Limited Liberties: Catholics and the Policies of the Pitt Ministry in an Early Modern Context

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Abstract This article contributes to current debates about the role of religion in governance in the late eighteenth century British Atlantic world by examining the Pitt ministry's policies regarding Catholic subjects in England, Quebec, and Ireland in an early modern context. Starting with an overview of early modern attempts to find a compromise between Catholic subjects and their Protestant rulers, this article shows how the Pitt ministry reused these earlier approaches in its efforts to respond to Catholic subjects during of the age of revolution. Focusing on the English Catholic Relief Act of 1791, the Canada Constitutional Act, and the ministry's unimplemented plans for Catholic emancipation, the article argues that these policies were all shaped in part around the idea that Catholic subjects could be allowed greater freedoms, and even access to political influence in some cases, if their faith was contained through Gallican-style restrictions. These restrictions varied from requiring new oaths to attempting to establish the government's right to select Catholic bishops. Each policy resulted in notably different outcomes based on the location and potential power of the Catholic subjects that they affected. The common goal, however, was to attenuate the Catholics' connection to the papacy and increase government influence over the Catholic Church in British territory while also upholding the ultimate supremacy of the Anglican Church.

In 1801, Prime Minister William Pitt the Younger wrote to George III regarding Catholic emancipation.[1] As he told the king, Pitt believed "the admission of the Catholics & Dissenters to offices, & of the Catholics to [Parliament] . . . wd under certain Conditions to be specified, be highly adviseable, with a view to the Tranquillity & Improvement of Ireland; & to the general Interest of the United Kingdom."[2] The king rejected the idea completely, arguing that he had a "Religious Obligation" to uphold the established Church of England and require that members

[1] Pitt rejected the term "Catholic Emancipation." As he explained, "I have never understood the situation of the Catholics to be such . . . that any relief from it could be correctly so described." Notes on a speech by Pitt, 1801, Adams manuscripts, Add. MS 98036/1/23, fols. 133(14)–34(15), British Library, London.

[2] William Pitt to George III, 31 January 1801, Pitt Papers, Add. 6958, fol. 2836, Cambridge University Library.

737

of government belong to it. He accused Pitt of proposing "the complete overthrow of the whole fabric" of the British Constitution and accepted his offer to resign.[3]

This exchange between minister and king raises several questions. Was Pitt's suggestion truly incompatible with the British Constitution? What sort of position could Catholics be allowed under British rule? Could a compromise be found that would allow Catholics to participate in the state? To answer these questions, I examine the Pitt ministry's policies regarding Catholics in England, Ireland, and Quebec while placing them in an early modern context. Going back to the Reformation, I provide a brief overview of early modern attempts to reconcile Catholic subjects with the state through oaths and other proposals. Although these attempts failed in their own time, the ideas behind them persisted into the eighteenth century and continued to influence policy debates. Faced with governing an increasingly diverse empire and responding to the military and political challenges of revolution, ministers drew from these older ideas to help them plan their own proposals for incorporating Catholic subjects. Although Pitt's Catholic policies were motivated by the circumstances of his time, they were part of a broader debate that went back centuries.

When it comes to religion and the status of subjects under British rule, the late eighteenth century was a time of clash. As the king's remarks to Pitt indicate, it was a time when an influential portion of Britain's governing elite subscribed to a view of English society that would have resembled the idea of the confessional state described by J. C. D. Clark.[4] The 1780s also saw renewed attempts to extend the Anglican Church in North America, while many subjects across the British Atlantic continued to see Protestantism as an important cultural adhesive.[5] However, the state was also embracing compromise as the British Empire shifted from being primarily an empire of plantation to one of conquest. As Jessica Harland-Jacobs argues, accommodation emerged during this time as "a pragmatic element in Britain's repertoire of imperial rule."[6] Starting in the early 1700s, the British state took a flexible attitude toward imperial Catholic populations, allowing concessions in some cases while upholding anti-Catholic policies in others.[7] Likewise, as Hannah Weiss Muller has shown, imperial peoples of varying backgrounds were using their status as subjects to make claims on the state. However, administrators decided which concessions to allow, resulting in "differential rather than uniform rights across the British Empire."[8]

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[3] George III to Pitt, 1 February 1801, Pitt Papers, CUL Add. 6958, fol. 2837.

[4] J. C. D. Clark, "England's *Ancien Regime* as a Confessional State," *Albion* 21, no. 3 (1989): 450–74.

[5] Peter Doll, *Revolution, Religion, and National Identity: Imperial Anglicanism in British North America, 1745–1795* (London, 2000); see also Linda Colley, *Britons: Forging the Nation, 1707–1837* (New Haven, 1992); Carla Gardina Pestana, *Protestant Empire: Religion and the Making of the British Atlantic World* (Philadelphia, 2009); and Stewart J. Brown, *Providence and Empire: Religion, Politics and Society in the United Kingdom, 1815–1914* (Harlow, 2008), 10.

[6] Jessica Harland-Jacobs, "Incorporating the King's New Subjects: Accommodation and Anti-Catholicism in the British Empire, 1763–1815," *Journal of Religious History* 39, no. 2 (2015): 203–23, at 206.

[7] Harland-Jacobs, "Incorporating the King's New Subjects," at 208 and 222–23; see also Peter. J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America, c. 1750–1783* (Oxford, 2005).

[8] Hannah Weiss Muller, "Bonds of Belonging: Subjecthood and the British Empire," *Journal of British Studies* 53, no. 1 (2014): 29–58, at 56; see also Hannah Weiss Muller, *Subjects and Sovereign: Bonds of Belonging in the Eighteenth-Century British Empire* (New York, 2017).

In what follows, I explore how this pragmatic, imperial approach interacted with conservative beliefs that emphasized the importance of the established church. In doing so, I also contribute to broader discussions of Catholicism and Gallicanism and questions of loyalty under British rule. By drawing connections between the policies of the Pitt ministry and early modern attempts to reconcile Catholics to the British state, such as those undertaken by James I or the Blackloists of the mid-1600s, I follow up on the writings of historians such as Stefania Tutino and Jeffery Collins. I also highlight the role that Catholics played in developing possibilities for reconciliation with the state. As Ethan Shagan has said, "Catholics themselves were not only the foil against which much of early modern English history occurred, but were also a vigorous and often divided community who sought to shape both their own destiny and the larger course of English history."[9]

Historians addressing the spread of Catholic relief legislation have emphasized several important factors that emerged during the second half of the eighteenth century. These include the state's desire to recruit Catholics into the military, the need to accommodate Catholic subjects within an expanding empire, the end of Jacobitism, and increased religious toleration among the British elite.[10] However, another essential factor was the long-standing hope that a compromise could be established between the state and at least some Catholics regarding the power of the papacy. Although ultramontane Catholicism, which endorsed the supremacy of Rome, became predominant during the 1800s, Catholics were frequently divided over the nature and extent of papal authority. As S. Karly Kehoe has said, the international Catholic community was characterized by a multiplicity of local churches, each with its own traditions.[11] French Catholicism, called "Gallicanism," was particularly influential among British and Irish Catholics. Although Gallicans recognized the pope's spiritual authority, French bishops too possessed spiritual authority, which they could express through church councils. Furthermore, Gallicans believed that secular authorities had jurisdiction over temporal matters. The king was bound to defend the church from all enemies, even the pope. Notably, Gallicanism assumed different forms depending on who was advocating it. It could be used to defend not only the ecclesiastical power of local churches but also the political power of local authorities or absolute monarchs. British ministers, like Pitt, sought to use it as an explicitly political tool.[12] In Britain, a rejection of the pope's temporal jurisdiction was essential to the passage of any concessions for Catholics. Both Catholics and

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[9] Stefania Tutino, *Law and Conscience: Catholicism in Early Modern England, 1570–1625* (Burlington, 2007); Jeffrey R. Collins, *The Allegiance of Thomas Hobbes* (Oxford, 2007); see also Ethan Shagan, "Introduction: English Catholic History in Context," in *Catholics and the "Protestant Nation": Religious Politics and Identity in Early Modern England*, ed. Ethan Shagan (Manchester, 2005), 1–21, at 2.

[10] See Robert Kent Donovan, "The Military Origins of the Roman Catholic Relief Programme of 1778," *Historical Journal* 28, no.1 (1985): 79–102; Marshall, *The Making and Unmaking*, 186–87; Colin Haydon, *Anti-Catholicism in Eighteenth Century England, c. 1714–80: A Political and Social Study* (Manchester, 1993).

[11] S. Karly Kehoe, *Creating a Scottish Church: Catholicism, Gender and Ethnicity in Nineteenth-Century Scotland* (Manchester, 2010), 3.

[12] William J. Bouwsma, "Gallicanism and the Nature of Christendom," in *Renaissance: Studies in Honor of Hans Baron*, ed. Anthony Molho and John Tedeschi (Dekalb, 1971): 811–30, at 817 and 821; see also Jacqueline Rose, *Godly Kingship in Restoration England: The Politics of the Royal Supremacy, 1660–1688* (Cambridge, 2011), 230–31.

Protestants repeatedly turned to Gallican ideas in their attempts to find a mutually acceptable compromise.

Because my concern here is largely policy as developed out of Westminster, my initial focus is on England. The question of whether Catholics could be reconciled to the English (later British) government went back to the 1500s. During the long Reformation, England's confessional state defined itself by its independence from, and opposition to, Rome. Official anti-Catholicism arose from a climate of religious warfare and the recurrent threats of sectarian violence against the state. Nevertheless, Protestant rulers like James I and Catholic groups like the Blackloists repeatedly attempted to establish compromises under which Catholics could obtain toleration in exchange for denying papal authority and vowing loyalty to the state. While these attempts failed in their own time, the ideas behind them continued to influence both ministers' and Catholics' discussions of Catholics' status. Starting in the mid-1700s, ministers began to reconsider the status of Catholics in response to the expansion and diversification of the British Empire and an increased need for soldiers. The Quebec Act and the Catholic Relief Acts of the 1770s marked a turning point in which ministers successfully introduced Gallican-style limitations on Catholic subjects, or in the case of Quebec, the Catholic Church itself, in exchange for toleration.

In the latter part of the article, I focus on the policies of the Pitt ministry, including the Canada Constitutional Act, the Catholic Relief Acts of the 1790s, and the Pitt ministry's unimplemented plans for Catholic emancipation. These policies marked a shift toward incorporating Catholics into civil society that was brought about by the conditions of the age of revolution.[13] While the fallout of the American Revolution forced the ministry to redesign Quebec's government, the French Revolution posed a new challenge to Europe's religious and political institutions. In this context, ministers sought to win over Catholic support by granting them civil and even political liberties. The policies the ministry adopted for Quebec, England, and Ireland varied significantly. Canadiens essentially received Catholic emancipation early, obtaining the franchise and the ability to sit in an assembly, albeit one with very limited powers. Irish Catholics gained the franchise but remained excluded from the imperial Parliament. English Catholics saw many penal laws repealed but remained unenfranchised. However, if the ministry had fulfilled its plans, all three regions would have received emancipation after 1801. Collectively, these policies represented a further adaptation and expansion of the early modern idea that Catholic subjects could be allowed greater freedoms if they agreed to Gallican-style ideas and restrictions on their church. While the Pitt ministry took this idea further than its predecessors had, it did so with the ultimately conservative goal of strengthening the state.

AN EARLY MODERN DEBATE

The debate concerning Catholics' relationship to the English state emerged in a period of sectarian conflict and religious warfare. The 1559 Act of Supremacy made Elizabeth I head of the established church, wielding exclusive authority over

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[13] During this period, the British often used the term "Canada" to refer to the territory that had been French Canada before 1763. I also refer to French Canadians as "Canadiens."

spiritual and temporal matters. Following a Catholic uprising in northern England in 1569, Pope Pius V excommunicated the queen and ordered her subjects to abandon her. Compounding the issue, Rome reclassified England as a mission field under the authority of the Jesuit superior Robert Persons, who supported military intervention to re-Catholicize the country. The Jesuits more generally represented an ultramontane faction that defended the pope's universal supremacy, including his ability to depose secular rulers and nullify oaths. The doctrines of equivocation and mental reservation were also developed during this time, enabling Catholics to use rhetorical strategies to mislead others without lying before God. The English state, in turn, made it treason to encourage reconciliation with Rome or introduce papal bulls into the country.[14]

However, many English Catholics opposed the ultramontane understanding of papal power. They sought to balance their religion with their national allegiances by arguing that the pope's power was purely spiritual and that he lacked the authority to interfere in temporal matters. The Appellants, for example, issued a Protestation in 1602 vowing allegiance to Elizabeth despite her excommunication. Likewise, many Catholics believed that their bishops derived their own distinct authority from their dioceses and sought the return of the hierarchy. The Appellants petitioned Rome for a bishop-in-ordinary and, when that failed, they developed a plan under which priests would elect their own superiors. Despite their efforts, the Appellants ultimately failed to secure toleration in England or wrest control of the hierarchy from the Jesuits. However, their ideas may have influenced the 1606 oath of allegiance.[15]

The debate surrounding the 1606 oath centered on whether the pope possessed temporal power. As David Martin Jones observed, "The oath defined the minimal requirements for loyal membership of the English confessional state."[16] It also influenced the oaths of 1774 and 1778 and the 1789 Protestation oath. The 1606 oath denied that the pope had the power to depose kings and declared that subjects remained obliged to defend their monarch regardless of excommunication. It also denounced the belief that subjects could permissibly murder deposed rulers as "heretical" and "damnable." It closed with a vow that the swearer had no dispensation annulling the oath and had engaged in no equivocation or mental reservation when swearing.[17] Although historians debate the oath's purpose, James I claimed that it was designed to distinguish loyal Catholics from traitors. He indicated that subscribers would receive toleration. Rome rejected it, however, and Catholics split over its acceptability. Aside from the oath's denial of the pope's temporal

[14] Peter J. Marshall, *Reformation England, 1480–1642*, 2nd ed. (New York, 2012), 192–94; Arnold Pritchard, *Catholic Loyalism in Elizabethan England* (Chapel Hill, 1979), 3, 7; Tutino, *Law and Conscience*, 19; Stefania Tutino, *Shadows of Doubt: Language and Truth in Post-Reformation Catholic Culture* (Oxford, 2014), 15–18, 21.

[15] Edward Norman, *Roman Catholicism in England from the Elizabethan Settlement to the Second Vatican Council* (Oxford, 1985), 26–27; Pritchard, *Catholic Loyalism*, 128–29, 136, and 144; Tutino, *Law and Conscience*, 65–73; and Johann Sommerville, "Papist Political Thought and the Controversy over the Jacobean Oath of Allegiance," in Shagan, *Catholics and the "Protestant Nation,"* 162–84, at 164–65.

[16] David Martin Jones, *Conscience and Allegiance in Seventeenth Century England: The Political Significance of Oaths and Engagements* (Rochester, 1999), 43.

[17] Act for the better discovering and repressing Popish recusants, 1606, 3 & 4 Jac.1, c. 4, in G. W. Prothero, *Select Statutes and Other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I*, 4th ed. (Oxford, 1913), 256–62, at 259–60.

power, the requirement that swearers denounce the murder of excommunicated rulers as "heretical" was problematic because it was a theological claim that required Catholics to reject the religious connection they shared with their ultramontane coreligionists.[18] The oath's defenders often drew from Gallican arguments, emphasizing that Catholics owed temporal obedience to the state, despite their private spiritual beliefs. The Benedictine Thomas Preston argued that even heretical princes were entitled to obedience, while the boundaries of the pope's jurisdiction were debatable.[19] The Scottish jurist William Barclay, a defender of the divine right of kings, argued that God created spiritual and temporal authority and placed them under separate jurisdictions, each of which had to be obeyed.[20] James himself took a Gallican view in his defense of the oath, arguing that while the pope was a legitimate fellow ruler, England lay beyond his jurisdiction. Meanwhile, James's temporal authority came from God.[21]

While some Catholics defended secular princes' temporal authority as a matter of divine right, another approach emerged during the Interregnum. The Blackloists, led by Thomas White, were also influenced by Gallican ideas. They rejected papal authority and advocated for a more independent English Catholic Church. To achieve this goal, they were willing to grant the state some control over their hierarchy.[22] In 1647, Charles I was considering an alliance with the Independents that would have included limited toleration for Catholics. However, Rome withdrew its support when the Independents insisted that Catholics swear the Three Oaths.[23] These oaths stated that the church could not absolve one's civil allegiance or legitimize harming others, and that others' heresy did not justify breaking faith with them.[24] The Blackloists accepted the oaths. Following Charles's execution, they attempted to negotiate with the Interregnum government themselves.[25]

Henry Holden, a Blackloist and professor at the Sorbonne, composed a plan offering the government influence over the English Catholic Church in exchange for toleration and a new national hierarchy. It called for the appointment of bishops-in-ordinary, deriving their authority "from Christ Jesus himself" instead of Rome.[26] Papal instructions, even concerning spiritual matters, would only be allowed in the

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[18] James I, *Triplici nodo, triplex cuneus; Or An apologie for the Oath of allegiance* [. . .] (1607), 3–4; see also M. C. Questier, "Loyalty, Religion and State Power in Early Modern England: English Romanism and the Jacobean Oath of Allegiance," *Historical Journal* 40, no. 2 (1997): 311–29, at 319–22; Tutino, *Law and Conscience*, 133.

[19] Tutino, *Law and Conscience*, 78–79.

[20] Tutino, 169–73.

[21] Tutino, 136–37; Stefania Tutino, *Empire of Souls: Robert Bellarmine and the Christian Commonwealth* (Oxford, 2010), 180; see also Anthony Milton, *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought, 1600–1640* (Cambridge, 1995), 223, 253.

[22] Jeffrey R. Collins, "Thomas Hobbes and the Blackloist Conspiracy of 1649," *Historical Journal* 45, no. 2 (2002): 305–31, at 310; see also Stefania Tutino, *Thomas White and the Blackloists: Between Politics and Theology during the English Civil War* (Burlington, 2008), 56–59.

[23] Collins, "Thomas Hobbes and the Blackloist Conspiracy of 1649," at 312–14; see also Collins, *Allegiance of Thomas Hobbes*, 113.

[24] T. H., *Articles proposed to the Catholiques of England* [. . .] (1648), British Library, reel position Thomason / 73:E.458[9].

[25] Collins, "Thomas Hobbes and the Blackloist Conspiracy of 1649," at 313–14.

[26] "Dr. Holden's Instructions," reprinted in *Blacklo's Cabal Discovered in severall of their Letters* [. . .], ed. R. Pugh, 2nd ed. (1680), 32–35, at 33.

country with state permission. Parliament would also be allowed to screen potential bishops. Catholics who refused to subscribe to the proposed oath, and clergy who refused to obey the new bishops, would be exiled from the kingdom.[27] The penal laws would be removed, but only some Catholics would benefit. Ultimately, the Blackloists' efforts to make an agreement with the Independents failed, as did a later attempt with Oliver Cromwell. Nevertheless, they dominated the English chapter, which resisted papal authority over the appointment of bishops into the 1670s.[28]

Blackloist ideas also influenced the creation of the Remonstrance in Ireland during the Restoration. Many Irish Catholics had lost their property following the 1641 rebellion and Cromwell's land settlement, and they hoped that Charles II would restore it to them. In the Remonstrance, subscribers swore allegiance to the king, promising obedience in all temporal matters and denying that any power could permit them to break their oath or legitimize rebellion or assassination. However, although the Remonstrance pleased Charles II, it was ultimately a failure. Rome refused to endorse it, while Peter Talbot, the Catholic archbishop of Dublin, persecuted those who had. A few years before, Rome had also refused to allow Charles to select Ireland's bishops. Meanwhile, subscribers received neither land nor positions of trust. By 1675, Catholics only possessed 29 percent of Ireland's landed property.[29]

Under the last two Stuart kings, Catholics continued to use Gallican arguments to defend their religion and appeal to Anglicans. However, anti-Catholic sentiment was increasing in England under Charles II due to widespread concern about the king's sympathy toward Catholicism. The 1672 Test Act required that state and military officers deny transubstantiation. After 1678, swearers were also required to denounce the veneration of the Virgin Mary and the saints. While earlier policies had focused on Catholics' political loyalties, these acts targeted their personal religious beliefs. James II exacerbated Protestants' anxiety by implementing religious toleration and appointing Catholics to state offices, among other policies. Imitating Louis XIV, he also demanded that the pope allow him to appoint Catholic bishops.[30]

The Glorious Revolution set the conditions for a more explicitly Protestant confessional state. Catholics were excluded from kingship, and a new coronation oath required the monarch to maintain "the Protestant Reformed Religion established

[27] "Larger Instructions in Dr. Holden's hand Writing," in Pugh, *Blacklo's Cabal*, 36–41, at 37, 40; see also Beverley Southgate, *"Covetous of Truth": The Life and Work of Thomas White, 1593–1676* (Dordercht, 1993), 34–36.

[28] Southgate, *"Covetous of Truth,"* 39–40; John Miller, *Popery and Politics in England, 1660–1688* (Cambridge, 1973), 45.

[29] Anne Creighton, "The Remonstrance of December 1661 and Catholic Politics in Restoration Ireland," *Irish Historical Studies* 34, no. 133 (2004): 16–41, at 27, 29, 34–40; see also Gabriel Glickman, "Christian Reunion, the Anglo-French Alliance and the English Catholic Imagination, 1660–72," *English Historical Review* 128, no. 531 (2013): 263–91, at 275, 277, and 285; Kevin McKenny, "The Restoration Land Settlement in Ireland: A Statistical Interpretation," in *Restoration Ireland: Always Settling and Never Settled*, ed. Coleman Dennehy (Burlington, 2008), 35–52, at 39.

[30] See Gabriel Glickman, "The Church and the Catholic Community, 1660–1714," in *The Later Stuart Church, 1660–1714*, ed. Grant Tapsell (Manchester, 2012), 217–42; Jones, *Conscience and Allegiance*, 186, 283–84; Jeffrey R. Collins, "Restoration Anti-Catholicism: A Prejudice in Motion," in *England's Wars of Religion, Revisited*, ed. Glenn Burgess and Charles W. A. Prior (Burlington, 2011), 281–306, at 286; and Steven Pincus, *1688: The First Modern Revolution* (New Haven, 2009), 129, 131–32.

by Law."[31] However, the papacy continued to recognize the Stuarts, allowing them to select the bishops who worked in their titular dominions. It also forbade Catholics from taking the oath of abjuration.[32] Meanwhile, Catholics throughout the British Isles faced a heavy battery of penal laws, restricting their religious practices and attacking their property ownership. They were also legally barred from educating their children as Catholics, working in law, voting, and holding office. Although historians have questioned how thoroughly these laws were enforced, they marked Catholics as a marginalized population. Particularly in Ireland, the laws transferred land from Catholic to Protestant hands and reaffirmed Protestant political control. As S. J. Connolly explains, "Property not numbers was the key to power."[33]

CHANGES IN THE MID-1700S

The tide started to turn in the 1760s. Following the Old Pretender's death, the pope endorsed the Hanoverian claim to the throne. The idea reemerged in legal circles that it was Catholics' attachment to the papacy, not their religious beliefs, that made them dangerous subjects. As the jurist William Blackstone remarked, "If once they could be brought to renounce the supremacy of the pope, they might quietly enjoy their seven sacraments, their purgatory, and auricular confession; their worship of reliques and images; nay even their transubstantiation."[34] Meanwhile, the power of the papacy had declined. The Jesuits, long seen as the agents of the papacy, saw their order dissolved in 1773. Other European states besides France were asserting increased control over their religious establishments. For example, Joseph II of Austria controlled the nomination of bishops and decided which schools and religious orders would exist in his dominions. The Enlightenment also inspired Catholic reformers to see civil government as an ally against the influence of the papacy.[35] As Peter Doll states, "To British observers the Roman Church seemed in the midst of a revolutionary reformation from which it appeared impossible that a Tridentine ultramontanism could ever again rear its head."[36]

Britain's victory in the Seven Years War provided the impetus to test this perception. At the war's end, France surrendered Quebec and Grenada to Britain. Despite initial plans to introduce Anglicanism, common law, and an exclusively Protestant assembly, it soon became clear that Quebec's Protestant population was too small to run the colony alone. As Harland-Jacobs demonstrates, Quebec would instead become a model for other colonies in the growing British Empire, demonstrating how the state could employ toleration and elements of Gallican Catholicism

[31] Quoted in Jones, *Conscience and Allegiance*, 204.

[32] Patrick Fagan, *Divided Loyalties: The Question of the Oath for Irish Catholics in the Eighteenth Century* (Dublin, 1997), 36.

[33] Haydon, *Anti-Catholicism*, 47; Colin Haydon, "Parliament and Popery in England, 1700–1780," *Parliamentary History* 19, no. 1 (2000): 49–63, at 49–51; S. J. Connolly, *Divided Kingdom: Ireland 1630–1800* (Oxford, 2008), 198–203 and 250–59, at 258.

[34] William Blackstone, *Commentaries on the Laws of England*, vol. 4, *Of Public Wrongs* (Oxford, 1769), 54, 57.

[35] Ambrose Macaulay, *The Catholic Church and the Campaign for Emancipation in Ireland and England* (Dublin, 2016), 18; Alexander Lock, *Catholicism, Identity and Politics in the Age of Enlightenment: The Life and Career of Sir Thomas Gascoigne, 1745–1810* (Woodbridge, 2016), 17–18; Ulrich Lehner, *The Catholic Enlightenment: The Forgotten History of a Global Movement* (New York, 2016), 3, 10, 19.

[36] Doll, *Revolution, Religion*, 94.

to maintain British rule.[37] Following the Treaty of Paris, Canadiens were allowed to practice the Catholic faith "as far as the laws of Great Britain permit."[38] It was soon determined that British penal laws did not apply in Quebec, opening the way for Catholics to sit on juries and potentially vote or participate in assemblies. It helped that the Catholic Church in Quebec, as a French colony, had historically been Gallican.[39] As the southern secretary William Shelburne remarked, "The Oaths of Allegiance, Supremacy, and Abjuration none of them will refuse to take; nor indeed should any Person hold a Place of Trust under Government who would refuse them."[40] Meanwhile, although plans to enfranchise Canadiens fell through, the Board of Trade enfranchised Catholics in Grenada by simply excusing them from swearing the declaration against transubstantiation.[41]

Nevertheless, Catholic Canadiens needed to maintain some contact with the papacy in order to staff their church. Shortly after the conquest, Bishop Pontbriand died. Canadiens, insistent on replacing him, appealed for a new bishop and even suggested that the chapter be allowed to elect its own bishop to avoid dependence on Rome and France.[42] Recognizing the need, Governor James Murray recommended instituting a bishop "nominated by his Majesty" who would "hold his House & Revenues by Grant from the Crown, revocable at pleasure."[43] In a similar assessment, the Anglican archbishop Robert Hay Drummond admitted that a bishop was necessary to consecrate clergy but argued that he should not be allowed the symbolism of his office nor the authority to impose regulations on the church.[44] Eventually, Jean-Olivier Briand was permitted to assume the role. A reliable ally of the British, Briand was elected by the chapter of Quebec in 1764 and went to France for consecration in 1766. Although the pope accepted Briand as bishop, the Holy See avoided acknowledging that he had been elected by the chapter, while reaffirming that the right to choose bishops lay with Rome. As Drummond had suggested, the British officially regarded Briand as a "superintendent" instead of a bishop. Nevertheless, Briand performed his role much as his predecessors had.[45]

The Quebec Act and the instructions that accompanied it effectively sought to impose Gallican-style restrictions on the Catholic Church.[46] The act was designed

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[37] "Proclamation of Oct. 7th, 1763," in *Documents Relating to the Constitutional History of Canada, 1759–1791*, ed. Adam Shortt and Arthur Doughty, 2nd rev. ed., 2 vols. (Ottawa, 1918), 1:163–68; Harland-Jacobs, "Incorporating the King's New Subjects," 218–23.

[38] Treaty of Paris, Article IV, Shortt and Doughty, *Documents*, 1:113–26, at 115.

[39] "Notes of Proceedings Relative to Canada," Shelburne Papers, 168 vols., 64:459 Clements Library, University of Michigan; Fernand Ouellet, *Lower Canada, 1791–1840: Social Change and Nationalism* translated and adapted by Patricia Claxton (Toronto, 1980), 13.

[40] Shelburne to the Board of Trade, 17 May 1767, Shelburne Papers, 64:483, Clements Library.

[41] Stephen Cottrell to William de Grey, 3 September 1768, reprinted in *Acts of the Privy Council of England. Colonial Series*, vol. 5, ed. James Munro and Sir Almeric W. Fitzroy (London, 1912), 6.

[42] Doll, *Revolution, Religion*, 107.

[43] James Murray, "On the Subject of Religion with respect to Canada," May 1763, Shelburne Papers, 64:563, Clements Library.

[44] Robert Hay Drummond, "Heads of a Plan for the Establishment of Ecclesiastical Affairs in the Province of Quebec," n.d., Shelburne Papers, 59:18, Clements Library.

[45] Doll, *Revolution, Religion*, 114, 118–20; Luca Codignola, "Roman Catholic Conservatism in a New North Atlantic World, 1760–1829," *William and Mary Quarterly* 64, no. 4 (2007): 717–56, at 725.

[46] Doll, *Revolution, Religion*, 123–54; see also Philip Lawson, *The Imperial Challenge: Quebec and Britain in the Age of the American Revolution* (Montreal, 1990); David Milobar, "Quebec Reform, the

to appease the Catholic clergy and *seigneurs*, whom the ministry perceived as provincial elites. It implemented a hybrid government, calling for French civil law and British criminal law. Legislative power was vested in an appointed council, which included both British Protestants and Catholic Canadiens. The Catholic Church would continue operating in Canada and collecting tithes.[47] However, as the king's instructions for the governor indicated, clergy were to be licensed and hold their offices at the state's pleasure. Correspondence with the papacy or other foreign ecclesiastical bodies was forbidden. In order to limit foreign influence, all new clergy were to be seculars born in Canada. Religious societies were to stop recruiting, while the governor had authority over the seminaries. Bishops would be limited to functions that were "essentially and indispensably necessary to the free exercise of the Romish Religion" and worked at the King's pleasure.[48] Despite earlier assumptions that Canadiens could swear the oath of supremacy, the Quebec Act skirted the issue. Officially, the Anglican Church remained the established church, and the royal supremacy was preserved. Lord North even told Parliament that Briand was "professedly subject to the King's supremacy."[49] Nevertheless, Canadiens were required only to swear a simple oath of allegiance promising to defend the king and renouncing the use of equivocation, mental reservation, or pardons. Protestants still swore the traditional oaths.[50]

Contemporaneously with the Quebec Act, the position of Catholics in the British Isles was changing.[51] In 1778, the first Catholic Relief Acts were passed, removing some restrictions on worship and allowing English Catholics to purchase land and Irish Catholics to take out 999-year leases on property. The Irish received a further expansion of property rights and toleration in 1782.[52] The immediate motivation for the acts was the outbreak of the American Revolution.[53] The relief acts were

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British Constitution and the Atlantic Empire, 1774–1775," in *Parliamentary History: Parliament and the Atlantic Empire*, ed. Philip Lawson (Edinburgh, 1995). For more on the Quebec Act, see also Phillip Buckner and John G. Reid, eds., *Revisiting 1759: The Conquest of Canada in Historical Perspective* (Toronto, 2012).

[47] Quebec Act, Shortt and Doughty, *Documents*, 1:570–76.

[48] Instructions to Governor Carleton, 1775, Shortt and Doughty, *Documents*, 2:594–614, at 602–5.

[49] R. C. Simmons and P. D. G. Thomas, eds., *Proceedings and Debates of the British Parliaments Respecting North America, 1754–1783*, vol. 4 (1774) (Millwood: 1982), 468.

[50] Quebec Act, Shortt and Doughty, *Documents*, 1:572–73; "Instructions to Governor Carleton, 1775," Shortt and Doughty, *Documents*, 2:595–96; see also Gustave Lanctot, *Canada and the American Revolution* (London, 1967), 18.

[51] There have been several studies concerning the relationship between policy in Quebec and Ireland. See Karen Stanbridge, *Toleration and State Institutions: British Policy toward Catholics in Eighteenth-Century Ireland and Quebec* (Lanham, 2003); and Jacqueline Hill, "Religious Toleration and the Relaxation of the Penal Laws: An Imperial Perspective, 1763–1780," *Archivium Hibernicum*, no. 44 (1989): 98–109; see also Maurice Bric, "Catholicism and Empire: Ireland and Lower Canada, 1760–1830," in *Ireland and Quebec: Multidisciplinary Perspectives on History, Culture and Society*, ed. Margaret Kelleher and Michael Kenneally (Dublin, 2016), 32–45.

[52] Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question, 1690–1830* (Savage, 1992), 90–91, 101; Haydon, *Anti-Catholicism*, 204.

[53] The American Continental Congress cited the Quebec Act as one of their grievances in 1774. They complained that it was unconstitutional to establish Catholicism in Canada and suggested that Catholic emigrants would be used to enslave American Protestants. Michael Carter, "A "Traitorous Religion": Indulgences and the Anti-Catholic Imagination in Eighteenth-Century New England," *Catholic Historical Review* 99, no. 1 (2013): 52–77, at 76.

designed to facilitate the recruitment of Catholic soldiers, particularly in Ireland and Scotland. However, Scottish Catholics received no relief at this time. Instead, attempts to pass a relief act for Scotland generated a backlash that ended in the 1780 Gordon Riots, demonstrating that many British Protestants remained firmly anti-Catholic, despite the state's changing position.[54]

During the development of the Irish acts, it was proposed to accompany them with new restrictions on Ireland's Catholic Church. Catholic clergy would be required to study in Ireland, government would be allowed to nominate bishops, and clergy would receive a stipend from the state.[55] While these changes were not implemented, the 1770 relief acts marked a victory for the principles of the 1606 oath and its Catholic supporters. To benefit from the relief acts, Catholics had to swear a new oath. The Irish oath of 1774 began with a vow of allegiance to George III and a denial of the Stuarts' claim based on the oath of abjuration. It then denounced as "unchristian and impious" the idea that it was acceptable to murder heretics and denied the pope's deposing power. It also denied that the pope or any foreign power "hath, or ought to have" any temporal authority in the realm. The oath concluded with a statement denying that the swearer had equivocated, followed by an additional rejection of anyone's ability to annul the oath.[56] Despite some initial hesitation among clergy, Irish Catholics generally accepted the oath. To benefit from their relief act, English Catholics swore a similar oath that contained an additional line denouncing the idea "That no Faith is to be kept with Hereticks."[57] Although Rome was initially uncomfortable with the oaths, by 1778 enough bishops had sworn it that Archbishop Borgia, secretary of Propaganda, wrote to say that it would be permitted.[58] After more than two hundred years of debate on the issue, Catholics in England and Ireland agreed to limitations on the pope's power within the realm while vowing their acceptance of a Protestant dynasty.

During the 1770s, the state responded to the challenges of imperial expansion and the American Revolution by reconsidering Catholics' legal position and adapting early modern solutions. However, Catholic subjects still experienced varying treatment under British rule. The Quebec Act allowed Catholics freedoms that frightened many British Protestants, while only requiring a simple oath of allegiance. In comparison, English and Irish Catholics were required to swear more extensive oaths in exchange for modest gains. Between the absence of the penal laws and the presence of French civil law, Canadiens' traditional property rights were upheld, while their church remained dominant on the ground. The different ways in which Catholics were treated reflected the power dynamics of their societies. The Quebec Act was

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[54] See Robert Kent Donovan, *No Popery and Radicalism: Opposition to Roman Catholic Relief in Scotland, 1778–1782* (New York, 1987); see also Christine Johnson, *Developments in the Roman Catholic Church in Scotland* (Edinburgh, 1983), 29–32. Scottish Catholics did not receive a relief act until 1793.

[55] Eamon O'Flaherty, "Ecclesiastical Politics and the Dismantling of the Penal Laws in Ireland, 1774–82," *Irish Historical Studies* 26, no. 101 (1988): 33–50, at 47–48.

[56] Fagan, *Divided Loyalties*, 143–56.

[57] Catholic Relief Act, 1778, Geo. 3, c. 60, Warwickshire County Record Office, Warwick, (hereafter Warwickshire); see also Dáire Keogh, *The French Disease: The Catholic Church and Irish Radicalism, 1790–1800* (Dublin, 1993), 15–24; C. D. A. Leighton, *Catholicism in a Protestant Kingdom: A Study of the Irish Ancien Régime* (New York, 1994), 145–50.

[58] Macaulay, *Catholic Church*, 48–49.

instituted with the goal of winning over Canadien clergy and *seigneurs*, who were perceived as the traditional colonial elites. In the British Isles, however, the established churches were far stronger, and it was their members who held political power and most of the wealth. Although British and Irish Catholics could wield some influence of their own, particularly as potential manpower for the military, members of government balanced Catholics' desires against entrenched Protestant interests and ministers' own biases. Nevertheless, following Catholics' widespread acceptance of the oath of 1774 and the example of the Quebec Act, Catholics could make a stronger claim to be loyal subjects. The possibility was opened to renegotiate what that status might mean for them.

THE CANADA CONSTITUTIONAL ACT OF 1791

Though not religious, Pitt firmly believed in the importance of the established church and the need to maintain its privileged position. As he said in a speech he published against repealing the Test and Corporation Acts, "[The Anglican Church's] Constitution is most congenial with the Civil Constitution of the Country."[59] Nevertheless, his first ministry saw a marked change in the position of Catholic subjects. Numerous factors, including the end of the American Revolution, the outbreak of the French Revolution, the war with revolutionary France, and the political mobilization of individuals across the religious spectrum, all posed serious threats to the realm's institutions and defenses. Facing the specter of Jacobinism and the attempted destruction of the *ancien régime* social structure in Europe, the state reevaluated its treatment of Catholic subjects, repealing many of the surviving penal laws and allowing Catholics varying degrees of political participation. Nevertheless, even as ministers considered allowing them a degree of political power, traditional concerns about Catholics' true allegiances remained. As a result, ministers renewed attempts to put the Catholic churches of the realm under Gallican-style controls while devising more elaborate oaths for British and Irish Catholics. This period of experimentation would reach its peak with the 1801 Act of Union, which the ministry intended to follow by effectively granting Catholic emancipation across the British Isles in exchange for placing the Catholic Church under state control.

Once again, Quebec was a forerunner for policies that would later be tried elsewhere. The Canada Constitutional Act of 1791 essentially gave Canadiens Catholic emancipation decades before it happened in the British Isles. Although the Quebec Act laid the foundation for equality between Catholics and Protestants in the colony, it remained controversial. Subjects on both sides of the Atlantic protested it as an attack on Protestantism, English law, and constitutional government. However, the turning point came following the United States' victory in the American Revolution. Thousands of loyalists fled to Canada and brought with them a desire for English common law and a representative assembly. The Pitt ministry responded by developing a plan to restructure the colony. As Maya Jasanoff argues, the ministry hoped to prevent a future revolution by introducing a localized version of the British Constitution. It would emphasize hierarchy and centralized authority while also

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[59] William Pitt, *The Speech of the Right Hon. William Pitt, in the House of Commons, on Tuesday the Second of March 1790, Respecting the Repeal of the Corporation and Test Acts* (London, 1790), 37.

attempting to extend justice and good governance to an ethnically and culturally diverse body of subjects.[60] Ministers assumed that the American Revolution had broken out because the colonies' governments had been too independent and differed too much from those of the mother country. To prevent future revolutions, they aimed to better replicate the British government, while at the same time rendering the colonies more dependent.[61]

Following the Quebec Act, the idea of enfranchising Catholic Canadiens seems to have met with little opposition. While the ministry received numerous petitions concerning the creation of an assembly for Quebec, none suggested excluding Catholics from the franchise.[62] One petition, for example, requested an assembly open to representatives who "profess the Christian Religion and speak and write the English or French Languages."[63] The main exception was Pitt himself. When Charles James Fox questioned him about the ministry's failure to introduce an assembly in 1788, Pitt responded that "it was such an House of Assembly as scarcely ever had existed; an Assembly [in] which Catholics were to sit equally with Protestants, and to enjoy the same powers. Would the right honourable gentleman say, that such a matter was universally desired?"[64] Pitt's misgivings aside, the ministry soon accepted the necessity of just such an assembly. In 1790, William Grenville, recently appointed head of the Colonial Office, took charge of designing a new government that would include Canadiens.[65] Despite the loyalists, Canadiens remained in the majority. According to Lord Dorchester, the governor, Canadiens outnumbered British settlers by five to one.[66] Additionally, Grenville regarded the *seigneurs* as useful allies. Although many of them opposed an assembly on the grounds that it would raise their taxes, Grenville insisted they be allowed to participate in one. In his words, the *seigneurs* would not want the power of taxation left with "some other body, whatever it might be, over which they could have no controul, & with whom, they might have no common interest."[67]

[60] Maya Jasanoff, *Liberty's Exiles: The Loss of America and the Remaking of the British Empire* (London, 2011), 12–13; see also Jerry Bannister, "Canada as Counter-Revolution: The Loyalist Order Framework in Canadian History, 1750–1840," in *Liberalism and Hegemony: Debating the Canadian Liberal Revolution*, ed. Jean-Francois Constant and Michel Ducharme (Toronto, 2009), 98–146.

[61] Grenville, "View of the several Points prayed for by the Petitions," Dropmore Papers, Add. MSS 59230, fols. 108–9, 110, 119–25, British Library.

[62] John Garner, *The Franchise and Politics in British North America, 1755–1867* (Toronto, 1969), 134–35.

[63] "Plan for a House of Assembly drawn up by the Committees of Quebec & Montreal in November 1784," Dropmore Papers, BL Add. MSS 59230, fol. 204.

[64] William Pitt, Speech to the House of Commons, 16 May 1788, *Parliamentary Register; or the History of the Proceedings and Debates of the House of Commons*, vol. 23 (London, 1787–88), 693.

[65] For more on the creation of the Constitutional Act of 1791, see David Milobar, "Conservative Ideology, Metropolitan Government, and the Reform of Quebec, 1782–1791," *International History Review* 12, no. 1 (1990): 45–64; Pierre Tousignant, "La Genèse et l'Avènement de la Constitution de 1791" (PhD diss., University of Montreal, 1971); Frank Murray Greenwood, *The Legacies of Fear: Law and Politics in Quebec in the Era of the French Revolution* (Toronto, 1993), 35–55.

[66] The National Archives (hereafter TNA), CO 42/20, Precis of Dispatches received from Lord Dorchester, 1788, fol. 96; see also Peter J. Marshall, "British North America, 1760–1815," in *The Oxford History of the British Empire*, vol. 2, *The Eighteenth Century*, ed. Peter J. Marshall (Oxford, 1998), 372–93, at 386.

[67] Grenville, "View of the several Points," Dropmore Papers, BL Add. MSS 59230, fols. 101–2.

Grenville's plan called for dividing Quebec into Upper and Lower Canada, with "their own peculiar laws and tenures." Lower Canada, now Quebec, would have a Canadien majority, while Upper Canada, now Ontario, would have a British majority. Their assemblies would be "chosen without distinction of religious opinion," while the councils, already open to Catholics, would "lay the foundation of an Aristocracy."[68] Anglicans and Catholics were placed on a similar footing, but distinctions persisted. While Catholics could swear the Quebec Act oath, Protestants were still required to swear the oath of supremacy and the declaration against transubstantiation. The highest offices were reserved for Protestants. Protestants also outnumbered Catholics on the councils, while regional representation was intentionally slanted to give more assemblymen to the towns where the British were concentrated.[69] Grenville also sought to increase the governor's power and place the largely neglected Anglican establishment on a firm footing by allotting land and a stipend for Anglican clergy. Protestant subjects would be required to tithe to the Anglican Church.[70]

As Doll argues, Grenville and Pitt assumed that Canadiens would eventually adopt British ways, accepting both British law and Anglicanism.[71] In the meantime, Catholics were supposed to exist under the Gallican-style combination of tolerance and restriction dictated in the 1770s. However, these restrictions were not fully implemented. For example, Governor Dorchester did not insist on licensing clergy. Instead, the Catholic Church made an agreement with the colonial government: the bishop would be allowed to administer their church in exchange for encouraging loyalty.[72] Nevertheless, the state intervened in the appointment of Catholic bishops and coadjutors. When Briand retired in 1784, the government chose Jean-Francois Hubert as the new bishop coadjutor. Hubert could not take the role, however, until Dorchester permitted his consecration. Likewise, Dorchester's support was necessary for the consecration of Hubert's coadjutor, Charles-Francois Bailly de Messein, who had tutored Dorchester's children.[73] The state also intervened to prevent the hiring of European clergy, denying Canadiens permission to employ two French Sulpicians in the early 1780s. This policy was revised to accommodate *émigré* priests after the French Revolution. After war broke out with France, clergy served as allies, encouraging loyalty and refusing the sacrament to suspected republicans. As

[68] Grenville to the Archbishop of Canterbury, 31 January 1791, Dropmore Papers, BL Add. MSS 59231, fols. 163–64.

[69] "Instructions to Lord Dorchester as Governor of Lower Canada," 16 September 1791, in *Documents Relating to the Constitutional History of Canada, 1791–1818*, eds. Arthur Doughty and Duncan McArthur (Ottawa, 1914), 13–32, at 13–17; TNA, CO 43/10, George III, Commission of Lord Dorchester, fols. 119–21, 133–34; TNA, CO 42/88, Considerations on the Government of Lower Canada, fol. 222.

[70] Doll, *Revolution, Religion*, 246.

[71] Doll, 245, 253–56; see also Michael Gauvreau, "The Dividends of Empire: Church Establishments and Contested British Identities in the Canadas and Maritimes, 1780–1850," in *Transatlantic Subjects: Ideas, Institutions, and Social Experience in Post-Revolutionary British North America*, ed. Nancy Christie (Montreal, 2008), 199–250.

[72] Lucien Lemieux, *Historie du catholicisme Quebecois: Les XVIIIe et XIXe siecles*, vol. 1: *Les annees difficiles (1760–1839)* (Montreal, 1989), 3–37; Greenwood, *Legacies of Fear*, 18–19; TNA, CO 42/22, Monk to Nepean, 13 March 1793, fol. 68; Francis G. Morrisey, "La Situation Juridique de l'Église Catholique au Bas-Canada de 1791 à 1840," *Sessions d'étude—Société canadienne d'histoire de l'Église catholique*, no. 39 (1972): 65–89, at 83.

[73] Lucien Lemieux, *L'Etablissement de la Premiere Province Ecclesiastique au Canada, 1783–1844* (Montreal, 1968), 23–24.

Luca Codignola states, the revolution gave the Catholic Church "a deeply ingrained interest in maintaining the status quo concerning political power."[74]

The Constitutional Act allowed Catholic Canadiens political rights that outstripped those of their coreligionists in the metropole. Following its passage, Canadiens made up a substantial portion of the government of Lower Canada at all but the highest levels. Four out of nine members of the executive council and six out of seventeen of the legislative council were Canadiens. They held a majority in the assembly, and most rural householders met the requirement to vote.[75] Nevertheless, the assembly's power was very limited. As Michel Ducharme said, "The constitution is based on . . . the supremacy of the imperial parliament."[76] The appointed councils and the governor could override the assembly, which had no check on the executive branch short of refusing to pass a budget. Catholics participated in Canada's government, but power was concentrated at the top.[77]

The Constitutional Act aimed to strengthen British control over Canada while also securing the loyalty of a religiously and ethnically mixed populace. To this end, the ministry attempted to introduce a government that largely mirrored the British Constitution while also allowing Canadien Catholics enough participation in the system to maintain and, ideally, increase their loyalty. Compared to the incremental reforms that English Catholics would receive, the Constitutional Act marked a dramatic shift in the official status of Catholic Canadiens, allowing them access to an assembly almost forty years earlier than their English coreligionists. However, this change was made possible by restrictions that officially subordinated the Catholic Church to the government and aimed to establish Anglican dominance within the colony.

In many ways, the government that the Pitt ministry tried to implement through the Constitutional Act anticipated that which the ministry would foresee for Ireland under the Act of Union. In both cases, ministers responded to challenges raised by revolutions by attempting to increase British political control over the region while also conceding a degree of political representation to the Catholic subjects who lived there. Additionally, the Catholic ecclesiastical hierarchy was recognized as a potential ally, and attempts were made to assure their compliance through Gallican-style restrictions. However, these changes were accompanied by the expectation that the established church would eventually achieve dominance. In both instances, the Pitt ministry hoped that allowing Catholics to participate in British institutions

[74] Tousignant, "La Genèse et l'Avènement," 277, 285; Terence Fay, *A History of Canadian Catholics: Gallicanism, Romanism, and Canadianism* (Montreal, 2002), 37–38; Greenwood, *Legacies of Fear*, 72–73; Codignola, "Roman Catholic Conservatism," 720–21, 725.

[75] Fernand Ouellet, *Lower Canada*, 23–27; Gilles Paquet and Jean-Pierre Wallot, "Nouvelle-France/Québec/Canada: A World of Limited Identities," in *Colonial Identity in the Atlantic World, 1500–1800*, ed. Nicholas Canny and Anthony Pagden (Princeton, 1987), 95–114, at 105.

[76] Michel Ducharme, *The Idea of Liberty in Canada during the Age of Atlantic Revolutions, 1776–1838*, translated by Peter Feldstein (Montreal, 2014), 47.

[77] Danielle Laudy, "Les Politiques Coloniales Britanniques et le Maintien de l'Ancien Régime au Bas-Canada (1791–1832)," *Histoire, Économie et Société* 14, no. 1 (1995): 71–88, at 79–80; Philip Girard, "Liberty, Order, and Pluralism: The Canadian Experience," in *Exclusionary Empire: English Liberty Overseas, 1600–1900*, ed. Jack P. Greene (Cambridge, 2010), 160–90; see also Donald Fyson, "The Canadiens and British Institutions of Local Governance in Quebec from the Conquest to the Rebellions," in *Transatlantic Subjects: Ideas, Institutions, and Social Experience in Post-Revolutionary British North America*, ed. Nancy Christie (Montreal, 2008), 45–82.

would lead them to recognize the superiority of British practices and embrace them for themselves.

THE ENGLISH CATHOLIC RELIEF ACT OF 1791

During the same period when Canadiens were enfranchised, British and Irish Catholics were also campaigning for relief legislation. The first example of the decade was the English Catholic Relief Act of 1791. The development of this act showed both the continuing salience of early modern debates about papal authority and the manner in which ministers were persuaded to accept a more tolerant attitude toward the papacy in the wake of the French Revolution.

In 1787, a Catholic advocacy group known as the Catholic Committee asked Pitt for his help in repealing the remaining penal laws. Committee members came from the lay elite, which traditionally exercised a strong influence over the English clergy.[78] They were also largely Cisalpine Catholics. Like the Blackloists, Cisalpines were influenced by Gallican ideas. Some of them, like Sir John Courtney Throckmorton, maintained connections with France.[79] They desired to limit the power of the papacy and restore the English Catholic hierarchy. They aimed to replace the appointed vicars apostolic, who worked under Propaganda Fide to oversee the English Church, with elected bishops.[80] As Peter Marshall and Geoffrey Scott put it, "In the absence of a national hierarchy with full jurisdictional rights, it fell to some of the lay leaders of the English Catholic body . . . to devise a Gallican template with which they aimed to assure English Catholicism's future."[81]

The committee hoped to see Catholics obtain the same legal status as Protestant Dissenters. One draft bill, possibly written by committee member Charles Butler, proposed allowing Catholics to vote and sit in Parliament.[82] Pitt responded to their requests by giving them three questions to be submitted to several Catholic universities.[83] Pitt's questions concerned the same issues that had bedeviled Catholics since the 1600s. Did any Catholic authority claim civil jurisdiction in the realm? Could any Catholic authority dissolve oaths? Were Catholics allowed to break faith with heretics? The universities answered each question in the negative.[84] Based on these questions, Pitt's brother-in-law, Charles Stanhope, drew up a Protestation for the Catholics to sign. He presented the Protestation to Pitt, who was reported to be "very much pleased with it." Pitt apparently told Stanhope to submit the Protestation to the committee in order that "it may be sign'd by a very numerous set of Persons" and then presented to Parliament as a forerunner to a bill. Fifteen

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[78] John Bossy, *The English Catholic Community, 1570-1850* (New York, 1976), 330.

[79] Peter J. Marshall and Geoffrey Scott, "Introduction: The Catholic Gentry in English Society," in *Catholic Gentry in English Society: The Throckmortons of Coughton from Reformation to Emancipation*, ed. Peter J. Marshall and Geoffrey Scott (Farnham, 2009), 1–30, at 22.

[80] Marshall and Scott, "Introduction," at 26; Margaret Turnham, *Catholic Faith and Practice in England, 1779–1992: The Role of Revivalism and Renewal* (Woodbridge, 2015), 20.

[81] Marshall and Scott, "Introduction," at 25.

[82] Handwritten Draft of a Bill, undated, folder 1/1, Warwickshire.

[83] The committee sent the questions to Louvain, Douay, the Sorbonne, Valladolid, Alcala, and Salamanca. Macaulay, *Catholic Church*, 76n16.

[84] J. B. De Maziere and J. F. Vanoverbeke, "Queries," Gate Box, folder 2, Warwickshire.

hundred Catholics, along with 240 priests and three vicars apostolic, signed it in the coming months.[85]

The Protestation represented a more thorough denunciation of many things that Catholics had already denied under the 1778 oath. It denied their church's power to depose princes, absolve oaths, and legitimate lying to heretics. However, it also rejected papal infallibility and claimed that it was both accurate and right that the Catholic church had no "jurisdiction or authority whatsoever within this realm, that can, directly or indirectly, affect or interfere with the independence, sovereignty, laws, constitution, or government thereof; or the rights, liberties, persons, or properties of the people of the said realm." It also explained that clergy could not forgive sin, and "a sincere sorrow for past sin, a firm resolution to avoid future guilt, and every possible atonement to God and the injured neighbor, are the previous and indispensable requisites to establish a well founded expectation of forgiveness."[86] Based on the Protestation, Stanhope designed a new oath that, borrowing from the 1606 oath, aimed to separate loyal Catholics from dangerous "papists." In its first version, the oath imitated James's oath in describing belief in the pope's deposing power as "heretical," although this wording was later altered to "unchristian and impious."[87] Swearers would officially become "Protesting Catholic Dissenters." They alone would benefit from the upcoming relief bill. The committee justified this decision as a means of avoiding a public backlash like the Gordon Riots. They argued that the public, while disliking Catholic doctrines, also believed that "no Catholic should suffer any civil punishment for maintaining them, except so far as they are hurtful to society, or inimical to Government." By denouncing "evil" doctrines, Catholics could create "an opening, through which such of the Communicants with that See, as protest against the doctrines in question, (that is, we hope, the whole body of English Catholics,) may slip from under the operation of the laws in question, unheeded and unobserved."[88]

However, Pitt perceived the distinction as an important one. During a contemporaneous debate on the Test and Corporation Acts, he defended religious tests: "[Their repeal] went to the reception, not alone of Roman Catholics, but of *Papists* acknowledging the supremacy of a foreign, although a spiritual sovereign; of *Papists* who, according to the extraordinary doctrine . . . [of repeal], ought, even in despite of those abominable and dangerous opinions which are peculiar to their church, to intermix with our fellow subjects, and to participate in the obtainment of public and important trusts, until they shall have been proved guilty of an overt act against the Constitution."[89] Some Catholics might be allowed relief from the penal laws, but papists remained the threat that justified Anglicans' political monopoly.

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[85] Letter to Charles Butler, 3 March 1789, Bishop Talbot Papers, fol. 137, Archives of the Archdiocese of Westminster, London; Henry Clifford to Lord Clifford, 24 March 1789, 2667/25/2/3, Wiltshire and Swindon History Centre, Chippenham; Eamon Duffy, "Ecclesiastical Democracy Detected: Part II (1787–1796)," *Recusant History* 10, no. 6. (October 1970), 309–31, at 313.

[86] Charles Butler, *Historical Memoirs respecting the English, Irish and Scottish Catholics, from the Reformation to the Present Time*, vol. 2 (London, 1819), 113–18.

[87] Bernard Ward, *The Dawn of the Catholic Revival in England, 1781–1803*, vol. 1 (London, 1909), 165.

[88] Catholic Committee to the Catholics of England, 25 November 1789, Gate Box, folder 2, Warwickshire.

[89] Pitt, *Speech of the Right Hon. William Pitt*, 11–12. Emphasis in the original.

Despite the committee's stated desires, the oath quickly proved divisive. The vicars apostolic forbade swearing it, and Rome condemned it. Many Catholics resented having to declare themselves "Protesting Catholic Dissenters." Additionally, because the new bill would replace the first relief act, those who refused to take the new oath feared losing existing protections.[90] The debate that followed revealed the ongoing relevance of early modern disputes over Catholic beliefs. In one publication, the Catholic Committee defended the need to distinguish between Catholics who supported the pope's temporal power and those who did not by referencing the 1602 Protestation, the Irish Remonstrance, and the debate around the 1606 oath.[91] In another publication, they described the Blackloist Holden as "illustrious" and praised the seventeenth-century Gallican Church, asserting, "the divines and lawyers of France had vindicated the independence of their Sovereigns, in concerns of a temporal nature."[92] Opposing the oath, the former Jesuit Charles Plowden also turned to history, describing how spiritual authorities had kept Catholics united since the days of Elizabeth.[93] This early modern history also came up for discussion in parliamentary debates, albeit in a less nuanced fashion. MP John Mitford, who introduced the relief bill, explained that some Catholics had historically "protested against the power of the pope to absolve the oath of allegiance" and been "persecuted" by their non-protesting coreligionists in response.[94]

As the bill went through Parliament, opponents of the oath suggested replacing it with the 1774 or 1778 oaths. Pitt apparently showed some willingness to compromise in March 1791, when Thomas Weld met with him to advocate for the non-protesting Catholics. Weld left with the impression that Pitt appreciated his objections and "appeared to me to be inclined to Omitt y title of Protesting Catholic Dissenter & to be satisfyed With y Oath of 1778."[95] That same month, Pitt told the House of Commons that even if the upcoming bill passed as it was, he hoped another bill would be created to repeal "all those harsh and severe laws which certainly ought not to stand on the statute book, and which it would be shameful to enforce against the Roman Catholics, or any other description of dissenters."[96] However, Pitt held fast to the Protestation oath into July, possibly because it was the Protestation that had convinced government to support the Catholics in the first place.[97]

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[90] Encyclical Letter to all the faithful, October 21, 1789, Gate Box [2] Warwickshire; Butler to Throckmorton, 31 March 1789, 2667/25/2/3, Wiltshire and Swindon History Centre, Chippenham; Macaulay, *Catholic Church*, 82; Catholic Relief Act, 1778, Geo. 3, c. 60, Warwickshire. Although the 1778 act claimed to repeal several parts of "An Act for the further preventing the Growth of Popery," it also specified that Catholics had to swear the oath to benefit from it, making it unclear if the older law was truly repealed.

[91] Catholic Committee, "To the Catholics of England" (London, 1789), 3–4.

[92] Catholic Committee, *To the Right Reverend Father in God, John, Bishop of Centuria, Vicar Apostolic of the Southern District of England* [. . .] (London, 1791), 21.

[93] Charles Plowden, *Observations on the Oath proposed to the English Roman Catholics* (London, 1791), 7.

[94] John Mitford, Speech to the House of Commons, 1 March 1791, in *Cobbett's Parliamentary History of England: From the Norman Conquest, in 1066 to the Year 1803*, ed. W. Cobbett and John Wright, 36 vols. (London, 1806–1820), 28:col. 1365.

[95] Thomas Weld to Arundell, 7 March 1791, 2667/25/2/6, Wiltshire and Swindon History Centre.

[96] William Pitt, Speech to the House of Commons, 1 March 1791, in Cobbett and Wright, *Parliamentary History*, 28:col. 1373.

[97] Unsigned letter from Lincoln's Inn, 30 July 1791, Gate Box, folder 3, Warwickshire.

Ultimately, the Anglican bishop Samuel Horsley settled the matter by convincing Parliament to accept the 1774 oath instead. Horsley, a staunch High Church Anglican, might seem an unlikely ally of the vicars apostolic, who owed their appointments to Rome. However, the French Revolution had broken out two years before, and Horsley, like many conservative-minded Britons, was growing increasingly concerned about radicalism.[98] In France, revolutionaries had abolished the nobility and reformed the religious establishment. In addition to confiscating ecclesiastical property, they passed the Civil Constitution of the Clergy, requiring clergy to swear their fidelity to the revolutionary state. They also introduced the popular election of bishops and priests.[99] Meanwhile, back in England, committee members like Throckmorton had been calling for English Catholics to assert their right to elect their bishops following the death of Bishop James Talbot in 1790.[100] Furthermore, some of them continued to regard France as an ally. Benedictine priest Joseph Wilks proposed to Throckmorton that the English choose a bishop despite the will of Rome and apply to "the nearest Metropolitan in France" for his ordination.[101] For Horsley, the vicars apostolic represented a more traditional worldview than the Cisalpines. As he remarked to the Catholic polemist John Milner, "[Democrats] must either leave the Roman Church, or they would be driven out of it. For the admirers of Civil Democracy will never long be quiet under Ecclesiastical Government of another form."[102]

Under the Catholic Relief Act of 1791, English Catholics gained access to basic protections for their religious practice and property rights, but not political power. Mitford assured the Commons that he was not asking for Catholics to enjoy public office and that he respected the British public's anti-Catholic prejudices. The ministry also opposed allowing Catholic landowners to appoint clergy to ecclesiastical livings, even though Dissenters could do so. In its final form, the act improved Catholics' legal status while putting their religious practices under some of the same restrictions as those of Protestant Dissenters. It exempted them from attending Anglican services, abolished all penalties on hearing and saying Mass or performing other Catholic rites, removed restrictions on Catholics' wills and deeds, and enabled Catholics to become lawyers, attorneys, and other low-level legal officials. However, Catholics were required to register themselves and their churches, and keep their church doors unlocked during services. They were also required to continue paying tithes to the established church.[103]

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[98] Duffy, "Ecclesiastical Democracy Detected: Part 2," 320.

[99] Stephen Conway, "Christians, Catholics, Protestants: The Religious Links of Britain and Ireland with Continental Europe, c. 1689–1800," *English Historical Review* 124, no. 509 (2009): 833–62, at 856; Macaulay, *Catholic Church*, 57.

[100] A Layman [Sir John Throckmorton], *A Letter Addressed to the Catholic Clergy of England on the Appointment of Bishops* ([London?], 1790), 9.

[101] Joseph Wilks to Throckmorton, 27 September 1790, Gate Box 16, Warwickshire.

[102] Samuel Horsley to John Milner, 17 January 1792, Bishop Douglass Papers, fol. 7, Archives of the Archdiocese of Westminster; see Joseph Berington, *The Rights of Dissenters of the Established Church, in Relation, Principally, to English Catholics* (Dublin, 1790). Some Cisalpines also supported the abolition of the Test and Corporation Acts.

[103] Mitford, Speech to the House of Commons, 1 March 1791, Cobbett and Wright, *Parliamentary History*, 28: col. 1364; William Pitt, Speech to the House of Commons, 8 April 1791, in Cobbett and Wright, *Parliamentary History*, 29: cols. 116–17; Catholic Relief Act, 1791, Geo. 3, c. 32. Warwickshire.

Despite concerns on the part of both Catholics and government, the relief act did not generate a public backlash. As the French Revolution sent Catholic clergy fleeing to Britain, Protestants began to see them in a more sympathetic light. Conversely, English reformers, including the Cisalpines, were increasingly perceived as disloyal.[104] Meanwhile, the papacy appeared weaker than ever. As William Windham remarked during debate, "Did any man at that day dread the great power of the pope? . . . it was now considered as a mere spectre, fit to frighten in the dark, but which vanished before the sight of reason and knowledge."[105] As long as Catholics denied that the pope had any civil jurisdiction in the kingdom, the possibility that they might acknowledge him as a spiritual authority appeared relatively unthreatening.

In its final form, the English Catholic Relief Act increased the state's ability to observe English Catholics in exchange for allowing them greater civil and religious liberties. The ministry compromised by allowing the 1778 oath and, despite the Cisalpines' desires, Rome continued to appoint England's Catholic hierarchy. Unlike in Canada, ministers did not attempt to intervene in the structuring of the English Catholic Church at this time, perhaps because they had no interest in granting English Catholics the franchise or access to political office. English Catholics were too small a portion of the population to force the state to extend them political access, particularly at a time when the government was devoted to continuing the Test and Corporation Acts against Dissenters of all sorts. Nevertheless, the ideas laid out in the Protestation, along with the idea of granting the state a veto over Catholic clergy, would resurface in Ireland.

RELIEF AND UNION IN IRELAND

The question of Catholics' status was inherently more fraught in Ireland than in other parts of the realm. Despite their social and political marginalization, Catholics made up around 75 percent of the Irish population in the late eighteenth century. As C. D. A. Leighton argues, Ireland's confessional state was of "immediate and pervasive" importance within the kingdom because it represented the interests of a religious minority. Irish Protestants generally saw the so-called Protestant Ascendancy as necessary for maintaining Ireland's connection to the throne as well as perpetuating a broader social order in which they were the elite.[106] At the same time, however, because of the Irish Catholics' numbers, the Pitt ministry and its Irish counterpart could not afford to disregard them like their English coreligionists. Particularly in times of war, establishing loyalty among Irish Catholics took on increased importance. They were both potential soldiers and potential rebels.

[104] Milner, 9 October 1793, Bishop Douglass Papers. vol. 45, 217, Archives of the Archdiocese of Westminster; Charles Plowden, 29 August 1793, Bishop Douglass Papers, vol. 45, 203, Archives of the Archdiocese of Westminster. Milner reported that John Reeves, head of the Reeves Association, was eager for "counteracting the Cisalpines." Plowden claimed the Marquis of Buckingham believed the Cisalpine Joseph Berington "would make the youth all Jacobins."

[105] William Windham, Speech to the House of Commons, 21 February 1791, in Cobbett and Wright, *Parliamentary History*, 28:cols. 1265–66.

[106] Leighton, *Catholicism in a Protestant Kingdom*, 30–34, 45–48; Kevin Whelan, *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity, 1760–1830* (Notre Dame, 1996), 107.

The 1790s was a period of renewed activity for Ireland. Political activism, inspired in part by the French, flared up among both Catholics and Protestants. The Volunteers reappeared on the scene, along with new organizations like the United Irishmen. Encouraged by the English Catholics' success, a new Irish Catholic Committee assembled at this time. Like the Cisalpines, they agreed to acknowledge limitations on papal power in exchange for relief from the penal laws. However, the Irish Catholic Committee was a distinct body from its English counterpart, wielding more power over Catholic public opinion and staging events like the 1792 Catholic Convention in Dublin that appeared directly threatening to the state.[107] Meanwhile, as war with France grew more likely, ministers sought to strengthen national defense by recruiting Irish Catholics into the military and militia.[108]

Under these circumstances, the Pitt ministry pushed for radical changes in Catholics' legal status. Ireland's 1792 Catholic Relief Act gave Catholics the same concessions their English counterparts had received in 1791. However, the act that followed it up struck a symbolic blow at the foundation of Ireland's confessional state. Under the Catholic Relief Act of 1793, Catholics not only received the same property rights as Protestants but, depending on their wealth, the ability to sit on juries trying Protestants, endow schools and universities, hold some civil offices, take low ranking officers' commissions, own firearms, and vote.[109] Catholics remained excluded from sitting in Parliament, and the vote gave them little practical power; however, the act formally recognized them as political actors and undermined the Protestant monopoly on power that had formed the basis of Irish governance for decades.[110]

To benefit from the act, Catholics had to reaffirm the 1774 oath and agree to a set of propositions much like those in the Protestation oath. The new oath, designed by the virulently anti-Catholic Patrick Duigenan, required Catholics to swear to a version of their faith that minimized the clergy's power while promising acceptance of the status quo. In a variation of the old statement against harming princes, swearers vowed that it was "unchristian and impious" to believe it permissible to harm or murder heretics. Furthermore, swearers had to state that no religious authority could command them to commit immoral acts, and it was not justified to do immoral things for the good of the church. Swearers were required to deny that papal infallibility was "an article of the Catholic faith" and to assert that confession without true repentance was both ineffectual and sinful in God's eyes. Finally, swearers vowed to support Ireland's existing sociopolitical order. They promised to defend the existing

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[107] See Marianne Elliott, *Partners in Revolution: The United Irishmen and France* (New Haven, 1982); James Livesey, *Civil Society and Empire: Ireland and Scotland in the Eighteenth-Century Atlantic World* (New Haven, 2009), 91; Bartlett, *Fall and Rise*, 125–30; "Declaration of the Irish Catholics," MS 5007, National Library of Ireland; Elliott, *The Catholics of Ulster: A History* (New York, 2001), 236; see also A Member of the Catholic Society, *An Appeal to the People: Or, a Political Olio* [. . .] (Dublin, 1792), 120. The anonymous author praises the revolutionaries for "[shaking] the factitious powers of Rome" and restoring the French church to purity.

[108] See J. E. Cookson, *The British Armed Nation, 1793–1815* (Oxford, 1997); Neal Garnham, "Defending the Kingdom and Preserving the Constitution: Irish Militia Legislation, 1692–1793," in *The Eighteenth-Century Composite State: Representative Institutions in Ireland and Europe, 1689–1800*, ed. D. W. Hayton, James Kelley, and John Bergin (New York, 2010), 107–35.

[109] Hobart to Nepean, 16 March 1793, Hardwicke Papers, Add. MSS 35933, British Library; see also Fagan, *Divided Loyalties*, 168–75; Bartlett, *Fall and Rise*, 165.

[110] Iain McLean and Alistair McMillan, *State of the Union* (Oxford, 2005), 81.

land settlement, denied any intention to subvert the religious establishment, and swore not "to disturb and weaken the Protestant religion and Protestant government in this kingdom."[111] Beyond promising their temporal allegiance to their king, Catholics had to assert their acceptance of the Protestant Ascendancy. John Thomas Troy, the Catholic archbishop of Dublin, dealt with this clause by arguing that it merely meant Catholics could not undermine the ascendancy through seditious or illegitimate means but that it was still acceptable to seek conversions. Propaganda Fide, the office in charge of Catholic missions, instructed the Irish bishops to dissuade Catholics from swearing the oath, but it did not publicly denounce it.[112]

Nevertheless, tensions were rising. Anti-militia riots broke out in 1793, along with fighting between Catholic Defenders and government forces. In 1795, the Irish government approved the establishment of Maynooth College, making it legal to train Catholic clergy within Ireland. Officials had long been concerned about the influence of foreign education on Catholics, and Maynooth seemed to offer a safer alternative. The college received an annual grant of £8,000.[113] That same year, Lord Lieutenant Fitzwilliam was dismissed after attempting to introduce Catholic emancipation. Sectarian violence and political radicalism increased with the emergence of the Protestant Orange Order, while the Irish administration increasingly threw its support behind the Protestant elite. These tensions came to a head in 1798, when the French-affiliated United Irishmen set off a mass insurrection that encompassed much of southern Ireland. An estimated ten thousand people died during the rebellion and its suppression. Although the Catholic hierarchy denounced the rebellion, seventy priests were accused of participating. The burning of more than three hundred Protestants in a barn in Scullabogue and other atrocities revealed the persistence of sectarian animosities and fueled Protestant views of the insurrection as a Catholic uprising. Reprisals against Catholics became common.[114]

The insurrection gave Pitt the impetus to push to unite Britain and Ireland. For Pitt, the union provided an opportunity to strengthen the confessional state while neutralizing dissatisfaction in Ireland. By uniting the kingdoms, the ministry hoped to recategorize the Catholic majority as a minority.[115] The numerically weak Church of Ireland would be subsumed into the more powerful Church of England, boosting that church's claim to act as the established church of the country. Under these conditions, the Protestant establishment would theoretically

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[111] See Fagan, *Divided Loyalties*, 168–75, 174–53.

[112] Macaulay, *Catholic Church*, 61.

[113] Elliott, *Catholics of Ulster*, 242; Macaulay, *Catholic Church*, 68.

[114] Connolly, *Divided Kingdom*, 482; Donal Kerr, "Priests, Pikes and Patriots: The Irish Catholic Church and Political Violence from the Whiteboys to the Fenians," in *Piety and Power in Ireland, 1760–1960: Essay in Honour of Emmet Larkin*, ed. Stewart Brown and David Miller (Notre Dame, 2000), 16–42, at 23; Bartlett, *Fall and Rise*, 240; John Bew, *Castlereagh: A Life* (Oxford, 2012), 11; Ruán O'Donnell, "The Union and Internal Security," in *Acts of Union: The Causes, Contexts, and Consequence of the Act of Union*, ed. Dáire Keogh and Kevin Whelan (Dublin, 2001), 216–42, at 237.

[115] Kevin Whelan, "The Other Within: Ireland, Britain and the Act of Union," in Keogh and Whelan, *Acts of Union*, 13–33, at 18; see also Patrick Geoghegan, *The Irish Act of Union: A Study in High Politics, 1798–1801* (Dublin, 2001); Douglas Kanter, *The Making of British Unionism, 1740–1848: Politics, Government, and the Anglo-Irish Constitutional Relationship* (Dublin, 2009); and Oliver Rafferty, *The Catholic Church and the Protestant State: Nineteenth-Century Irish Realities* (Dublin, 2008), 35–53.

become powerful enough to allow Catholics increased access to political liberties without threatening the Anglican confessional state.[116]

Pitt's primary goal was to ensure the security of the empire and strengthen British control over Ireland. Although he eventually accepted Catholic emancipation as necessary, he repeatedly equivocated on the idea. In 1798, the ministry drew up plans including Catholic emancipation, before dropping them due to pressure from Lord Clare, the Irish lord chancellor. By fall of 1799, the ministry decided to pursue emancipation as a follow-up to the union, while encouraging Lord Lieutenant Cornwallis to appeal to the Catholics for support.[117] Although the ministry never designed a Catholic emancipation bill, it is possible to reconstruct the policies they were considering through their correspondence and memoranda. In conjunction with incorporating Catholics into the political system, they sought to place the Catholic churches of Britain and Ireland on a Gallican-style footing, as they had in Lower Canada. Had they succeeded, they would have fulfilled the seventeenth-century ambition of creating a state-controlled Catholic Church with limited ties to the papacy.

One important question concerned which oaths Catholics would be expected to take. One 1798 plan suggested mandating that Catholics swear the oath of supremacy in order to sit in Parliament, while only requiring the 1793 oath for Catholics holding civil and military offices.[118] In his response, Pitt questioned why the 1793 oath was not sufficient for both.[119] When the ministry returned to the issue in early 1801, the oath was still unresolved. Edward Cooke, a long-serving Dublin Castle official, speculated that Protestants would probably insist on keeping their own tests rather "than give up those lines of demarcation which so strongly mark their separation from Popery." As in Canada, Catholics would need a distinct oath that they could swear. Cooke cautioned against including "insinuation and taunt," explicitly advising against the words "impious" or "heretical" and suggesting that ministers "look at the controversy made by the Protesting Catholics some years ago."[120] Pitt maintained his preference for the 1793 oath, remarking in his resignation letter that "if such an Oath (containing among other provisions) a Denial of the Power of Absolution from its obligations is not a Security from Catholics, The Sacramental Test is not more So."[121]

Despite ministers' concerns about the oaths that Catholics might take before holding office, they did not anticipate Catholics obtaining substantial political influence. According to the estimate of the home secretary, Henry Dundas, only "3 or 4 Peers & not above Twice that number of commoners" would be Catholic in the new Parliament. Likewise, the Irish chief secretary Lord Castlereagh argued that Catholics would probably not be appointed as ministers even if it became

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[116] See Patrick Geoghegan, "The Making of the Union," in Keogh and Whelan, *Acts of Union*, 34–45; Earl of Camden's remarks, July/August 1798, Pitt Papers, CUL Add. 6958, fol. 2379.

[117] S. J. Connolly, "Reconsidering the Irish Act of Union," *Transactions of the Royal Historical Society* no. 10 (2000): 399–408, at 404; Castlereagh to Pitt, 1 January 1801, Pitt Papers, CUL Add. 6958, fol. 2827.

[118] Thomas Pelham and/or Edward Cooke, attributed, "Plan of Union, Paper A," Pelham Papers, Add. MSS 33119, fol. 161, British Library.

[119] "Pitt's comments on Paper A," Pelham Papers, BL Add. MSS 33119, fol. 164.

[120] Cooke to Castlereagh, 11 January 1801, in *Memoirs and Correspondence of Viscount Castlereagh, Second Marquess of Londonderry*, vol. 4, ed. Charles Vane (London, 1849), 18–20, at 19 and 20.

[121] Pitt to George III, 31 January 1801, Pitt Papers, CUL Add. 6958, fol. 2836.

legal to do so.[122] Allowing Catholics to sit in Parliament was a symbolic concession, not one meant to extend to democratic reform.

As in Canada, however, extending political participation to Catholics depended on placing Ireland's Catholic Church under the control of the state. The ministry intended to put the Irish Catholic Church on a Gallican footing, under which the state would approve bishops and clergy, control Catholic education, and mediate with Rome. As early as 1797, Thomas Pelham, then chief secretary, had met with Troy to ask about allowing the king to nominate Catholic bishops. Troy tried to dissuade Pelham by explaining that kings only enjoyed the ability to nominate Catholic bishops in countries where the state financed the clergy. However, ministers recognized that a stipend could be a valuable means of control. Furthermore, they remained suspicious of Catholic clergy. Like many Protestants, ministers believed that Catholic clergy heavily influenced the laity, leading to questions about why clergy had not prevented the insurrection. In 1798, Castlereagh told Troy that Catholic priests had been complacent in dealing with the insurrection because of their dependence on the people.[123] He later suggested paying clergy a stipend as a means of ending their financial dependence on the laity. Pitt also supported the idea, writing that there should be "some competent provision (at the pleasure of the Executive Gov or of Persons specially appointed) for a reasonable number of Catholic Clergy." He added bluntly "Their Influence cannot be at once destroyed & should be enlisted on the Side of Government."[124]

During the same meeting in which Castlereagh accused the Catholic clergy of complacency, he told Troy that "his Majesty should have the privilege, as in Canada, of presenting to the Pope the subjects whom he deems suitable to be Bishops."[125] The next year, the Irish bishops met and reluctantly agreed. Castlereagh, along with Dublin Castle official Robert Hobart, developed suggestions for implementing a veto. Their response explicitly referenced "the privileges of the Gallican Church" as an example for limiting papal power. They recommended that before a new Catholic bishop was appointed, the other bishops be required to give the secretary of state a list of recommended candidates for approval.[126] Regulars, who were assumed to be under foreign control, would not be considered for bishoprics in the future. However, the ministers were not solely concerned with Ireland. Castlereagh and Hobart suggested that the government might consider allowing bishops-in-ordinary to replace the vicars apostolic in England and Scotland. The bishops would "have a Canonical power to receive or reject any Bull from the See of Rome which they deemed objectionable." They claimed this would gratify

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[122] Henry Dundas to Loughborough, 12 January 1801, Melville Papers, GD 51/1/17/21, National Archives of Scotland, Edinburgh; TNA, HO 123/19, Castlereagh, "Catholics No. 1," fols. 7–8.

[123] John Thomas Troy to Patrick Plunkett, 23 May 1797 in Bernard Ward, *The Eve of Catholic Emancipation: Being the History of the English Catholics During the First Thirty Years of the Nineteenth Century*, vol. 1 (London, 1911), 50–51; Troy to Cardinal Borgia, 17 August 1799 in Ward, *The Eve*, 51–52; see also Bew, *Castlereagh*, 115. Unlike many Protestants, Castlereagh did not believe that the insurrection had been a Catholic plot. Instead, he saw it as a "Jacobinical conspiracy" using "popish instruments."

[124] "Summary of a Correspondence with the Right Honble Lord Hobart & Lord Viscount Castlereagh on the Subject of the Roman Catholic Clergy," Pitt Papers, CUL Add. 6958, fol. 2557; "Pitt's comments on Plan A," Pelham Papers, BL Add. MSS 33119, fol. 164.

[125] Troy to Cardinal Borgia, 17 August 1799, quoted in Ward, *The Eve*, 51–52.

[126] "Summary of a Correspondence," Pitt Papers, CUL Add. 6958, fol. 2557.

British Catholics and "remove at a still greater distance, the interference of Foreign Authority." Castlereagh and Hobart also suggested that Catholic bishops supply returns describing the identities and backgrounds of the clergy under them, along with returns on convents, schools, and seminaries, and an estimate of the Catholic population. While this information would facilitate the establishment of clerical stipends, it was also a potential tool for suppressing rebellions. Castlereagh and Hobart broke with precedent by acknowledging that some regular communication with the papacy could be allowed. This change reflected the wartime alliance that Britain and the papacy had formed against France. Nevertheless, the ministers concluded that any foreign Catholic materials would need to be screened by the home secretary before being allowed into the country.[127]

The idea of bringing the Irish Catholic Church under state control was not new, but the late 1790s marked a time when it was more possible than it would be before or after. Irish Catholic radicals were in a weakened position. Although the idea of letting the state veto bishops would become the target of mass nationalist opposition in 1808, that lay in the future. Meanwhile, the Catholic Church was vulnerable. In 1798, the French invaded Rome. After forcing Pope Pius VI out of the city and proclaiming the Roman Republic, they eventually took him back to France, where he died the next year. Back in Ireland, the insurrection had left Troy defensive and willing to compromise.[128] As Oliver Rafferty says, "The Irish church had to show itself firmly on the side of the British government in protecting Ireland from French ideas and revolutionary change."[129] For this reason, the Irish prelates agreed in 1799 to accept a stipend and allow the king veto power over future bishops. Although the pope opposed the plan, it is possible that Rome's opposition could have been overcome if the ministry had followed through in 1801. Secular governments had a history of imposing controls on papal communications and the appointment of clergy despite official papal resistance. The pope himself soon entered a similar concordat with Napoleon allowing stipends for French clergy. Furthermore, Irish Catholics had already accepted the oaths of 1778 and 1793 despite Rome's reluctance to allow them. Meanwhile, the English vicars apostolic also agreed to a stipend, while Scotland's Catholic Church was already receiving one for its assistance with military recruitment.[130]

The ultimate impediment to implementing Pitt's plans was the king. When George III found out that his ministers were plotting to pass Catholic emancipation, he came down firmly against it, saying that he would "look on every Man as my personal Enemy, who proposes that Question to me."[131] From the king's point of view, allowing Catholics access to Parliament and other offices of state signified an attack on the established church, which he had sworn in his coronation oath to uphold.

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[127] "Summary of a Correspondence," Pitt Papers, CUL Add. 6958, fol. 2557.

[128] Leighton, *Catholicism in a Protestant Kingdom*, 155–56; Macaulay, *Catholic Church*, 20; Vincent McNally, "John Thomas Troy, Archbishop of Dublin, and the Establishment of Saint Patrick's College, Maynooth, 1791–1795," *Catholic Historical Review* 67, no. 4 (1981): 565– 88, at 576–78.

[129] Rafferty, *The Catholic Church*, 51; see also Dáire Keogh, "Catholic Responses to the Act of Union," in Keogh and Whelan, *Acts of Union*, 159–70.

[130] "Meeting of Roman Catholic Prelates in Dublin in 1799," Archbishop Troy Papers, 28/1/246, Dublin Diocesan Archives; Macaulay, *Catholic Church*, 123, 148; "Summary of a Correspondence," Pitt Papers Add. 6958, fol. 2557, CUL.

[131] Quoted in John Ehrman, *The Younger Pitt: The Consuming Struggle*, vol. 3 (Stanford, 1996), 503.

Having lost the king's favor, Pitt and the ministry resigned. Although Pitt briefly returned to office in 1804, he never pressed the issue again. The successful passage of Catholic emancipation would have to wait another twenty-eight years.

CONCLUSION

To borrow a term from Dana Rubin, the period between the insurrection of 1798 and Pitt's dismissal represents a "liminal moment" in British history during which time the state could have been changed with repercussions for the wider empire.[132] As implemented, the Act of Union reaffirmed Protestant political supremacy throughout the British Isles by excluding Catholics from political office while diluting the influence of Irish voters overall. If the ministry's plan had succeeded, however, it would have revolutionized the state's relationship to the Catholic Church. In exchange for allowing Catholics potential access to political office, the ministry hoped to establish state control over the Catholic Church in British territory. If Pitt had succeeded in mandating the 1793 oath, Catholics would have been pressured to deny papal infallibility while verbally accepting the Irish land settlement and continuing Protestant dominance in church and state. Finally, with the successful imposition of Gallican-style restrictions, the state would enjoy more explicit authority over the Catholic Church than it had under the penal laws.

So would Pitt's plan have "overthrown the whole fabric" of the constitution, as the king said?[133] It would have certainly marked a transformation of the exclusively Protestant government established by the Glorious Revolution. However, the question of how to handle Catholic subjects had persisted since the Reformation, and the ministry's solutions to this problem had a pedigree that dated back to that period. The Catholic oaths of the late eighteenth century shared the principles, and even some of the language, of the 1606 oath and the Three Oaths. The core idea of requiring Catholics to acknowledge the temporal supremacy of civil authority persisted in each one, although swearers were required to promise their compliance with an increasingly elaborate set of protections for Protestant society as they moved closer to civil and political incorporation. These oaths all depended on a Gallican understanding of Catholicism that rejected the pope's temporal authority and accepted limitations on papal power. Likewise, the idea of placing the Catholic Church under state control was an adaptation of the idea that national Catholic churches should be independent of Rome. However, the ministry's approach toward imposing political Gallicanism suggested a perspective more in line with the centralizing tendencies of the seventeenth-century French government than the motivations of the Cisalpines or the Blackloists. Nevertheless, attempts to implement these ideas as workable policies fizzled until the mid-eighteenth century. Following the end of the Jacobite movement, the weakening of the papacy, and the expansion of the British Empire into Catholic territories, the idea of granting limited freedoms to Catholics became increasingly pragmatic.

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[132] Dana Y. Rubin, *Britain and Its Internal Others, 1750–1800: Under Rule of Law* (Manchester, 2017), 195.

[133] George III to Pitt, 1 February 1801, Pitt Papers, CUL Add. 6958, fol. 2837.

Ultimately, it was the American and French Revolutions that really forced the Pitt ministry to adopt the policies they did. The end of the American Revolution laid the groundwork for the Canada Constitutional Act by forcing the migration of thousands of loyalists and inspiring the ministry to redesign the colonial government. More significantly, however, the French Revolution and the war that accompanied it posed an existential threat to Europe's traditional governments and institutions. The British government responded with a type of creative conservatism, rejecting long-standing anti-Catholic policies and even working with the papacy, in order to better oppose external and internal enemies. As Pitt explained in 1801, he believed the real danger to the state no longer came from Catholicism but from "the Doctrines of Modern Jacobinism."[134] Under these circumstances, defending British institutions, including the established church and the Protestant monarchy it upheld, depended on strengthening connections with propertied elites and religious authorities rather than religious exclusion. This was particularly so at a time when Catholic soldiers and sailors were playing a major role in Britain's fight against Napoleonic France.[135] Although Pitt realized that granting Catholics limited access to political office was a major change, it was one he was willing to accept in exchange for increasing control over Ireland and encouraging loyalty to the state.

If Pitt's plans disturbed the fabric of the constitution, the ministry was not the first, and would not be the last, to tug on its threads. The question of what position Catholics should have under British rule, and whether their religion could be compatible with a Protestant state, dated back to the break with Rome. In attempting to come to an agreement that would allow the state some authority over the Catholic Church and in crafting oaths that would set Protestant-approved perimeters on Catholic belief, the ministry continued a discussion that recurred through the early modern period. Following Pitt's death, former members, such as Grenville, would continue to advocate for Catholic emancipation on the terms that Pitt had supported.

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[134] Pitt to George III, 31 January 1801, Pitt Papers, CUL Add. 6958, fol. 2836.
[135] Notes on a speech by Pitt, 1801, Adams manuscripts, BL Add. MSS 98036/1/23, fol. 134 (15).