

## CHARLES BUTLER AND HIS FRIENDS

IT will be very regrettable if, in this centenary year of Catholic Emancipation, some one competent does not undertake to write a Life of Charles Butler. The full story of his work for the advancement of the English Catholics should illuminate the whole condition of the Church in England in the last critical years of the penal laws, when an increasing number of Catholic families had abandoned the Faith, and when the prevailing philosophical tendencies brought new dangers to the small remnant that still remained steadfast. In Ireland, the persecution of the Church had been so thorough and vindictive that the Catholic population had been deprived of almost everything, and had practically nothing left to lose. But in England, the fact that the few Catholic families were mostly of the propertied class was a continual source of temptation to surrender.

Almost every year, as the second half of the eighteenth century wore on, some new case of apostasy would reduce still further the small number of devoted Catholic families, who still kept the faith alive and had gathered round them groups of dependents and retainers who attended Mass in the private chapels of the great houses. 'In this year alone,' wrote the Rev. Charles Berington in 1780, when Charles Butler had just reached his thirtieth year, 'we have lost more by the defection of the two mentioned gentlemen (the heirs of the Duke of Norfolk and Lord Teynham) than we have gained by Proselytes since the Revolution.' When even the Duke of Norfolk had conformed to Protestantism, to take his seat in the House of Lords and to enjoy the social and political privileges of his hereditary position, the out-

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look was melancholy indeed. It must be only a matter of time, if the shrinkage continued as it had been through the century, before only a handful of Catholic families would remain. And if the great Catholic families should cease to hold the faith, there would be scarcely any Catholic congregations left anywhere in the country. And there would be fewer priests than ever, since the clergy were in nearly all cases the private chaplains of Catholic families.

But the fidelity of the Catholic families had been magnificent, and it had produced many individuals of great sanctity and learning. One of the most remarkable among them had been Alban Butler, whose *Lives of the Saints* is likely to remain one of the classics of English Catholic literature. The Butlers came from Northamptonshire, and were related by marriage to many of the leading Catholic families. Alban Butler was born in 1710, and he died at the age of fifty-three. His nephew, Charles Butler, was then a school-boy. He had been taught first in a private school in Hammersmith, and he had gone to Douai after his uncle's death. His intellectual gifts were already obvious, but the professions were still closed to Catholics. So also was the army; and the younger sons of most of the Catholic families were usually obliged to enter the armies of Austria or of other Catholic countries which were not likely to become engaged in war with England.

Charles Butler's temperament tended so unmistakably towards professional activity that he was apprenticed to a conveyancer, as the only opening of the kind that was available. A number of Catholic gentlemen had succeeded in establishing themselves in legal practice in that way, and Butler worked as a young man under two well-known Catholic conveyancers, Mr. Duane and Mr. Maire. At twenty-five he started as a conveyancer himself, and for forty

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years he continued to practice his profession. He soon made a remarkable reputation among his contemporaries. One of them was the future Lord Eldon, who always had the highest regard for his abilities and character, and even inserted the provision admitting Catholics to the Bar, in the Catholic Relief Act of 1791, with the express object of acknowledging Butler's claim to admission. He had many famous pupils, including Sir Thomas Denman, who became Attorney General; and in time he became generally recognised as the ablest conveyancer of his day.

And when Daniel O'Connell at last succeeded in carrying the Catholic Emancipation Act, which the English Catholics had never been able to obtain, Charles Butler was not only admitted as the first Catholic K.C.—although O'Connell himself, with a practice much greater than that of any other advocate in Ireland, was deliberately excluded from the list of those whom George IV consented to admit to the inner bar—but received a personal letter from the King congratulating him on his promotion. Butler was eighty years old when he was admitted to the inner bar, and he had long retired from practice. But that belated recognition was acknowledged with admiration by all the legal profession as evidence of the loyalty and disinterestedness with which he had served his own Church, to the exclusion of professional advancement.

He had been not only the devoted servant of the Catholic body, giving his time and his talents ungrudgingly for long years to their cause, but a Catholic of extraordinary personal piety. His house contained a chapel, in which he spent several hours every day; he recited long offices and other prayers with scrupulous regularity; and he was an enthusiast for the revival of the liturgy. But his faith stood between him and the achievement of that public career which would

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have given full scope to his great talents and public spirit. His interest in politics was intense, and he was the friend of many of the greatest politicians as well as lawyers of his time. To be deprived of a political career was to him a more bitter personal sacrifice than it was to Daniel O'Connell, for O'Connell created a popular agitation which, in fact, gave him greater influence than any Member of Parliament.

With strong personal ambitions and a sense of his own gifts for public life, Butler quickly became active in the counsels of the English Catholics, just as O'Connell, soon after being called to the Irish Bar, became an active member of the Irish Catholic Committee. Butler's own efforts had contributed largely to his own admission as the first Catholic barrister, and the Catholic Relief Act of 1791, which was passed when O'Connell was still a schoolboy, was almost his own handiwork. Not until the following year did the Irish Parliament carry Sir Hercules Langrishe's Bill, which admitted Catholics to the Irish bar; and Butler's Relief Bill in England had made the concession in Ireland inevitable.

In the bitter controversies that developed afterwards between the English and the Irish Catholic Committees, it should be remembered that O'Connell's agitation in Ireland created complications which the English Catholics deplored and had never anticipated, and which undoubtedly retarded their complete success. They had made most remarkable progress in the years since Butler became their secretary. The first Relief Act of 1778 had only legalised Catholic worship, but even that concession had produced the Gordon riots two years later. A strong revulsion of sympathy in favour of the Catholics had followed, and George III had created a great precedent by going to stay with Lord Petre a few years afterwards. More important still was the secret marriage of the

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Prince of Wales with Mrs. Fitzherbert in 1785, which introduced many of her relatives to the Court. In 1788 the King himself even went to stay at Lulworth with Mr. Weld, whose elder brother had been Mrs. Fitzherbert's first husband when Lulworth had been his. When the friendliness of the Court had become so apparent, the claims of the English Catholic gentry to relief from their civil disabilities had every prospect of success. And the French Revolution in the following years brought widespread sympathy with the Catholic refugees from France; while Edmund Burke, who had been the champion of Catholic rights for many years, obtained an almost unprecedented influence all over the country.

To take advantage of those opportunities required tact and energy; and, in his negotiations with the politicians, Charles Butler showed both. But the conditions under which the Catholic gentry still lived created many complications. They had been suspect and ostracised for so long that they were obsessed with the desire to demonstrate their own loyalty to the House of Hanover. They had repudiated all lingering sympathies with the Stuart cause, but they still felt that, as Papists, they were suspected of all sorts of secret ambitions and disloyalties. Their leaders, including Charles Butler himself, were convinced that a great part of the blame for that suspicion belonged to the Holy See, owing to its interference in English politics. And they determined not only to assert their independence of Roman dictation in politics, but to discard the word 'Papist' and all that they felt it to imply.

That point of view must be appreciated to understand Charles Butler's attitude in the negotiations which resulted in the Relief Act of 1791, which not only admitted him and other Catholics to the professions, but secured the right of Catholics to build

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churches. Pitt himself had requested that they should obtain from the Catholic universities of Europe a categorical statement as to Catholic teaching, in regard to the deposing power of the Pope and the duties of Catholics to the civil power. Definite and explicit assurances that the Catholics were completely loyal were required. The bitter controversy that arose over the oath of allegiance proposed in that Bill was largely a matter of misunderstanding. Butler and the Committee certainly had no intention of dictating to the Vicars Apostolic what form of oath should be adopted, and they believed that they had secured all the ecclesiastical approval that could be required, when they obtained the assent of Bishop James Talbot, who was a member of their Committee, and who agreed to the wording they suggested. But once objections to the oath were raised, and when they had lost their chief theological safeguard through the death of Bishop Talbot, they had already gone so far in their political negotiations that they determined to take no risk of jeopardising the Bill by re-opening the question.

They had not been prepared for the vehement opposition of Milner, who was as yet only a priest at Winchester, but who challenged and denounced the Committee with a vehemence that they resented. The Relief Bill had been the outcome of efforts which they, as a group of influential Catholic landowners, had undertaken themselves, with the assistance of Charles Butler as a lawyer of most exceptional talents and industry; and under the existing conditions they felt that, since the Church owed its very existence in England to their own fidelity, no individual priest had any right to set himself against their efforts to negotiate the removal of Catholic disabilities. But they had made unexpected trouble for themselves by their zealous endeavours to remove all suspicion of disloyalty from the Catholic body, whose interests they had

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undertaken to promote. They had prepared and signed a Protestation of their own views in regard to the relations between Church and State, which did in fact reveal a definite tendency towards revolt from Rome that was peculiar to themselves.

The Protestation committed the Catholic body, in so far as they claimed to speak for it, to views which the bishops could not countenance, and which Milner personally regarded as rank heresy. And the trouble grew far worse when the Bill was modified in such a way as to discriminate between those who took the proposed oath of allegiance and those who did not. The latter were still to be called plain Papists, and as such were to receive no relief whatever. The former were, under the Bill, to be recognised by the preposterous title of 'Protesting Catholic Dissenters.' In fairness to Charles Butler it must be said that neither the title nor the discrimination between two sorts of Catholics had been suggested by him. But he adopted the proposal, and even recommended its acceptance to the entire Catholic body, in an elaborate argument which attempted to justify the new title as a reasonable and exact description of their feelings. The real cause of the trouble was the excessive desire of the Catholic Committee to prove themselves to be unimpeachably loyal and respectable citizens.

That same attitude accounts for the refusal of the English Catholics to participate in the Irish Catholic petition to William Pitt when he returned to power in 1803. They felt that the time was inopportune while the war lasted, and they declined to embarrass the Government. They believed that by such methods they would certainly gain their ends when the war terminated. But the whole Irish question had become involved with their own very modest demands. To emancipate the handful of English Catholics—who had given such proof of their loyalty by showing a

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willingness to compromise even against the instructions of their bishops—would have involved practically no difference to the composition of Parliament. It would have done little more than confer equal rights upon a small group of gentlemen of whom many were already on friendly terms with Ministers, and even the Court.

But especially after the Act of Union, it was impossible to emancipate the very small and tractable body of Catholics in England without emancipating the Irish Catholics also. And the Irish attitude towards the demands of the Government was entirely different. Having suffered the loss of all their rights, and having been reduced to a state of serfdom and utter poverty, they had very little to lose by the postponement of concession; and O'Connell was able to persuade them to accept his own strong view that it was better and more honourable to continue in their state of degradation than to accept any compromise which would affect the Church injuriously. The question came to a head over Grattan's Emancipation Bill in 1813; when the English Catholics, impatient to secure emancipation, and still eager to demonstrate their acquiescence in any compromise, decided to accept the Veto, whereas O'Connell determined to risk the collapse of the agitation which he had aroused rather than yield. O'Connell can never be praised sufficiently for his attitude in the matter. He had the strongest personal reasons for desiring a speedy settlement. He would certainly have become one of the first Catholic K.C.'s; whereas Butler, who was twenty-five years his senior, had already reached an age when he had very little to gain personally. And he could very easily have thrown the blame for the Veto upon the Government, upon the aristocratic members of the Irish Committee, and upon the English Catholics, who all demanded it.



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Butler's attitude towards the Veto, however, was influenced by a real distrust of Roman interference in politics. He regarded the Veto, especially when Canning introduced his clause suggesting that the Veto should be exercised by a commission consisting chiefly of Catholic landowners, as being a real guarantee that Rome would not interfere unduly with English affairs. From the beginning the English Catholic Committee had taken up the attitude that the selection of bishops should lie with the people concerned, and not with Rome. They had even requested Dr. Hussey, who afterwards became the first President of Maynooth, to present a reasoned statement of their demands in this respect to the Holy See. Their attitude towards Rome was clearly indicated in their choice of a title for the Cisalpine Club. That body was wound up in 1829, when it was reorganised as the Emancipation Club; and, in a letter to Mrs. Riddell at that time, Charles Butler explains that 'its real object' during the forty years of its existence, had been 'to profess openly the doctrine of the Cisalpine School—that the Pope or the Church had no right to interfere in temporal concerns or to enforce their spiritual legislation by temporal power.' He complains that 'the Milners and the Plowdens' had continually misrepresented them as desiring 'to constitute a national church nominally subject to the Pope, but really independent of him.' His complaint was justified, for Milner certainly was grossly unfair to Butler in the long years of their conflicts. Nevertheless, Butler himself admits that the very title of the Club was intended as a challenge to the Pope, in regard to interference in English affairs; and that attitude governed all his long years of service to the Catholic cause.

When one reads now the pastoral letter issued by Bishop Bramston, after the Emancipation Act of 1829, in which he expresses fear at the results of emancipa-

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tion much more than joy at its achievement, one can understand better the antipathy that existed between Catholics who were striving to regain their civil rights, and the more conservative of the bishops. But Bishop Bramston's fears were not without some foundation; and the record of the Cisalpine Club, and of the Catholic Board, in its attitude towards the Veto, gives ground for believing that the Catholic leaders in England included at least some men who were more concerned to establish their social and political equality than to adhere steadfastly to the directions of the Church. Milner as a bishop, and O'Connell as a layman, between them averted a number of compromises which would inevitably have weakened the Catholic tradition in England, and might very easily have produced a schism at the very time when the Church was most terribly reduced in the country. To attribute to Charles Butler any definite disloyalty to the Church would be entirely against the evidence of his very devout and self-sacrificing life. But he was only the agent of a Committee which contained men who allowed their desire to advance their own social and political rights to carry them into unjustifiable compromises. He was, moreover, greatly influenced by a distrust of Rome which would almost certainly have developed into unorthodox tendencies in others who were less devout Catholics than he was. And under the influence of that distrust he admitted compromises which provoked explicit condemnation even by the Vicars Apostolic, whose authority was so drastically restricted by the dependence of the Church, and of the clergy particularly, upon a small number of aristocratic families.

His efforts, if they had succeeded, would even have been disastrous to the Church in England; and what he achieved in securing the Relief Act of 1791, under conditions that were astonishingly favourable to

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Catholic concessions at the time, was much less than the Irish Catholics succeeded in winning from a bitterly hostile Irish Parliament in the two following years. His political record, indeed, is almost a classic example of the futility of excessive compromise; and it was not until O'Connell, with his unflinching programme of unconditional emancipation, compelled the Government to give way in 1829, that Butler in his last years saw the concession of more than he had ever even sought. But his private life and his disinterested public service make him one of the most honourable names in the history of Catholic emancipation, and have earned for him the gratitude of every Catholic in England.

DENIS GWYNN.

**CATHOLIC EMANCIPATION.** A Lecture delivered in the London Coliseum. By Rt. Rev. Mgr. Canon Howlett, Ph.D., LL.D., D.D. (Sands and Co., 4d.)

Mgr. Howlett's twenty pages tell briefly and clearly the story of the winning of Catholic emancipation—a useful booklet (C.T.S. pamphlet size) for anyone who needs a rapid survey of this interesting piece of history. In the last paragraph a rhetorical lamentation goes up over the situation of King George V, for whom 'there is no liberty of conscience in England to-day.' But is not the King perfectly free to follow his conscience? If his conscience led him to the Faith, it would cost him his crown. I wonder if it would, in fact, if the case actually occurred. Would his subjects, if consulted by vote, allow him to pay the price?