol, 550 p.

Important for evaluating the importance of Protestant bias against Burke in the election of 1780.

Kirk, Russell, "The Anglican Mind of Edmund Burke" in The Church Quarterly, Vol. 153, issue of October, 1953, p. 470-487.

Good analysis of the traditional and Christian basis of Burke's thought and of his special veneration for the Anglican Church.

- - - - - , The Conservative Tradition, Chicago, Henry Regnery Co., 1953, 458 p.

In his chapter on Burke (p. 11-61) he stresses the religious and moral foundations of his conserving principles.

Lecky, William, A History of England in the Eighteenth Century, 7 Vols., London, Longmans Green and Co., 1892.

Old but still the best history of the century. Balanced, objective, based heavily on documents and state papers. Has good section on Burke.

- - - - - , A History of Ireland in the Eighteenth Century, 5 Vols., London, Longmans Green and Co., 1892.

Best and most complete history of Ireland for this century. Has a very good treatment of the religious question, and the background of the Gardiner Act in Ireland.

BIBLIOGRAPHY

235

Levack, A. Paul, "Edmund Burke, His Friends, and the Dawn of Irish Catholic Emancipation" in The Catholic Historical Review, Vol. 37, No. 4, issue of January, 1952, p. 385-414.

A good documentary study of Burke's efforts in behalf of the first Irish relief Bill for Catholics in 1778, based upon manuscript evidence.

Macdonald, G., "Gordon Riots," in Dublin Review, Vol. 179, issue of July, 1931, p. 14-32.

More recent study of Gordon Riots making use of evidence unavailable formerly.

MacKnight, Thomas, History of the Life and Times of Edmund Burke, 3 Vols., London, 1858.

Perhaps the best life of Burke for evidence of his efforts in behalf of Catholics. Considers appreciation of Catholicism as one of keys to the understanding of the subject.

MacSweeney, Joseph, "Edmund Burke," in Irish Ecclesiastical Review, Vol. 14, issues of July, 1919, p. 231-241; December, 1919, p. 299-307.

Gives good insight into the political principles of Burke, but has surprisingly little to say about his religious principles and efforts.

Magnus, Philip, Edmund Burke, London, J. Murray, 1939, xiii-367 p.

The most recent life of Burke. Its value lies in the fact that it studies Burke as an Irishman and makes use of the Wentworth Papers.

- - - - - , "Edmund Burke" in Oriel Review, Vol. 1, issue of 1943, p. 117-124.

A good article by Burke's most recent biographer, stressing his efforts in behalf of Catholics, and preceded by an interesting letter on the same.

Mahoney, Thomas D., Edmund Burke and Ireland, unpublished doctoral thesis, Washington, D.C., George Washington University, 1944, iv-262 p.

The whole career of Burke studied in relation to Ireland. Well documented but covers too much to be of great value.

BIBLIOGRAPHY

236

Mathew, David, Catholicism in England 1535-1935, London, Longmans Green and Co., 1936, x-295 p.

Very thoughtful study. Gives good insight to clash of laymen and hierarchy in early period of movement for toleration.

McDowell, R. B., Irish Public Opinion 1750-1800, London, Taber and Taber, Ltd., 1944, 306 p.

A study of Irish public opinion based upon contemporary pamphlet and periodical literature. Valuable because it quotes copiously from primary sources and has an excellent chronological listing of religious and political pamphlets dealing with the years of this study.

Metzger, Reginald, The Quebec Act; A Primary Cause of the American Revolution, U.S. Catholic Historical Society Publications, Vol. 16, New York, 1936, x-223 p.

Early chapters helpful because they study the religious implications of the Quebec Act.

Millar, Moorehouse F. X., "Burke and the Moral Basis of Political Liberty," in Thought, Vol. 16, issue of March, 1941, p. 79-102.

An excellent study of the Christian and rational basis of Burke's thought. Important for an understanding of his principles on religious toleration.

Murray, Robert H., Edmund Burke, Oxford, University Press, 1931, viii-483 p.

The most complete of the modern biographies of Burke. Heavily documented but unfortunately many of the references of dates and volumes are incorrect.

O'Brien, John E., Edmund Burke and the Beginning of Catholic Emancipation in England, 1778-80, unpublished master's thesis, New York, Fordham University, 1950, iii-63 p.

A study of Burke's efforts in Savile Act and defense of Catholic relief in Gordon Riots. Restricted to years 1778-80 and to England.

O'Brien, William, Edmund Burke as An Irishman, Dublin, M. H. Gill, 1924, xiv-317 p.

A book which has to be used carefully. It has some valuable chapters on the efforts of Burke in the cause of Irish Catholics. Many of the author's conclusions, however, are colored by dated political prejudices. The whole suffers from lack of any documentation.

BIBLIOGRAPHY

237

O'Connor, John, Catholic Revival in England, New York, Macmillan, 1942, viii-102 p.

A short survey but contains a rather full description of the immediate background of the Savile Act.

O'Connor, Matthew, The History of the Irish Catholics from the Settlement in 1691 with a view on the State of Ireland from the Invasion of Henry II to the Revolution, Dublin, Stockdale, 1813, xxix-333 p.

Old Catholic history; good for his own period in the end of the eighteenth century; recounts efforts of Burke for Catholics as Hamilton's Secretary.

Orton, William, The Liberal Tradition, New Haven, Yale University Press, 1946, xiv-317 p.

Thoughtful study of the true Christian liberal tradition of the west. Places the religious and moral principles of Burke in this tradition in p. 8-12; 96, 110, 124, 223.

O'Shea, John J., "Some Reflections on Edmund Burke's Centenary," in American Catholic Quarterly Review, Vol. 22, issue of October, 1897, p. 517-530.

A centenary study of Burke's principles, some of which deal with his efforts in field of religious toleration.

Overton, John and Relton, Frederick, English Church from Accession of George I to the End of the Eighteenth Century, London, Macmillan, 1906, xvii-374 p.

Covers the period of this study in the standard Anglican history of the English Church. Has some valuable pages on Burke, as an apostle of toleration.

Petre, Maud, The Ninth Lord Petre, London, Society for the Propagation of Christian Knowledge, 1928, 247 p.

The life of the first president of the English Catholic Committee. Helps in understanding early days of Catholic relief in England between 1778-80.

Plowden, Francis, An Historical Review of the State of Ireland, from the invasion of that country under Henry II to its union with Great Britain on the 1st of January, 1801, 2 Vols., London, Fegerton, 1803.

Very good for analysis and description of Irish political life in the period of Burke's efforts for Catholic relief.

BIBLIOGRAPHY

238

Pollen, John Hungerford, Sources for the History of Roman Catholics in England, Ireland and Scotland, London, Society for the Propagation of Christian Knowledge, 1921, v-47 p.

A valuable bibliographical aid for the whole period indicating some of the available works pertaining to this study.

Power, J. O'Connor, "Edmund Burke and his Abiding Influence," in North American Review, Vol. 116, issue of December, 1897, p. 666-681.

An evaluation of Burke and his principles on the centenary of his death.

Prior, James, Life of the Right Honourable Edmund Burke, London, Bell & Dudley, 1867, xxx-545 p.

Most valuable of the older biographies of Burke. Does not give too much attention to the Catholic question, but prints some Burke letters unavailable elsewhere.

"Review of the Works of Edmund Burke" in Dublin Review, Vol. 34, issue of March, 1853, p. 67-71.

This review of the Works of Burke stresses the Catholic sympathies of his thinking and actions.

Richard Challoner 1691-1781, Westminster, 1946, 55 p. A recent series of essays on the life and times of Bishop Challoner. Those by David Matthew and Gordon Wheeler are helpful.

Samuel, A. P. I., The Early Life, Correspondence and Writings of Right Honorable Edmund Burke, Cambridge, University Press, 1923, 418 p.

Very valuable study of the early portion of Burke's life. Uses and prints previously unpublished Minute Book of the Historical Society, and the Reformer. Helps to establish earliest religious influences in Burke's career. Advanced theory of Burke's support of Charles Lucas.

Somerset, H. V. F., "Burke's Eloquence and Hansard's Reports," in English Review, Vol. 52, issue of March, 1931, p. 342-50.

Shows where a second source is available that Hansard does not do justice to the thought and oratory of Burke.

BIBLIOGRAPHY

239

Somerset, H. V. F., "Edmund Burke as a Letter Writer," in Nineteenth Century and After, Vol. 140, issue of August, 1946, p. 94-7.

A study of the importance of Burke's correspondence and how it reveals his human qualities.

- - - - - , "New Light on Edmund Burke" in Discovery, Vol. 12, issue of December, 1932, p. 396-7.

Uses some previously unpublished letters to show how Burke obtained his first seat in Parliament from Lord Verney to represent Wendover.

Stebbins, Calvin, "Edmund Burke, His Services as Agent of the Province of New York," in Proceedings of the American Antiquarian Society 1893, Worcester, 1894, Vol. 9, p. 89-101.

Helpful in understanding Burke's knowledge of New York as manifested in the discussions surrounding the Quebec Act of 1774.

Stephen, Sir Leslie, History of English Thought in the Eighteenth Century, 2 Vols., New York, Putnam, 1927.

Old but standard study of eighteenth century thought gives substantial section to estimate of Burke. Reflects nineteenth century disregard for natural law which mars his understanding of one of the foundations of Burke's thought.

Stockley, William L. P., "Burke on Religion and the Church," in American Catholic Quarterly Review, Vol. 31, issue of January, 1906, p. 61-80.

A study of the relation of religion and the Church to the common good and as a foundation of the state. **One of the very few** direct studies on the topic of thesis.

Stoughton, John, Religion in England under Queen Anne and the Georges, 1702-1800, 2 Vols., London, Holder and Stoughton, 1878.

A general religious study of the period in which Burke lived. Sees the Catholic Movement in which Burke participated as a part of the century's attitude toward toleration.

Sykes, Norman, Church and State in England in the 18th Century, Cambridge, University Press, 1934, xi-455 p.

The perennial problem as manifested in the theological and polemical writings of Burke's age. Burke himself was familiar with much of this literature.

BIBLIOGRAPHY

240

Timbs, John, Anecdote Biography: William Pitt, Earl of Chatham and Edmund Burke, London, Bently, 1862, 392 p.
Records anecdotes about Burke, some of which pertain to his Catholic sympathies.

Trappes-Lomax, Michael, Bishop Challoner, London, Longmans Green and Co., 1936, vii-285 p.
A shorter life of Challoner which is an abridgement of the less available work of Burton.

Vincitorio, Gaetano L., "Edmund Burke and Charles Lucas" in P.M.L.A., Vol. 68, No. 5, issue of December, 1953, p. 1047-1055.

A refutation of the Samuels' theory that the young Burke was a political supporter of the anti-Catholic Irish patriot, Charles Lucas.

Ward, Bernard, The Dawn of the Catholic Revival in England, 2 Vols., London, Longmans Green and Co., 1909.
The classic study of English Catholicism before the Savile Act. Helps in understanding the significance of the early relief advocated by Burke.

Weare, George E., Edmund Burke's Connection with Bristol from 1774 until 1780, with a Prefatory Memoir of Burke, Bristol, William Bennett, 1894, xviii-174 p.
Very valuable for first election of Burke to Bristol in 1774. Quotes copiously from contemporary newspapers and broadsides, many of which give understanding of importance of Catholic question in political career of Burke. (The only copy in America of this rare book was consulted in the Congressional Library, Washington, D.C.)

Wecter, Dixon, "Burke's Prospective Duel" in Notes and Queries, Vol. 174, issue of March, 1938, p. 186-7; 296-7.
An account based upon notes in the Wentworth Papers of Burke's prospective duel with Alexander Wedderburne who was later to help him in the Gardiner Relief Act.

- - - - - , Edmund Burke and His Kinsmen: A Study of the Statesman's Financial Integrity and Private Relationships, Colorado, University of Colorado Studies, Series B, Vol. 1, No. 1, 1939, 113 p.

In the early chapters of this very detailed work, Wecter gives some valuable indications of the Catholic sympathies of Burke in his full footnotes.

BIBLIOGRAPHY

241

Wecter, Dixon, "The Missing Years in Edmund Burke's Biography" in P.M.L.A., Vol. 53, issue of December, 1938, p. 1102-1125.

Quotes freely from an unpublished notebook of Burke from the Wentworth Papers. Notes some of Burke's early attitudes toward religious tolerance and Catholicism.

Woehl, Arthur Lensen, Burke's Reading, unpublished doctoral dissertation, Cornell University, 1928, v-265 p. Shows Burke's great familiarity with the Bible and with many of the traditional Christian writers of the west.

Works Relating to the City of Bristol, Vol. 3 of, The Bibliographer's Manual of Gloucestershire Literature, (edd. Francis Hyett and William Bazeley), Gloucestershire, 1895, 378 p.

Lists a number of pamphlets and broadsides issued for or against Burke during the years of 1774-1780, when Burke was the Bristol representative.

APPENDIX 1

BURKE AND THE LUCAS PAMPHLET CONTROVERSY

Charles Lucas (1713-1771)¹ was a Dublin apothecary who engaged himself in a good deal of the political life of Dublin in the middle period of the eighteenth century. In August of 1748 shortly after Burke graduated from Trinity, one of the Dublin representatives to the Irish House of Commons died. Lucas sought the seat and in his efforts to obtain it he wrote a number of pamphlets addressed to the people of Dublin. His many promises such as one to make the Irish parliament independent of England, occasioned a very vigorous pamphlet warfare from his adherents and enemies. He made a special appeal to the Protestants of Ireland who were not members of the Established Church and he was very intolerant of Catholics.

The oldest biographers of Burke like Bisset² and Prior³ ascribe some of the anti-Lucas pamphlets to Burke. Arthur Samuels died before he had finished his book on the

1. For some details see, John Crone, A Concise Dictionary of Irish Biography, Dublin, Talbot Press, 1928, p. 127; also D.N.B., Vol. 34, p. 231.

2. Robert Bisset, Life of Edmund Burke, London, 1800, Vol. 1, p. 28.

3. James Prior, op. cit., p. 30, 31.

early life of Burke, but he had gathered materials and indicated the broad outlines of conclusions which his father drew up in an appendix.⁴ His conclusion which was just the opposite of the older one, was that Burke did not write against Lucas but actually under the name of the "Free Briton" wrote a series of pamphlets in favor of Lucas and of the principles that he advocated in his campaigning for the seat in the House of Commons.⁵ His main argument is that the matter and style of the "Free Briton" pamphlets are similar to the later political thought and expression of Burke. The majority of Burke's modern biographers accept the theory of Samuels that Burke wrote on the side of Lucas. Typical of those who follow him are O'Brien,⁶ Murray,⁷ Magnus,⁸ and Mahoney.⁹

That Burke would write on the side of Lucas in 1748 is surprising because it would be in direct opposition to his sympathy with Catholics and to his principles on religious toleration which had been expressed even at that early date. Murray and Magnus see this inconsistency as the expression of

4. Arthur P. I. Samuels, op. cit., p. 331-395.

5. Ibid., p. 180-202.

6. William O'Brien, op. cit., p. 37-42.

7. Robert Murray, op. cit., p. 45-48.

8. Philip Magnus, op. cit., p. 7-8.

9. Thomas D. Mahoney, Edmund Burke and Ireland, unpublished doctoral thesis, George Washington University, Washington, D.C., 1944, p. 2.

APPENDIX 1

244

a young writer who allows his feelings to get the better of his principles. Others like O'Brien ignore the inconsistency and see only the glory of Burke in speaking out for one whom he feels is a "precursor of Irish independence."¹⁰

In 1953 Vincitorio arrived at the older conclusion of the earlier biographers of Burke, namely that he was not the author of any extant pamphlets favoring the principles of Lucas.¹¹ He shows that a study of the content and style of the "Free Briton" pamphlets reveals far more dissimilarities than similarities. At the time they were written Burke showed great interest in literature and philosophy and religion in his sincere correspondence with Shackleton. But in all his writings up to around 1750 Burke reveals no more than a passing interest in politics. Even more difficult to reconcile is the Catholic sympathy and religious toleration of the Shackleton letters with the intolerant anti-Catholic bias of the "Free Briton" and Lucas.

The most devastating blow to the Samuels theory, however is the recently discovered Burke-O'Hara Correspondence.¹²

10. William O'Brien, op. cit., p. 41.

11. Gaetano L. Vincitorio, "Edmund Burke and Charles Lucas," in Publications of the Modern Language Association of America, Vol. 68, No. 5, issue of December, 1953, p. 1047-1055.

12. For a brief description of these letters see, Donald Cross Bryant, "Edmund Burke, New Evidence, Broader View," in, Quarterly Journal of Speech, Vol. 38, issue of December, 1952, p. 436-445.

APPENDIX 1

245

Shortly before his untimely death, Arthur Samuels had made arrangements to see the correspondence. Had he been able to view the letters he would have discovered that Burke was openly hostile to the opinions and methods of Lucas. Vincitorio who had access to microfilms of the correspondence quotes the following from Burke to O'Hara dated July 3, 1761:

I own I am somewhat out of humour with patriotism; and can think but meanly of such publick spirit as like the fanatical spirit banishes common sense; I do not understand that spirit which would raise such hackneyed pretenses and such contemptible talents as those of Dr. Lucas to such great consideration not only with the mob but . . . among many of rank and figure . . . he will give them reason to repent it.¹³

And again on July 10, 1761:

If the latter mountebank Lucas should now descend from his stage it would be of great service to his character . . . his medical quackery will cover the blunders of his political.¹⁴

For all of these reasons it would almost seem certain that Burke could hardly have been the author of any pamphlets favoring Lucas and thus the consistency of his views on Catholicism and religious toleration are maintained.

13. Burke-O'Hara Correspondence quoted by Vincitorio, op. cit., p. 1053.

14. Ibid., p. 1054.

APPENDIX 2

PETITION TO THE KING IN 1778 FROM THE CATHOLICS
OF IRELAND WRITTEN BY EDMUND BURKE.¹

To the King's most excellent majesty, The humble
Address and petition of the Roman Catholics in Ireland.
Most Gracious Sovereign,

We your majesty's most dutiful subjects, the Roman Catholics of your kingdom of Ireland, with hearts full of loyalty, but overwhelmed with affliction, and depressed by our calamitous and ruined circumstances, beg leave to lay at your majesty's feet some small part of those numerous and insupportable grievances under which we have long groaned, not only without any act of disobedience, but even without murmur or complaint; in hopes that our inviolable submission, and unaltered patience under those severe pressures, would fully confute the accusation of seditious principles, with which we have been unfortunately and unjustly charged.

We are deeply sensible of your majesty's clemency in moderating the rigorous execution of some of the laws against

1. The full text of Burke's petition is only found in the old work of John Curry, An Historical and Critical Review of the Civil Wars in Ireland from the Reign of Queen Elizabeth to the Settlement under King William with the state of the Irish Catholics from the Settlement to the Relaxation of the Popery Laws in the Year 1778, London, Vol. 2, p. 287-293.

APPENDIX 2

247

us but we humbly beg leave to represent, that several, and those the most severe and distressing of these laws, execute themselves with the most fatal certainty, and that your majesty's clemency cannot, in the smallest degree interpose for their mitigation, otherwise your Roman Catholic subjects would most cheerfully acquiesce in that recourse, on your majesty's princely generosity, and your pious regard to the rights of private conscience.

We are, may it please your majesty, a numerous and very industrious part of your majesty's subjects, and yet by no industry, by no honest endeavors on our part, is it in our power to acquire or to hold, almost any secure or permanent property whatsoever; we are not only disqualified to purchase, but are disabled from occupying any land even in farm, except on a tenure extremely scanty both in profit and in time; and if we should venture to expend anything on the melioration of land, thus held, by building, by inclosure, by draining, or by any other species of improvement, so very necessary in this country; so far would our services be from bettering our fortunes, that these are precisely the very circumstances, which as the law now stands, must necessarily disqualify us from continuing these farms, for any time in our possession.

Whilst the endeavors of our industry are thus discouraged, (no less, we humbly apprehend, to the detriment of

APPENDIX 2

248

the national prosperity and the diminution of your majesty's revenue, than to our particular ruin) there are a set of men, who instead of exercising any honest occupation in the commonwealth, make it their employment to pry into our miserable property, to drag us into the courts, and to compel us to confess on our oaths, and under the penalties of perjury, whether we have in any instance acquired a property in the smallest degree exceeding what the rigors of the law has admitted; and in such cases the informers, without any other merit than that of their discovery, are invested (to the daily ruin of several innocent, industrious families) not only with the surplus in which the law is exceeded, but in the whole body of the estate, and interest so discovered, and it is our grief that this evil is likely to continue and increase, as informers have, in this country, almost worn off the infamy, which in all ages and in all other countries have attended their character, and have grown into some repute by the frequency and success of their practices.

And this, most gracious sovereign, though extremely grievous, is far from being the only or most oppressive particular, in which our distress is connected with the breach of the rules of honor and morality. By the laws now in force in this kingdom, a son, however undutiful or profligate, shall merely by the merit of conforming to the established religion, deprive the Roman Catholic father of that free and

full possession of his estate, that power to mortgage or otherwise dispose of it, as the exigencies of his affairs may require; but shall himself have full liberty immediately to mortgage or otherwise alienate the reversion of that estate, from his family for ever; a regulation by which a father, contrary to the order of nature, is put under the power of his son, and through which, an early dissoluteness is not only suffered but encouraged, by giving a pernicious privilege, the frequent use of which, has broken the hearts of many deserving parents, and entailed poverty and despair, on some of the most ancient and opulent families in this kingdom.

Even when the parent has the good fortune to escape this calamity in his lifetime, yet he has at his death, the melancholy and almost certain prospect of leaving neither peace nor fortune to his children; for by that law, which bestows the whole fortune on the first conformist, or on non-conformity, disperses it among the children; incurable jealousies and animosities have arisen; a total extinction of principle and of natural benevolence has ensued; whilst we are obliged to consider our own offspring and the brothers of our own blood, as our most dangerous enemies; the blessing of providence on our families, in a numerous issue, is converted into the most certain means of their ruin and depravation: we are, most gracious sovereign, neither permitted to enjoy the few broken remains of our patrimonial inheritance, nor by our

APPENDIX 2

250

industry to acquire any secure establishment to our families.

In this deplorable situation let it not be considered, we earnestly beseech your majesty, as an instance of presumption or discontent, that we thus adventure to lay open to your majesty's mercy, a very small part of our uncommon sufferings; what we have concealed under a respectful silence, would form a far longer, and full as melancholy a recital; we speak with reluctance though we feel with anguish; we respect from the bottom of our hearts that legislation under which we suffer; but we humbly conceive it is impossible to procure redress without complaint or to make a complaint, that by some construction may not appear to convey blame; and nothing, we assure your majesty, should have extorted from us even these complaints, but the strong necessity we find ourselves under of employing every lawful humble endeavor, lest the whole purpose of our lives and labors should prove only the means of confirming to ourselves, and entailing on our posterity, inevitable beggary, and the most abject servitude; a servitude the most intolerable, as it is suffered amidst that liberty, that peace, and that security, which, under your majesty's benign influence, is spread all around us, and which we alone, of all your majesty's subjects, are rendered incapable of partaking.

In all humility we implore, that our principles may not be estimated by the inflamed charges of controversial

APPENDIX 2

251

writers, nor our practices measured by the events of those troubled periods, when parties have run high (though they have been often misrepresented, and always cruelly exaggerated to our prejudice); but that we may be judged by our own actions, and in our own times; and we humbly offer it to your most equitable and princely consideration, that we do not rest the proof of our sincerity on words but on things; on our dutiful, peaceable submissive behaviour for more than four score years; and though it will be considered as too severe to form any opinion of great bodies, by the practice of individuals, yet if in all that time, amongst all our people, in the daily increase of severe laws against us, one treasonable insurrection, or one treasonable conspiracy can be proved; if amongst our clergy, one seditious sermon can be shewn to have been preached; we will readily admit that there is good reason for continuing the present laws in all their force against us: but if, on the contrary (we speak in full confidence) it can be shewn, that our clergy have ever exerted their utmost endeavors to enforce submission to your majesty's government and obedience to your laws; if it can be shewn that these endeavors have always been most strenuous in times of public danger, or when any accident tended to create a ferment amongst the people; if our laity have frequently offered (what we are always ready to fulfill) to hazard their lives and fortunes for your majesty's service; if we have

APPENDIX 2

252

willingly bound up the fruits of our discouraged industry with the fortune of your majesty's government in the public loans; then, we humbly hope, we may be admitted to a small portion of mercy, and that that behaviour, which your majesty's benignity and condescension will esteem a merit in our circumstances, may entitle us not to reward, but to such toleration as may enable us to become useful citizens to our country, and subjects as profitable, as we are loyal to your majesty.

Permit us, most gracious sovereign, on this occasion to reiterate the assurances of our unshaken loyalty, which all our sufferings have not been able to abate; of our sincere zeal for your majesty's service, or our attachment to the constitution of our country, and of our warmest gratitude for your majesty's continual indulgence, and for the late instance of favor we have experienced from parliament, in enabling us, consistent with our religious tenets, to give a legal proof of our sentiments upon these points. And we humbly hope, that the alacrity and eagerness with which we have seized this first, though long wished opportunity of testifying, in the most solemn and public manner, our inviolable fidelity to your majesty, our real principles, and our good will and affection towards our fellow subjects; will extinguish all jealousies, and remove those imputations, which alone have hitherto held us forth in the light of enemies to

your majesty, and to the state. And if any thing farther can be suggested or devised, whereby we can by our actions, more fully evince our sincerity, we shall consider such an opportunity of demonstrating our real loyalty, as an high favor, and shall be deficient in no act whatever, which does not amount to a renunciation of that religious profession which we value more than our lives, and which it cannot be suspected we hold from obstinacy or a contempt of the laws, since it has not been taken up by ourselves, but has from time immemorial, been handed down to us from our ancestors.

We derive no small consolation, most gracious sovereign, from considering that the most severe and rigorous of the laws against us had been enacted before the accession of your majesty's illustrious house to the throne of these kingdoms: we therefore indulge the most sanguine hopes, that the mitigation of them, and the establishment of peace, industry and universal happiness, amongst all your loyal subjects, may be one of the blessings of your majesty's reign. And though we might plead in favor of such relaxation, the express words of a solemn treaty, entered into with us, by your majesty's royal predecessor, King William, (which has been forfeited by no disobedience on our part) yet, we neither wish, nor desire, to receive anything but as a mere act of your majesty's clemency, and of the indulgence and equity of your parliament.

APPENDIX 2

254

That this act of truly royal beneficence and justice, may be added to the other instances of your majesty's august virtues, and that the deliverance of a faithful and distressed people, may be one of those distinguishing acts of your reign, which shall transmit its memory to the love, gratitude and veneration of our latest posterity, is the humble prayer of, &, &

(signed by members of the Catholic Committee
and three hundred other Irish Catholics)

APPENDIX 3

ADDRESS OF ENGLISH CATHOLICS TO THE KING IN 1778¹
PRIOR TO THE SAVILE ACT, WRITTEN BY EDMUND BURKE.

To the King's most excellent Majesty.

The humble Address of the Roman Catholic Peers and
Commoners of Great Britain.

Most gracious Sovereign,

We, your majesty's dutiful and loyal subjects the
Roman Catholic Peers and Commoners of your kingdom of Great
Britain, most humbly hope, that it cannot be offensive to the
clemency of your majesty's nature, or to the maxims of your
just and wise government, that any part of your subjects
should approach your royal presence, to assure your majesty
of the respectful affection which they bear to your person,
and their true attachment to the civil constitution of their
country; which having been perpetuated through all changes of
religious opinions and establishments, has been at length
perfected by that Revolution which has placed your majesty's
illustrious house on the throne of these kingdoms, and inseparably united your title to the crown with the laws and liberties of your people.

1. The text of the petition is from Parliamentary History, Vol. 19, col. 1138-39.

APPENDIX 3

256

Our exclusion from many of the benefits of that constitution, has not diminished our reverence to it. We behold with satisfaction the felicity of our fellow subjects; and we partake of the general prosperity which results from an institution so full of wisdom. We have patiently submitted to such restrictions and discouragements as the legislature thought expedient. We have thankfully received such relaxations of the rigour of the laws, as the mildness of enlightened age, and benignity of your majesty's government, have gradually produced; and we submissively wait, without presuming to suggest either time or measure, for such other indulgence as those happy causes cannot fail, in their own season, to effect.

We beg leave to assure your majesty, that our dissent from the legal establishment, in matters of religion, is purely conscientious; that we hold no opinions adverse to your majesty's government, or repugnant to the duties of good citizens. And we trust, that this has been shewn more decisively by our irreproachable conduct for many years past, under circumstances of public discountenance and displeasure, than it can be manifested by any declaration whatever.

In a time of public danger, when your majesty's subjects have but one interest, and ought to have but one wish, and one sentiment, we humbly hope it will not be deemed improper to assure your majesty of our unreserved affection to

APPENDIX 3

257

your government, of our unalterable attachment to the cause and welfare of this our common country, and of our utter detestation of the designs and views of any foreign power against the dignity of your Majesty's crown, the safety and tranquillity of your Majesty's subjects.

The delicacy of our situation is such, that we do not presume to point out the particular means by which we may be allowed to testify our zeal to your Majesty, and our wishes to serve our country; but we entreat leave faithfully to assure your Majesty, that we shall be perfectly ready on every occasion, to give such proofs of our fidelity, and the purity of our intentions, as your Majesty's wisdom, and the sense of the nation, shall at any time deem expedient.

The above Address was signed by the Duke of Norfolk, the Lords Surry and Shrewsbury, Linton for the Scotch, Stourton, Petre, Arundel, Dormer, Teynham, Clifford and one hundred and sixty-three Commoners.

APPENDIX 4

BURKE RESOLUTIONS ON THE GORDON RIOTS

These three resolutions in Burke's handwriting have never been published. They were consulted in a microfilm copy from the Wentworth Papers. The third resolution was adopted substantially by Lord North, and the Burke and North resolutions are placed together to see the similarity.

Resolved

That the House hath no cause to apprehend that any detriment whatsoever hath arisen or is likely to arise to our happy constitution in Church and State, or to the national prosperity and safety in any particular from the laws granting indulgence to a conscientious dissent from the established Church or particularly from the operation of an Act passed two years since allowing a certain very limited and conditional relaxation to his Majesty's Roman Catholic subjects of some clauses of one only law, among many penal statutes formerly made and still in force against them.

Resolved

That the truth and wisdom of the Christian Protestant Religion, the eminent piety and learning of sundry of its professors the Protection of the State, the Succession

APPENDIX 4

259

established in his Majesty's Royal Family, the liberal endowment of Churches, Universities, schools and colleges, and the entire and exclusive possession of all offices and emoluments in Church, State, Law, Revenue, Army and Navy do under Divine Providence furnish a perfect security to the said Protestant Religion without any persecution of other his Majesty's subjects.

Burke Resolution

Resolved

That all endeavors to disquiet the minds of the people upon the said prudent and equitable relaxation as if any degrees of toleration were inconsistent with the safety; or irreconcilable to the principles of the Protestant Religion have a manifest tendency to disturb the public peace, to break the union necessary at this time; to bring dishonour on the national character, to discredit the Protestant

North Resolution

Resolved

That all endeavors to disquiet the minds of the people, by misrepresenting the said act of the 18th year of the reign of his present majesty, as inconsistent with the safety, or irreconcilable to the principles of the Protestant Religion, have a manifest tendency to disturb the public peace, to break the union necessary at this time, to bring dishonour on the national

APPENDIX 4

260

Burke Resolution (Cont'd.)

Religion and to furnish
occasion for the renewal
of the persecution of our
Protestant Brethren in
other countries.

North Resolution (Cont'd.)

character, to discredit
the Protestant Religion
in the eyes of other na-
tions, and to furnish
occasion for the renewal
of the persecution of our
Protestant Brethren in
other countries.

APPENDIX 5

BURKE'S "CATHOLICISM" IN CONTEMPORARY DRAWINGS

Throughout Burke's whole political career his known and exaggerated Catholic sympathies were caricatured in cartoons and sketches of contemporary newspapers, pamphlets and magazines. The very full collection of Burke cartoons in the twelfth volume of Sir Robert Peel's collection has been consulted in the Pierpont Morgan Library. Burke was almost always portrayed as a priest and even in purely political cartoons there was practically always some reference to Catholicism.

Two contemporary drawings have been reproduced through the kindness of the British Museum and have been used in the present work. The explanation of the details of the two drawings have been taken from the massive catalogue of Mary Dorothy George.¹

1. Drawing facing p. 92 of thesis: Burke is pictured in the full garb of the Catholic priest. It is the earliest extant example of this type of caricature and dates from early 1780's. The little girl he is holding is probably an

1. Mary Dorothy George, Catalogue of Political and Personal Satires preserved in the department of prints and drawings in the British Museum, London, 1935, Vol. 5, xxxix-852 p.

APPENDIX 5

262

allusion to an example of 'Little Red Riding Hood' used by Burke in a parliamentary speech.² To indicate Burke's hypocrisy the artist has his wig showing under the biretta, a dagger protruding from the belt marked, 'friendship', and a rosary made up of guineas.³

2. Drawing entitled, "Cincinnatus in Retirement" facing p. 213. This drawing dates from August, 1782 and caricatures Burke's fate after the loss of Bristol and the death of Rockingham. He is pictured as an Irish monk eating potatoes. The garb of the cleric is purposely short revealing the layman's coat and tie underneath. The pot from which he is eating bears the inscription, "Relick No. 1 used by St. Peter." The broken crucifix on the table rests on a small cask marked, "whiskey." The wall in the background has two pictures of monks one of whom is preaching to the fishes. In her commentary on the drawing George remarks, "Burke for his attitude to the Catholic Relief Act which provoked the Gordon Riots, was much abused in the virulent No-Popery pamphlets which multiplied in 1780."⁴

2. Parliamentary History, Vol. 23, col. 183 for details.

3. See George, op. cit., Vol. 5, #6249.

4. Ibid., #6026.

APPENDIX 6

ABSTRACT OF

EFFORTS IN THE FIELD OF RELIGIOUS
TOLERATION IN THE EARLY POLITICAL CAREER
OF EDMUND BURKE, 1765-1782.¹

The last twenty years has seen a notable revival of interest in the life and writings of Edmund Burke, due partially to the relevancy of his thought to our present age of crisis, and partially to the accessibility of some of his formerly unpublished and unavailable correspondence. To date there has been no thorough study of the main foundation of his principles, the truths of religion and of the natural law. This study seeks to discern those principles by an appraisal of his efforts in the field of religious toleration between 1765 and 1782. Burke wrote no special treatise on the subject of toleration, so to determine his principles his words and acts in the face of concrete issues must be studied in chronological order during these years.

Most of his efforts in the field of toleration were to be made in behalf of the Catholics of the British Isles. During the eighteenth century the Catholic majority of Ireland and the Catholic minorities in England and Scotland had

1. Ph.D. Thesis presented by John E. O'Brien in 1955. to the Faculty of Arts of the University of Ottawa, vi-267 p.

APPENDIX 6

264

been reduced to a landless servitude by the Penal Laws. They were social and political outcasts, estranged from the life of the country because of the religious intolerance of a former age.

Burke's early associations with Irish Catholics, his education at Trinity and his secretaryship under the Lord Lieutenant of Ireland, made him sympathetic to the problem of religious intolerance. Before his parliamentary career began in 1765 he enunciated in a few early tracts and in his correspondence some of his deepest principles on the personal and providential role of God in the universe, the natural law and the primacy of conscience. He felt too that the penal code was not only immoral but impractical; against the maxims of justice as well as against the best interests of the peace and unity of the British Isles. His early associations and efforts in behalf of Irish Catholics had already won him life long epithets of "papist" and "Jesuit."

As the Parliamentary representative of Wendover between 1765 and 1774 he expressed the principle that toleration should be universal, and he spoke and acted in behalf of this toleration for the English Dissenters in 1772 and for Canadian Catholics in 1774. His only restriction on religious liberty was that it could not be exercised at the expense of the common good or of the majority within a particular church. Following a trip to France he expressed

APPENDIX 6

265

opposition to the atheism of the "Enlightenment" as a threat to all religious and political liberty.

In 1778 the keystone of future Catholic Emancipation was laid with the passage of the Savile and Gardiner Acts, which granted some relief to English and Irish Catholics. Burke wrote both petitions to the King that preceded the Acts and aided in drawing up the tentative bills. He directed the Irish party in his correspondence and acted as their agent in England. When the Gardiner Act seemed doomed, he saved it by direct influence on members of the ministry. Because of his known Catholic sympathy Burke stayed in the background and allowed others to take the credit for the Relief Acts. As a statesman, he spoke on the close connection between the religious enactments and the peace of Empire.

Between the years 1779 and 1780 the newly won Catholic relief was severely tested first in Scotland and then in England. In the crisis resulting from the Gordon Riots and the attendant attempt to repeal the Savile Act, Burke spoke and acted openly and boldly to safeguard the Act from repeal or compromise. Had the Acts of 1778 been repealed the final emancipation of Catholics would have been delayed for many years. That the Acts were not repealed was due mainly to the eloquent and courageous defense of Burke in Parliament.

In the election campaign for the seat of Bristol in 1780 Burke's opponents vilified him for his efforts in behalf

of Catholic Relief. In a famous speech before the electors of Bristol Burke outlined his whole connection with the Savile and Gardiner Acts and expounded as never before his principles on religious toleration. The religious issue however had been the successful wedge that alienated Burke from his constituency and seeing that he could not overcome the prejudices of the electors Burke declined the poll. He refused to sacrifice to the selfish bigotry of Bristol his duty toward the common good of the Empire and his devotion to his highest principles on religious toleration.

1782 witnessed a movement for Irish Parliamentary independence which offered an opportunity to Catholics to gain further religious liberties. In his correspondence Burke advised the Catholic Committee about certain elements of the projected bill and many of his suggestions were incorporated into the Gardiner Act of 1782 which marked an end of the penal code in Ireland. Burke's correspondence at this time was an excellent commentary on toleration and showed his deep understanding of many Catholic institutions like the seminary and the priesthood. His further desire to see the religious toleration extended to the political level marked him as a pioneer of Emancipation.

Throughout the whole period of 1765 to 1782 there was a consistency and continuity to Burke's principles on religious toleration, expounded in the presence of specific

problems. The chief area for the execution of these principles came in the British Isles, in gaining and preserving in time of crisis, the foundation of future Catholic Emancipation. His fidelity to the principles of toleration as they affected the peace and unity of the British Empire cost him the important parliamentary seat of Bristol. His writings and speeches of this period form a rich testimony of principles both lofty and practical, in the field of religious toleration, which enshrine some of the best traditional Christian and liberal values of the West.