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The Politics of the "Papal Aggression" Crisis 1850-1851

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For almost three centuries after the Elizabethan Church settlement drove the Marian Catholic bishops from their thrones English Catholicism survived in a missionary state without benefit of a national hierarchy. In the reign of James II the country was divided into four vicariates apostolic under the jurisdiction of bishops *in partibus infidelium.* The number of vicars apostolic was increased to eight in 1840, but their power remained circumscribed. Catholic opinion, both lay and clerical, long looked forward to a full restoration of the episcopcy. The time seemed propitious in 1847 when the British government was considering the opening of diplomatic relations with the Vatican. In 1848 after much consultation with English churchmen Pope Pius IX agreed in principle to the restoration and apparently alluded to the proposal in a conversation with Lord Minto, who was at that time unofficially representing the British government in Rome. Recent speeches of Lord John Russell were taken to indicate that there would be no difficulties in that direction. The arrangements were interrupted by the Pope's enforced flight from Rome in November of 1848, but they were completed following his return in 1850 and a papal brief of September 29th of that year duly proclaimed the restoration of the Catholic hierarchy in England. Care was taken to avoid using the names of existing Anglican dioceses in order that no offense might be given to the authorities in England. Dr. Nicholas Wiseman, the most distinguished of the existing vicars apostolic, who was given a cardinal's hat and appointed first Archbishop of Westminster, issued his inaugural pastoral "from the Flaminian Gate of Rome" on October 7th, four days after his elevation.[1]

The wording of the papal brief and especially of the new cardinal's letter was in part unfortunate. Both, of course, applied only to the small Catholic body in England, but in neither case did the language make this clear. England was to be divided into dioceses governed by bishops appointed by the pope "so that at present," Cardinal Wiseman explained, "and till such time as the Holy See shall think fit otherwise to provide we govern, and shall

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[1] For these events see Wilfrid Ward, *The Life and Times of Cardinal Wiseman* (London, 1912), I, chaps. xvi and xvii; Rt. Rev. Bernard Ward, *The Sequel to Catholic Emancipation* (London, 1915), II, chaps. xvi.xviii, and xxxi.

continue to govern, the counties of Middlesex, Hertford and Essex..." It was a great moment for the new primate who continued in exultant tones:

> The great work, then, is complete; what you have long desired and prayed for is granted. Your beloved country has received a place among the fair Churches, which, normally constituted, form the glorious aggregate of the Catholic Communion; Catholic England has been restored to its orbit in the ecclesiastical firmament, from which its light has long vanished ...[2]

The reaction to the papal brief and to the Cardinal's pastoral in Protestant England was immediate and hostile. *The Times* pronounced itself incredulous:

> An Archbishop of Westminster, a Bishop of Southwark, for the two divisions of the metropolis and the adjoining counties; a Bishop of Beverley to hold spiritual sway in Yorkshire; Lancashire to be shared between the sees of Liverpool and Salford... and all this laid down with the authority and minuteness of an Act of Parliament, by a Papal Bull, certainly constitutes one of the strangest pieces of mummery we ever remember to have witnessed ...[3]

On November 4th, Lord John Russell, the Prime Minister, addressed his famous (or infamous) letter to the Bishop of Durham in which he condemned the papal action and forecast counter measures by his government. "No foreign prince or potentate," he promised, "will be at liberty to fasten his fetters upon a nation which has so long and so nobly vindicated its right to freedom of opinion, civil, political and religious."[4] Up and down the country Protestant spokesmen, including many Anglican bishops, denounced the Papacy and its latest abominations in language that harked back to Tudor times. Protest meetings were organized in almost every county and images of the pope and his new cardinal replaced Guy Fawkes in that November's bonfires. Poor Wiseman was shocked upon his return to find the strength of the storm which he had unwittingly helped to stir up. He soon issued a statesmanlike explanation of all that had happened, but only time could calm the tempest.[5]

All this is an old story that has been told many times before. It is of course a major event in Ward's *Life and Times of Cardinal Wiseman,* but the crisis appears as only a passing incident in the official biographies of Lord John Russell and of most of the other English statesmen who were concerned

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2 B. Ward, *Sequel to Catholic Emancipation*, II, Appendix M, p. 306.

3 W. Ward, *Cardinal Wiseman*, I, p. 544.

4 Spencer Walpole, *Life of Lord John Russell* (London, 1889), II, p. 120.

5 W. Ward, *Cardinal Wiseman*, I, pp. 550-69.

with it. The restoration of the Catholic hierarchy may not loom large in the general history of England, but it is obviously an epochal event in the history of English Catholicism. The row that it raised may appear now to have been a storm in a tea cup and we can smile at *Punch's* satirical cartoons and verses, but it seemed a serious matter while it lasted and it demonstrated the latent strength of anti-Catholicism in mid-nineteenth century England. My purpose today is not to retell the whole story, but to go rather further into the politics of the crisis than has yet been done. First, however, it may be useful to say a word about the position of the Catholic community in England at the time in order to understand how the hostile storm blew up so quickly.

One complicating factor that frequently arises in British history is the fact that England and the United Kingdom are two different entities. You will find histories of England, of Scotland, of Ireland, and even of Wales, but I have only once come across a history of the United Kingdom.[6] Yet in the nineteenth century the state was the United Kingdom of Great Britain and Ireland, governed by one monarch and one parliament. Englishmen never fully accepted the full consequences of the Union with Ireland in 1800, nor for that matter of the Scottish union of 1709. They still thought (and think) in terms of English history, of English policy, of their English heritage. Despite his Irish title Lord Palmerston would lecture foreign governments on the superiority of English institutions and would inform the Parliament of the United Kingdom of the principles on which the foreign policy of England was based. This anomaly has been generally accepted since England was and is so clearly the senior and major partner in the union, but when we turn to the history of English Catholicism the distinction between England and the United Kingdom is of a very different order.

As long as the Stuarts ruled England there often seemed to be some possibility of a Catholic revival, but such aspirations passed with the Hanoverian succession and the main hope of the Catholic remnant who persevered and survived lay in obscurity. The less their fellow countrymen heard of them the more peaceful their lives would be. Both the strength and the weakness of English Catholicism in these days lay in its upper class leadership. A small minority of peers and landed gentry remained loyal despite double taxation and political exclusion, although their numbers were reduced in the eighteenth century. It was they and not the Catholic clergy who negotiated the first relaxation of the English penal laws, but even this was sufficient to arouse popular prejudices to the boiling point as demonstrated in the Gordon riots of 1779-80.[7]

The beginning of a steady flow of Irish immigration into England during

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6 Goldwin Smith, *The United Kingdom, A Political History* (London, 1899).

7 For a general treatment of English Catholicism since the Reformation see David Matthew, *Catholicism in England 1535-1935* (London, 1936).

the reign of George III was destined to alter the complexion of the Catholic community in England and to increase its numbers, but more significant was the Act of Union which brought an additional six or seven million Catholics under the direct jurisdiction of the British parliament. No matter how much they might despise the religion of the Irish, more liberal minded English statesmen quickly saw that it was neither just nor politic to exclude Catholics entirely from the parliament that now had such a greatly enlarged Catholic constituency. The obstinacy of George III and his son postponed Catholic Emancipation for almost thirty years, but finally in 1829 the skillful campaign of the Great Liberator wrested the prize from the hands of a high Tory government formed on the policy of exclusion. Thus the English Catholics were the passive beneficiaries of this campaign of their co-religionists on the other side of the Irish Sea with whom they had little social or political sympathy. With the Irish Union the old days of peaceful obscurity for English Catholics had passed. They were now on the highroad to religious equality, but each step in that direction seemed to arouse the latent anti-Catholicism of Protestant England. Events in Europe in 1848-49, as Mr. Hales has observed, also had a bearing on the anti-Catholic temper of 1850-51. Had the restoration been effected when it was first proposed by the then popular `liberal pope there could probably have been no serious resistence, but English public opinion turned against *Pio Nono* after the Revolution of 1848 and his actions were thenceforth looked on with suspicion and mistrust.[8]

Another factor that profoundly affected the fortunes of English Catholicism and that also stirred the Protestant temper was of course the Tractarian movement, which had its origins in Oxford in the 1830's. The conversion of Newman, Manning and many others instilled new life into the old Church in England, but it greatly shocked Protestant opinion and produced a strong Protestant reaction within the Established Church of England. Indeed it is quite evident that the agitation behind the Ecclesiastical Titles Bill of 1851 is almost as much anti-Puseyite as anti-Catholic.

Lord John Russell's name will always be associated with many of the great reforms of the second quarter of the nineteenth century, the repeal of the Test and Corporation Acts, Catholic Emancipation, the Reform Act of 1832 and the other reforms that followed it. In particular he championed concessions to Irish Catholics in the 1830's, supported the extension of the grant to Maynooth seminary in 1845, and in the face of Protestant opposition initiated legislation to make possible the opening of diplomatic relations with the papacy in 1848. But as a Prime Minister he was a failure. His ministry (1846-1852) had little legislative achievement to its credit and ironically one of the few measures it produced still remembered today was the illiberal and

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[8] E.E.Y. Hales, *Pio Nono* (London, 1954), p. 142.

reactionary Ecclesiastical Titles Act.

Lord John Russell committed himself and his government to legislative action when he rushed into print with his unfortunate letter to the Bishop of Durham in which he denounced "the late aggression of the pope" as "insolent and insidious." He continued:

> There is an assumption of power in all the documents which have come from Rome; a pretension of supremacy over the realm of England, and a claim to sole and undivided sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy and with the spiritual independence of the nation, as asserted even in Roman Catholic times.[9]

Did Russell really believe that the Pope was challenging the Queen's supremacy? Did he not realize that the replacing of vicars apostolic by bishops was a matter of internal church organization that had been bruited two or three years earlier?[10] Did he forget that territorial bishoprics had long existed in Ireland and in Canada and indeed that he himself in 1845 had advocated the repeal of the clauses of the Act of 1829 forbidding the assumption of the titles of Protestant Sees in Ireland? Was he now repudiating a life long reputation as a champion of religious freedom? Or on reading the initial denunciation of "papal aggression" in *The Times* did it perhaps occur to him that here was an opportunity to take a popular stand and to bolster up the unsteady position of his tottering government?

All these questions were subsequently put to him at a time when it was too late to withdraw, but it is difficult to find any simple answer. It may be argued that Lord John was an emotional man, an ardent patriot and a stout Protestant, who was easily riled by the language of the Catholic authorities and who knew that a large segment of public opinion reacted in the same way. Since he was an impulsive man who before this had committed his party to a doubtful course without consulting his colleagues, it might be supposed that he allowed his indignation to give itself full expression. On the other hand it must be observed that he did not publish his Durham letter until four weeks after Wiseman's pastoral and his correspondence between those dates does not suggest that he was being kept at the boiling point.[11]

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9 Walpole, *Russell*, II, p. 119.

10 Lord Minto denied receiving any formal intimation from the Pope in 1848, but recalled some talk about the possibility of such a change; "it is of no real importance," he now wrote to Russell, in what is a revealing admission, "as I do not imagine any objection would have been made by us to the Pope's appointment of a Bishop of Westminster had he consulted us on the subject" (G. P. Gooch, *The Later Correspondence of Lord John Russell* (London, 1925), II, p 48.

11 B. Ward, *Sequel to Catholic Emancipation*, II, p. 80.

Two weeks earlier his respected father-in-law, Lord Minto, who stood close to him in these matters wrote:

> I see the newspapers are running a hue and cry which will spread against the Pope's nomination of Dr. Wiseman as A.B. of Westminster. This is nonsense but I think the warmth of feeling displayed might be made to operate on the Pope with respect to the Irish colleges.[12]

On October 25th Russell himself had written to the Queen saying:

> It strikes him [Russell] that the division into twelve territorial dioceses of eight ecclesiastical vicariates is not a matter to be alarmed at. The persons to be affected by this change must be already Roman Catholics before it can touch them.
>
> The matter to create rational alarm is, as Your Majesty says, the growth of Roman Catholic doctrines and practices within the bosom of the Church.[13]

Obviously there was an element of calculation in Lord John's public indignation. Shrewd Charles Greville thought as much when he wrote in his diary: "I don't believe he *really* cares much."[14] Sir James Graham was more caustic. "Lord John's letter," he wrote to his friend Herbert, "was hasty, intemperate, and ill-advised. He sought to catch some fleeting popularity at the expense of the principles of his political life; and in his eagerness to strike a blow at Gladstonism he forgot that the 'superstitious mummeries' which he enumerates are part of the creed of one-half of the British Army, and eight millions of his fellow subjects."[15]

While most of Protestant England climbed on Lord John's band waggon, a few voices were raised in dissent. The Radical John Roebuck, who only a few months earlier had come to the Government's rescue with a motion supporting Palmerston's foreign policy, now took the unpopular course of publicly answering Russell's letter and rebuking him for going back on his own Whig principles.[16] Early in December another significant letter appeared in *The Times* over the signature "Carolus," who was widely recognized to be

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12 Public Record Office (Russell Papers) 30/22/8, Minto to Russell, 19 August, 1850. I am indebted to Mr. Frederick Dryer for showing me some of his transcripts from the Russell Papers.

13 A. C. Benson and Viscount Esher (eds.), *The Letters of Queen Victoria* (London, 1907), II, pp. 325-326.

14 L. Strachey and R. Fulford (eds.), *The Greville Memoirs 1814-1860*, (London, 1938), VI. p. 259.

15 Lord Stanmore, *Sidney Herbert* (London, 1906), I, p. 133.

16 R. E. Leader (ed.), *Life and Letters of John Arthur Roebuck* (London, 1897), p. 246.

Charles Greville.[17] In his diary Greville deeply deplored "the No Popery hubbub" and Russell's "impudent, undignified, and unbecoming" letter. In part he wrote:

> I view the whole of this from beginning to end and the conduct of all parties with unmixed dissatisfaction and regret. The Pope has been ill advised and very impolitic.... Wiseman who ought to have known better, exaggerated the case by his impudent manifesto. On the other hand the Protestant demonstration is to the last degree exaggerated and absurd.[18]

In private correspondence the same view was taken by most of Peel's former colleagues, who now occupied an independent place in Parliament between the two major parties. The best expression of this view is to be found in a letter of Sir James Graham to a friend who had asked for his opinion, in which he wrote:

> ...although I am a sincere Protestant and resent the haughty tone assumed by the Pope in his Bull, and by Cardinal Wiseman in his pastoral letter, yet I am unwilling to join in the No Popery cry or to ask for the renewal of penal laws, or for any new enactment which might fetter the Roman Catholics in the full and proper exercise of their religious discipline within the realm.
>
> When I supported Emancipation I knew that the Roman Catholics acknowledged Papal supremacy, and would be guided in all spiritual matters by Bulls from Rome. I knew also that their religion is episcopal, and when I fought on their side for perfect equality of civil rights I was aware that the Pope might nominate in England as in Ireland archbishops and bishops.
>
> I myself was a party to the recognition by statute of the dignity of Roman Catholic archbishops and bishops in Ireland....
>
> I feel no alarm on account of papal aggression; the danger is from within and not from without – the division within our Church, and the tendency to approximate towards Rome by the renewal of superstitious ceremonies and the denial of the Queen's supremacy in spiritual matters, constitutes what I believe to be the only real danger which threatens our Protestant institutions.[19]

The prevalence of these views among the Peelites is illustrated in several letters written by Lord Justice Clerk to Lord Aberdeen, their leader in the House of Lords. "I hope you will take your ground at once and strongly and

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17 Strachey and Fulford, *Greville Memoirs*, VI, pp. 263-265.

18 *Ibid.*, pp. 257.258 and *passim*.

19 C. S. Parker, *Life and Letters of Sir James Graham* (London, 1907), II, pp. 113-114, Graham to Howard of Greystoke November 23, 1550.

clearly," Clerk wrote. "All Peel's friends here concur with me. So did Cardwell very strongly, and he had been with Graham before I saw him in Edinburgh."[20] Aberdeen, himself, greatly deplored the prevalent anti-Catholic bigotry for which he was abused by Doctor Candlish, a prominent Scottish Free Churchman. "I am not sure that I should not prefer Pope Pius to Pope Candlish," Aberdeen wrote whimsically to his son, "for in fact he is a sort of Pope although in a Geneva gown."[21]

Some desultory efforts were made to settle matters out of court, but the British Government took a high line. "Whatever steps we may deem necessary for our own protection and to indicate our rights must of course be taken here," Lord Minto told Abbé Hamilton, a Scottish ecclesiastic in Rome, "but it is from Rome the voice must be raised that will [calm ?] the storm it has raised."[22]

Two Catholic laymen, Sir Edward Howard and J. A. Smith met Cardinal Fornani, the Papal Nuncio in Paris, and endeavoured "to ascertain whether a certain form of words which it was considered would not be unacceptable to the English government could be employed by the Pope in official language."[23] They then went to London and urged the Government with little success to respond to the friendly overtures of the Church. Palmerston told Russell that he saw no advantage in any Papal declaration before the proposed government legislation was introduced. "For the Pope," he said, "would -know full well that our principles, public opinion, and the political weight and opinion of our six or seven millions of Catholics would prevent us from going back to penal laws and to civil and political persecution."[24]

Russell put the matter to the Cabinet which adopted Palmerston's point of view. The Foreign Secretary then wrote to the British ambassador in Paris instructing him to make it clear to the Papal Nuncio that the Government would not reveal their intended course of action to any foreign power, "But that our own feelings and political principles must necessarily lead us to propose measures as moderate as can be consistent with the present irritated temper of the English People."[25] In the meantime Smith and Howard returned to Paris and assured the Nuncio that "the English government was

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20 *[Selections from the Correspondence of George Earl of Aberdeen] Part III, 1850-1860*, (privately printed, 1885, and deposited in the British Museum), pp. 56-57, Clerk to Aberdeen, January 20, 1851.

21 *Ibid.*, p. 87, Aberdeen to Arthur Gordon, March 11, 1851.

22 P.R.O. 30/22/8 pt 2, December 14, 1850.

23 P.R.O. 30/22/9, Howard to Russell, January 20, 1851. Previously Howard had written to Russell expressing regret at the papal action and offering to resign his position in the royal household (P.R.O. 30/22/8 pt. 2, November 2, 1850).

24 *Ibid*. and Gooch, *Later Correspondence*, II, pp. 51-52.

25 P.R.O. 30/22/9, Palmerston to Normanby, January 20, 1851.

unchanged in their desire to legislate as mildly as possible in the affairs of Catholics [and] that the views of the Government with respect to Rome were most conciliatory."[26]

All this underlined the artificiality of the Government's subsequent proceedings. The Cabinet stood behind the Prime Minister with some members such as the Lord Chancellor even more anti-Catholic, but others such as Lord Landsdowne expressed misgivings. The mild and moderate Sir George Lewis politely congratulated Russell on his letter yet ventured to suggest that the papal action would "neither weaken the Protestant cause in England nor bring converts to Rome," and he hoped that it would show up the empty pretensions of the Puseyites. He showed more sense than his leader on the matter of legislation, which, he said, boldly "seems to me to be out of the question, for although the time and mode of issuing this Bull are in the highest degree offensive, yet the Pope is only doing in England what he has long done with our acquiescence in Ireland, and if I am not mistaken in Scotland, also."[27]

The Cabinet first referred the matter to the law officers to see whether it could be dealt with under existing law, i.e. the relevant statutes of Elizabeth's reign, which had never been repealed. When it was reported that long disuse made these ineffective some ministers urged their repeal in a statute that might substitute something fairly limited to meet the present requirement.[28] Lord Lansdowne, the Nestor of the Cabinet, wrote a warning note to the Prime Minister:

> What I feel most anxious about is that if you determine on legislating about the bulls it should have the character of a permissive measure, positively allowing all that are communicated to the Government, and leaving others subject to the existing law only providing the means of enforcing it when expedient.[29]

On 11 December Russell informed the Queen that after long discussion the majority of the Cabinet were inclined not to prosecute, "but to bring a bill into Parliament to make the assumption of any titles of archbishop etc., of any place in the United Kingdom illegal, and to make any gift of property conveyed under such title null and void," and this was the substance of the Ecclesiastical Titles Bill which he introduced the following February.[30]

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26 *Ibid.*, Howard to Russell, January 24, 1851.

27 *Ibid.*, 8, November 7, 1850, printed in Gooch, *Later Correspondence*, H, pp. 51-52.

28 P.R.O. 30/22/8 pt. 2, George Grey to Russell, December 27, 1850, Minto to Russell, December 18, 1850.

29 *Ibid.*, 9, Lansdowne to Russell, January ?. 1851.

30 *Queen Victoria's Letters*, II, pp. 335-336.

From the beginning the Queen had taken a more level headed view of the problem than did her Prime Minister. She thought the Catholic clergy had been "misled and misinformed as to the feeling of this country by some of the new converts to their religion," but she trusted that there was "no real danger to be apprehended from that quarter."[31] While accepting the need for legislation she deplored the current abuse of the Catholics.

> I would never have consented to say anything which breathed a spirit of intolerance [she wrote to the Duchess of Gloucester]. Sincerely Protestant as I always have been and always shall be, and indignant as I am at those who *call themselves Protestants* while they in fact *are* quite the *contrary,* I much regret the unchristian and intolerant spirit exhibited by many people at the public meetings. I cannot bear to hear the violent abuse of the Catholic religion, which is so painful and cruel towards the many good and innocent Roman Catholics.[32]

When Parliament met on February 4, 1851 the speech from the throne promised legislation to meet "Papal Aggression"[33] and in the ensuing debate the long argument began that was to dominate the whole session. Three days later the Prime Minister moved for leave to introduce his Ecclesiastical Titles Bill in a speech which Bright said would have been very good if delivered 300 years ago.[34] Owing to the strenuous opposition of Radicals, Irish members and a few others the debate on the first reading lasted for four nights until February 14th, but the Government found 395 supporters on the division against a mere 63 opponents, mostly from its own side of the House.[35]

Russell's large majority did not represent any real political strength since the previous night he had only succeeded in repelling an attack from Disraeli on the subject of agricultural distress by 14 votes,[36] and a week later the Radicals carried a reform motion of Locke King's against the Government by 100 to 52, with the Conservatives abstaining.[37] (Significantly 20 Irish Liberals deserted the Government on the first of these motions and 12 on the second.)[38] Lord John Russell then resigned and for ten days the

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31 *Ibid.*, Victoria to Duchess of Norfolk, November 22, 1850.

32 *Ibid*., Victoria to Duchess of Gloucester, December 12, 1850.

33 *Hansard's Parliamentary Debates*, Third Series, CXIV, (London, 1851).

34 *Ibid*., 187-211; G. M. Trevelyan, *John Bright* (London, 1913), p. 193.

35 *Parliamentary Debates*, 3rd ser., CXIV, 699-703.

36 *Ibid*., 604-607.

37 *Ibid*., 870-871.

38 J. Whyte, *The Independent Irish Party, 1850-1859* (London, 1958), pp. 22, 178-179; and *Parliamentary Debates*, 3rd ser., CXIV.

Queen endeavoured without success to find another government. Lord Stanley and Lord Aberdeen were unable to accept her invitation and in the end the Duke of Wellington advised her to recall Lord John, which she did, – but not before the Peelite and Liberal leaders had made strenuous efforts to form a coalition. This broke down on the one insuperable obstacle of the Ecclesiastical Titles Bill, which Russell was prepared to water down but not to abandon. Aberdeen and Graham made their positions very clear on this point in their subsequent explanation in Parliament, and later Aberdeen wrote to his son: "I might have been Prime Minister at this very moment had it not been for my resistance to the Ecclesiastical Titles Bill."[39] In other words the Coalition of December 1852 might have been formed almost two years earlier in which case it has been argued it would have cemented in time to weather the storm of the Crimean War or even to have prevented that catastrophe. These are fascinating conjectures, but space forbids their consideration here.

On March 2nd the Home Secretary, Sir George Grey, moved the second reading of a much modified bill, which contained a long preamble and one clause declaring all papal briefs and all titles conferred thereby "unlawful and void." He explained that the other clauses had been deleted because of the difficulty in applying them to Ireland.[40] He might have added that the Government was attempting to stem the mounting flood of opposition that was rising in that country, but in fact the changes failed to satisfy the Catholics and only annoyed the ultra-Protestants.

The debates on the Ecclesiastical Titles Bill were interminable. Although first introduced in February it did not leave the Commons until July and only received the royal assent on August 1st. It was the major issue of the 1851 session and as several Radical members bitterly complained blocked consideration of more pressing issues. On the first reading (7 to 14 February) there were 36 speeches, 18 on either side, filling four long evenings and some 290 columns of Hansard,[41] while on the second reading (7 to 25 March) there were 59 speakers, 29 of them opposed to the bill, who filled another seven evenings and over 600 columns of print.[42]

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39 [*Aberdeen Correspondence*], III, 1850-1860, Aberdeen to Arhtur Gordon, March 2, 1851.

40 *Parliamentary Debates*, 3rd ser., CXIV, 1123-1137. See the famous cartoon in *Punch* XX (1851), p. 119, showing little Johnny Russell chalking up the words "NO POPERY" on Cardinal Wiseman's door and running away. *Punch* was full of cartoons and commentary on "Papal aggression" from an ultra Protestant point of view. On the occasion of Bright's speech against the Bill it published a cartoon of two stout gentlemen in broad-brimmed hats (Bright and Wiseman) embracing each other (p. 74).

41 *Parliamentary Debates*, 3rd ser., CXIV.

42 *Ibid*., and CXV.

The official spokesmen for the Bill on both readings were the Prime Minister, the Home Secretary and the Attorney General (Sir J. Romilly), while Lord Palmerston gave his support on the second reading. Russell protested his belief in the principle of religious liberty, but argued strongly for the necessity of meeting the challenge from the papacy and made great play on the refusal of Catholic states to allow papal action of this sort without prior agreement. He also argued that the new episcopal jurisdiction was more than spiritual by pointing out that the Irish Catholic Bishops had denounced the Government's Irish college policy at the recently held Synod of Thurles. He and Romilly also professed the Government's concern to protect the property of the Catholic laity.[43]

From the beginning Sir George Grey spoke with caution and restraint, explaining even on the first reading that the Government was only acting on the defensive in response to national demand.[44] In introducing the amended Bill on the second reading he justified the modifications in language that made it pretty clear that the Ministry regarded it as little more than a protest.[45] Indeed he let the cat out of the bag when he explained that the Irish Bishops only used their territorial titles on letters of ordination and similar documents (where canon law required it), but that in all communications with the Government they signed their own names without reference to their dioceses and in this way avoided any illegal action under the Emancipation Act of 1829. Thus at this early date it was clear that the English Catholic Bishops had little to fear, but the politicians still had many nights of weary debate ahead of them.

One Liberal supporter of the Bill made an acute analysis of the different points of view that appeared during the debate. Altogether he detected four parties: The first were the Roman Catholics, who were naturally irritated, but who, when the storm blew over, would remain loyal subjects. Then there was a second party "which strangely mixed up corn and Catholics together; who thought that to repeal the aggression of the Pope was to re-enact the Corn laws." "The third party was composed of those who assumed to have taken a high intellectual eminence and who affected to regard with supercilious disdain all legislation on the subject" (clearly the Peelites). "The fourth party," he asserted confidently, ". . . combined free traders and protectionists, whigs and tories, conservatives and radicals" all of whom supported the Bill as a matter of allegiance to the Queen.[46] He might have added that, while there were no doubt many silent voters in the last group, most of the talking was done by members of the other three.

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43 *Ibid*., CXIV, 187-211, 291-300; CXV, 309-325.

44 *Ibid.*, CXIV, 344-360.

45 *Ibid.*, 1123-1137.

46 *Ibid*., CXV, Mr. S. Child (N. Staffordshire), 366-368.

In all some eighteen members spoke in favour of the Bill on the first reading and thirty on the second, but in the latter group many were critical of the watering down, for instance the redoubtable Colonel Sibthorp, who expressed his "detestation of the political cowardice and hypocrisy of the Government" and who professed to expect to see them before long entertaining the Pope "not at the Crystal Palace – he (Colonel Sibthorp) would not go there – but in Downing-street."[47] Lord Ashley perhaps typified the ultra-Protestant feeling when he apologized a second time by saying that his feelings on the subject were so strong he could not refrain from expressing them again. He dwelt in particular on the alleged bad treatment of Protestants in Rome and other Catholic states and recalled that Dr. Wiseman had once upheld Thomas à Beckett as his model.[48] No one could doubt the sincerity of the opinions of this good if bigotted man, but a more disreputable type of anti-Catholicism was represented by Henry Drummond, Tory M. P. for West Surrey and professor of political economy at Oxford, who produced prolonged scenes in the house by his sneering and flippant allusions to what he called the superstitions of popery and by the offensive remarks that he made about Catholic nunneries.[49] It should be added that several other Protestant members including Sir James Graham roundly condemned his language.[50] Others supporters of the Bill spoke in more restrained manner and showed a real concern for what they considered enchroachments on the royal supremacy. They professed respect for the principle of religious liberty, but held that in this case the Pope and his Cardinal had gone too far and that Protestant England could not abjectly accept such insults as they professed to see in the bull and the pastoral. Disraeli made two sarcastic speeches in which he ripped the Bill to pieces because of its feebleness and its inconsistencies, but then revealed his own inconsistency by voting for it.[51]

Irish Catholic members, of course, vindicated the Pope's action and argued that there was no aggression and no temporal jurisdiction involved, but their voice carried little weight in a House predominantly Protestant and English. Perhaps more significant were the speeches of some eight Irish

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47 *Ibid*., CXIV, 1161-1162.

48 *Ibid*., CXV, 147-164.

49 *Ibid*., 261-280.

50 *Ibid*., 870-.871. One asked whether the man who jeered at the superstitious belief of fellow members "had never confessed a belief in the ghost which haunted Albury Park" and whether "in his belief of ghosts he had not gone to the length of pulling down several old apartments."

51 *Ibid*., CXIV, 256-162; CXV, 597-605, 618.

Protestants against the Bill.[52]

Several leading Radicals came to the support of the cause of religious liberty. Roebuck pointed out the fallacy of Russell's allusion to the practice of Catholic states, since in these countries the Church was that of the majority of the population and officially recognized as such. He argued that the practice in the United States where there was no bar to the appointment of Catholic bishops was more analogous.[53] Bright directed his remarks mainly against the bigotry of Russell's letter and the objectionable position of the Established Church in England,[54] while Hume asserted that "he was a Protestant and an Englishman and that in each of these characters he protested with equal vehemence against the Bill."[55] Milner Gibson spoke very briefly against it and Cobden, who remained silent, joined its opponents in the negative lobby.

The most striking opposition in the debate on the second reading came from Peel's former colleagues, Graham, Gladstone, Herbert, Cardwell, Young and George Smyth.[56] They all demonstrated their Protestant allegiance by denouncing the papal action, but none of them believed it warranted legislation. Sidney Herbert made a powerful plea for the principle of religious liberty and refused to believe that Roman Catholicism offered any serious threat to England since "he thought the doctrines of the Church of Rome were foreign to the genius of the English people." He ridiculed the Ministry for its inconsistencies and proclaimed the Bill a nullity.[57]

Sir James Graham considered the proposed legislation would be a reversal of the Emancipation Act and he expressed his amazement at finding on the back of such a Bill the names of Russell, Grey, and Romilly, all so closely connected in former times with the cause of religious liberty. He denied that English Protestantism needed statutory protection against Roman Catholicism and appealed to the spirit of the champions of Emancipation, living and dead. In a splendid peroration he concluded:

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52 *Ibid.*, CXIV and CXV. One significant consequence of the Liberal Government's anti-papal policy was the appearance of an independent Irish Party, nicknamed the Irish Brigade, made up of dissident Irish Liberals, which remained in existence for almost a decade, although declining in numbers after 1852. See Whyte, *Independent Irish Party*.

53 *Parliamentary Debates*, 3rd ser., CXIV, 211-218.

54 *Ibid*., 242-256.

55 *Ibid.*, CXIV, 1140-1141; CXV, 544-545.

56 Henry Goulburn was the only former member of Peel's cabinet to support the Bill in the Commons; on the other hand. the Peelite opposition was strengthened by a forceful speech from Roundell Palmer, a new Liberal Conservative member who was one day to become Gladstone's Lord Chancellor as Lord Selborne.

57 *Ibid*., CXV, 164-182.

> There may have been some movement towards Rome on the surface of what are called the higher ranks, but the deep undercurrent of the feeling of this country is essentially Protestant. It is written in their very heart's core – and what is more it is written in those Bibles to which they have free access, and while they enjoy those privileges and possess those feelings we have no occasion for a Bill like this. I say there is no danger in England which justifies it – every feeling in Ireland condemns it. It is a brand of discord cast down to inflame the passions of the people ...[58]

No speech of this interminable debate is better remembered than that of Gladstone, recently returned from Italy as the champion of Italian liberals, no friends of the Church whose cause he now adopted. It would be impossible to improve on the vivid description of Morley who considered Gladstone's speech on this occasion as one of his heroe's "three or four most conspicuous masterpieces":

> Mr. Gladstone (March 25, 1851) spoke to a House practically almost solid against him. Yet his superb resources as an orator, his transparent depths of conviction, the unmistakable proofs that his whole heart was in the matter, mastered his audience and made the best of them in their hearts ashamed. He talked of Boniface VIII and Honorius IX; he pursued a long and close historical demonstration of the earnest desire of the lay Catholics of this country for diocesan bishops as against vicars apostolic; he moved among bulls and rescripts, briefs and pastorals with as much ease as if he had been arguing about taxes and tariffs. To all the House listened as if in enchantment, as to a magnificent tragedian playing a noble part in a foreign tongue.[59]

Probably the most friendly speech from English Protestant lips was that of George Smythe, one time Young Englander and friend of Disraeli who joined Peel's Government in 1846. Smythe went so far as to say that in recent legislation such as the Charitable Bequests Act and the Maynooth grant the Government had actually entered into a sort of an alliance with the Roman Catholic Church which was now being repudiated. "And why," he asked, "should there not be Catholic laws and Catholic bishops in Catholic Ireland! Nay, why not Catholic bishops and Catholic laws for Catholics in England?" He even maintained, three years after 1848, that the prestige of the Papacy was increasing as its territorial power waned. He said that Rome had sent a Prince of the Church to England "with the wallet of the mendicant beneath the robes of the Cardinal, dependent upon the alms of those who chose to believe... She had read here in England the first banns of those free

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58 *Ibid.*, 280-309.

59 John Morley, *Life of William Ewart Gladstone* (London, 1903), vol. I, p. 410; CXV, 564-597.

nuptials between liberty and faith – between modern liberty and ancient faith, which I believe in no remote age will yet regenerate the West."[60] This was surely the note of the original Young England, but it was not likely to have much effect on the Commons of 1851.

The second reading was passed by a majority of 343, 438 votes to 95. The minority included 72 Liberals (of whom 46 were Irish and at least 17 were Radicals) and 20 Liberal Conservatives (of whom 5 were Irish). Of the 51 Irish members who voted against the Bill 24 were Protestants.[61]

It would be pointless to follow the debate further, but it may be noted that the opposition to the bill held up the motion to go into Committee for four nights. In Committee the Government resisted a series of Conservative motions to strengthen the Bill which was finally reported late in June. At this point Sir Frederick Thesiger, a Conservative member, proposed fresh amendments, which led some seventy members, mostly Irish, to withdraw from the House in protest.[62]

This was a tactical mistake for it enabled Thesiger to find a majority for his amendments and so ironically the Bill was strengthened in the face of Government opposition. The debate on the third reading was cut short by accident – for the debating powers of the opponents were not yet exhausted – and the Bill was finally passed on July 4th by 263 to 46, with Irish Catholic members still abstaining.[63]

The House of Lords disposed of the Bill after three nights of brisk debate. The opposition to it came largely from Peelite peers, Lord Aberdeen, the Duke of Newcastle, Viscount Canning and the Earl of St. Germans, joined strenuously, by Lord Monteagles, a former Whig Minister, but the Bill passed its second reading by 265 to 38 including proxies.[64] In the final debate Lord Lansdowne, the Government leader, made the interesting admission that had the Pope informed the Government of his intentions and made certain adjustments in the wording of the proposed episcopal titles there would have been no objection to his action. After six months debate "papal

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60 *Parliamentary Debates*, CXV, 441-446. Of the other Young Englanders Baillie Cochrane criticised the tone of many Protestant spokesmen, while Lord John Manners favoured Urquhart's amendment against the Government, but both voted for the Bill on the second reading.

61 *Ibid.*, 618-621. For *the religion of Irish Liberal members see Whyte, Independent* Irish Party, Appendix A, pp. 178-179.

62 *Parliamentary Debates*, 3rd. ser. CXVI, pp. 780-837. Urquhart, the Radical mover of the amendment blamed the Pope's action on the conduct of the Government.

63 *Annual Register 1851*, p. 63. These amendments prohibited the introduction of all papal rescripts and bulls and allowed every individual to institute prosecution proceedings with the sanction of Crown officers.

64 *Ibid.*

aggression" apparently amounted to no more than the way in which an inherently harmless act was done. The minority of opponents in the Lords felt so strongly about this anomaly that they entered two lengthy protests, each signed by thirteen peers, the second group mostly Peelites.[65]

The sequel may be shortly told. The Pope continued to appoint English bishops, but as forecast the much debated legislation was never put into operation. Eventually, when its most formidable opponent found himself in Lord John's shoes, the Act was quietly repealed, but by that time Gladstone was disestablishing the Anglican Church of Ireland and an Ecclesiastical Titles Act was as archaic as an Elizabethan penal law. Happily it never operated with the same effect.

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[65] *Ibid.*, pp. 66-75. The Duke of Argyll regretfully broke with Aberdeen to support the Bill (as did the Duke of Wellington).