

PEEL'S OTHER REPEAL. THE TEST AND CORPORATION ACTS, 1828*

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ABSTRACT

This essay considers Robert Peel's role in the repeal of the Test and Corporation Acts in 1828. Traditionally over-shadowed by the larger campaign to secure catholic emancipation in 1829, the repeal legislation assumes importance in Peel's political career for three reasons. It was Peel's first major challenge as leader of the house of commons in Wellington's ministry; his handling of the issue revealed all his strengths and weaknesses in the role. Peel's insistence on the active participation of the anglican church hierarchy in passing repeal with appropriate safeguards (through a declaration to be taken by the majority of officeholders) foreshadowed his later tactics in settling contentious church issues by negotiation with the church's leaders (leading to the formation of the Ecclesiastical Commission in 1835). The success of Russell's original repeal motion challenged the expectation (shared by Peel) that repeal would follow, rather than precede, emancipation. The necessity of confronting repeal head-on formed a back-drop to that 'ripening' of Peel's views which commentators and historians have detected during this period.

KEYWORDS

Peel, Test Acts, Corporation Act, catholic emancipation, dissenters, toryism, anglicanism.

I

The repeal of the Test and Corporation Acts in May 1828 does not normally rank high in the list of Robert Peel's achievements. The relative speed and unexpectedness of those Acts' passing may be one explanation for their comparative neglect in the historiography of Peel's career. The speedy re-assertion of catholic emancipation as the principal issue of British domestic politics, following the election of Daniel O'Connell for County Clare in July 1828, has also overshadowed, to some extents, their historical importance.¹ Historians will look in vain, in Peel's parliamentary speeches on repeal, for any evidence of that telling, if rather egotistical, tendency to make an identification between himself and his subject as the agent of reform. Anyone looking for such evidence will find it more easily upon numerous other occasions; in Peel's 1819 speech announcing his conversion to bullionist theory, which divided him from his father's views on the subject; in Peel's highly personal association with criminal law reform in 1826 and, most famously, in the peroration to Peel's resignation speech following the repeal of the corn laws in 1846.² The nearest Peel came to this style of argument was in winding up his speech opposing Lord John Russell's repeal motion, on 26 February 1828:

If the motion of the noble lord opposite shall be defeated, any sentiment of triumph which I may experience from the success of my own policy or opinions will be greatly abated by the fact, that such a result must be attended with disappointment to a class of persons for whom I have the highest respect.³

In one respect, Peel's self-restraint was understandable. Whereas, on the other three occasions, Peel was clearly an important agent of reform – an identification he was at pains to stress – in the case of the Test and Corporation Acts, his initial response to Russell's repeal measure was hostile and he would have been happier if the issue had never been raised. Thereafter, Peel's principal role was in steering a compromise settlement through the house of commons in such a way as, he hoped, would shore up the protestant constitution.

Yet there are good reasons to treat Peel's role in the other major repeal of his political career with some importance. It was his first major test, as leader of the house of commons, in the government formed by the duke of Wellington in January 1828; his handling of the issue revealed all his strengths and weaknesses in the role. It also came at something of a personal crossroads for Peel, who turned 40 at the beginning of the month in which the repeal motion was brought forward. Gladstone in the late 19th century and Boyd Hilton in the late 20th each, in their own ways, identified the period after 1829 as the moment at which Peel's political conduct 'ripened' as he matured out of his unabashed youthful toryism and truly came of age.⁴ By contrast, events in 1828 seemed to exemplify the confused responses of a man oscillating between his former and evolving selves. As *The Leicester Chronicle* observed at the time, 'Mr Peel...is a tory; but he is very different from the Tories of the last generation; the Mr Peel of 1828 is a very different man from the Mr Peel of 1808, or 1798'.⁵

In later life, Peel consciously decided to include what might otherwise be seen as a 37 page diversion, in the first volume of his posthumously published *Memoirs* (1856), to discuss the passage of the repeal legislation. Peel argued that:

As the subject is of considerable importance, as the repeal of the Test and Corporation Acts was not without its influence on the removal of Roman Catholic disabilities...I shall probably be pardoned for giving such parts of [my] correspondence as are likely to have any public interest.⁶

Seeing the repeal of the Test and Corporation Acts as a prelude to catholic emancipation was entirely justifiable, in terms of developing a narrative – the first stage in the ‘Constitutional Revolution’ of 1828-32.⁷ However, it had the unfortunate consequence of eliding Peel’s responses on both issues, rather than considering the two issues (however intimately related) within their own context. In 1828, having figured amongst the minority of 193 MPs who opposed Russell’s repeal motion, Peel subsequently took a decisive lead in providing for that measure to pass the house of commons with safeguards or securities. In particular, he introduced the requirement for all holders of corporate office, and a large number of those employed by the crown in the local government of England and Wales, regardless of religious affiliation, to make a declaration against using the ‘power, authority or influence’ of their office to undermine the ‘rights and privileges’ of the church of England.⁸ Substituting an affirmation for an oath was pregnant with all sorts of symbolic significance of the changing relationship between state and church, yet it was one which largely passed unnoticed in contemporary debates. Only recently, in the wake of Jonathan Clark’s argument that repeal inaugurated the collapse of the ‘Confessional State’ in Britain, has the significance of the measure begun to be debated in the historical literature.⁹

Equally significant was the fact that, in developing the repeal legislation, Peel placed a good deal of responsibility for devising the terms of settlement on the anglican

church itself. This, in embryo, was the tactic which Peel would bring to fruition with the foundation of the Ecclesiastical Commission in 1835.¹⁰ Peel's strategy over repeal also raises interesting comparisons with his tactics a year later when piloting the Catholic Relief Bill through the house of commons, stripped of all manner of 'wings' or provisions, such as a royal veto on catholic bishops, concordat with the papacy or state-salaried priesthood.¹¹

II

Under the Test and Corporation Acts of 1661 and 1673, all holders of civic, military and corporate offices in England and Wales were required to meet a sacramental test, by proving that they had 'received the sacrament of the Lord's Supper according to the rites of the Church of England'.¹² Whatever the original intentions of the framers of this legislation, it increasingly served as a barrier to the various dissenting denominations in providing access to such offices, especially in the corporations. The periodic declarations of monarchs such as Charles II, William III and George I to rectify this situation came to nothing. Whilst a series of Indemnity Acts, from the late 1720s, served to indemnify those dissenters who conformed occasionally, by taking the sacrament in order to meet the letter of the legislation, this indemnity was predicated upon the assumption that the person so indemnified had 'failed to take the Test for ignorance, absence or unavoidable accident' and not as a matter of conscience.¹³ As *The Liverpool Mercury* observed, in March 1828, the Indemnity Acts could 'be withheld at pleasure, and the provisions...defeated by private pique, mistaken zeal, or party hostility'. As such, they may be said to have offered an 'illusory protection'.¹⁴ Occasional conformers

ran the risk of ostracism and exclusion by their brethren, who did not view the sacrifice of religious conscience for public office lightly. The Indemnity Acts did nothing for the conscientious objector and were principally useful in allowing an extended period of grace in which to comply with the terms of the Corporation Act, which required the sacrament to have been taken in the year prior to assuming office rather than, as in the Test Act, within three months of admission to office.

Defenders of the Test and Corporation Acts habitually referred to the Indemnity Acts as proof that the original legislation was not acting against dissenters' ambitions. Corporations such as Bristol, Nottingham and London had a dissenting complexion whilst, in the decade before repeal, three mayors of London (Matthew Wood, Robert Waithman and Anthony Brown) were dissenters. The Corporation Act did not extend to Ireland and the Test Act was suspended there in 1780.¹⁵ The Acts only affected Scotland to the extent that members of the presbyterian church were subject to the test on appointment to offices in England as well as posts in the army and navy, where they were treated as equivalent to other dissenting bodies. Nor were dissenters excluded from parliament, *en masse*, because many were willing to take the oaths of allegiance and supremacy and the declaration against the doctrine of transubstantiation - which formed an important part of the legislative securities of the Test Acts of 1673 and 1678 - as well as the oath of abjuration after 1702. Retaining the Test and Corporation Acts was thus regarded as a useful symbol, rather than a practical and effectual barrier, and their retention seen as necessary in case those admitted to office should attempt to perpetrate what the duke of Wellington described as 'mischief'.¹⁶ As Lord Eldon argued, in 1828, the Indemnity Acts constituted a continuing declaration by parliament that the Test and Corporation Acts 'ought not to be repealed'.¹⁷ This was the principal reason why the

last three attempts to repeal the Acts, before 1828, had failed. During the years 1787-90, the Younger Pitt was gradually converted from favouring to opposing repeal. Advised by his former Cambridge tutor, Dr Pretymann (who had been elevated, under Pitt's recommendation, to become bishop of Lincoln), Pitt was persuaded, using Bishop Sherlock's argument of 1718, that the sacramental test 'was not the qualification [for office] but the evidence [and the proof it incidentally affords] of it'.¹⁸

Thirty eight years later, Dr Charles Lloyd, Peel's former Oxford tutor, recently elevated under Peel's recommendation as bishop of Oxford, failed to perform a similar service. In advance of Russell's repeal motion, Lloyd immersed himself in volumes of scholarly and theological disputation upon the Acts before fastening upon Sherlock's distinction for the benefit of his ex-pupil. Peel regarded the distinction as 'too refined' for the house of commons, where (in his view) hungry bellies and slow intellects ruled over nice points of debate and arguments had to be formulated with a view to their prospects of success.¹⁹ Peel's opposition to the repeal motion was thus predicated upon the 'low' ground of political pragmatism rather than the 'high ground' of anglican church supremacy, to the disappointment of many observers. As Peel informed his cabinet colleague Lord Ellenborough, some days before the debate, the dissenters suffered no 'practical grievance, and...he had rather continue this sort of quiet and rest to the church than open a new state of things which might not be accompanied with the same degree of tranquillity'. Peel thought it would prejudice consideration of the catholic question and, if he were a supporter of catholic relief, he would vote against repeal on that basis alone – a sentiment which seems to have weighed heavily with Ellenborough, Huskisson and Palmerston in directing their line of conduct in the subsequent parliamentary debate.²⁰

In taking this approach, Peel was being entirely consistent with his existing parliamentary declarations on the subject. If Peel's views on the Test and Corporation Acts before 1828 were not aired with the regularity, or celebrity, of those on catholic relief, they were nonetheless clear. In 1821, Peel 'had maintained that it was not the right of every subject to enjoy access to every office...There was a "clear distinction"...between penal laws and laws which only excluded from civil office':²¹

If a permanent right of this kind were acknowledged in the one body [by which he meant the catholics], one equally permanent and co-extensive must be recognised in the other. This being taken as granted, what would be the inevitable consequence? Why, it would be necessary to repeal the Test and Corporation Acts – not to modify, but to destroy their operation by a total and unequivocal repeal.²²

However, the same logic did not work in reverse - that is to say, the granting of repeal first would not inevitably lead to the concession of emancipation - for many dissenters who favoured repeal (not least those represented, after 1811, in the Protestant Society for the Protection of Religious Liberty) were known to have an anti-catholic bias. Conceding repeal might thus serve to shore up the protestant line of defence the better to resist catholic relief. That is why some 20 opponents of catholic relief in the house of commons voted for repeal of the Test and Corporation Acts in February 1828.²³

Peel was not above using the strategic dilemma amongst the supporters of repeal and emancipation to 'divide and rule' in parliament as the occasion demanded. In May 1827, on the formation of Canning's administration from a mixture of whigs and pro-

catholic Tories, Peel specifically challenged the prime minister on his attitude towards the Test and Corporation Acts, in the face of Russell's impending motion for their repeal. In response to Peel's clear statement of intent on the issue - 'I give him notice that I intend to oppose him, and that I will always do so, whether in or out of power'²⁴ - Canning responded that he would not consider repeal before emancipation and would oppose the motion. This sentiment accorded with the arrangements previously settled between Canning and those Whigs, under Lord Lansdowne, who consented to join the government.²⁵ However, its public declaration cut the parliamentary ground from under the dissenters' feet. In the face of this reverse, the 'United Committee' - which had been formed from all the major representative bodies of English dissent (other than the Protestant Society) to co-ordinate extra-parliamentary support for Russell's motion - decided to make a tactical retreat. Russell's motion was withdrawn for the session, on the clear understanding that it would be re-introduced the following year.²⁶

In the interim, a campaign of petitioning and propaganda was pursued by the dissenters which, as Wendy Hinde observed, 'a modern lobbyist would find hard to beat'.²⁷ Robert Aspland founded *The Test Act Reporter* to place the repeal campaign in its historical context and report upon its contemporary continuance. Some 20,000 copies of Edgar Taylor's *Statement of the Case of the Protestant Dissenters under the Corporation and Test Acts* (first composed in 1824) were distributed - many of them stitched into copies of the *Quarterly* and *Edinburgh* reviews - and a circular letter was distributed to all dissenting ministers containing a 'model petition' and advice on generating new support. This bore fruit in the healthy number of petitions favouring repeal; some 1,200 in 1827 and 1,300 in 1828.²⁸ Peel was, throughout, suspicious of regarding these as representative of 'the real sense of public opinion' and observed that

he 'should be disposed to pay much more attention to them' if he had been convinced that they had not been 'set in motion by any external influence'.²⁹

By the time that Russell's motion was re-introduced, in February 1828, the situation had been dramatically transformed by Canning's death and Goderich's distress as well as a key strategic coup in disentangling the public presentation of the repeal issue from the campaign for catholic emancipation. In January 1828, the Catholic Association, which had been campaigning for catholic relief since 1823, proposed a union with the dissenters for the purposes of achieving complete civil and religious liberty for them all. The association subsequently published an *Address...to the Protestant Dissenters of England* and returned 100,000 signatures in favour of repeal. However, Russell strongly advised against such a union and the United Committee, in conformity to his view, publicly followed suit. However intimately the issues of repeal and emancipation were connected in the public mind, it was important (on purely strategic grounds) that the individual characteristics of the two measures should be stressed. The polite rebuff afforded the Catholic Association helped to defuse the suspicions of the Protestant Society as to the underlying motivations behind the repeal campaign and allowed them to send representatives to the United Committee. This resulted in the first united front, on the part of all the representative bodies of dissent, in the history of the repeal campaign.³⁰

Meanwhile, the government (as well as Peel) were deciding their course. Wellington's new cabinet was balanced no less delicately than Canning's and Goderich's had been, in that it comprised members of the Canningite group (Grant, Dudley, Huskisson and Palmerston) who were generally favourable to repeal in principle but doubtful of the wisdom of conceding it before emancipation, alongside

representatives of the protestant interest such as Wellington, Bathurst and Peel. The extreme (or ultra) protestant position represented by the likes of Eldon and Westmorland had deliberately been excluded from the cabinet; a move which was not without significance for the subsequent passage of the repeal bill through the house of lords.³¹ It was finally decided to oppose the motion as a government question, for much the same reasons as Peel had communicated to Ellenborough previously.³² However, the subsequent parliamentary presentation of the case by the government's speakers (Huskisson, Peel and Palmerston) turned out to be anything but effective. Huskisson was howled down for supporting repeal in the abstract whilst declining to vote for it in the present whilst Palmerston put a similar case no better in stating that he did not wish to show 'partiality' by 'relieving the dissenter from that which is merely nominal, while the catholic labours under real and substantial difficulties'.³³ For his part, Peel dwelt upon the 'system of kindly feeling' which had subsisted between church and dissent, for the duration of the Acts, and the 'practical enjoyment of rights' which dissenters enjoyed within a framework which recognized the 'predominance of the Established church'. As such, the dissenters had no 'practical grievance' to complain of – a fact borne out by nearly 40 years of inaction on the subject. More significantly, Peel directed a salvo at the higher claims made for the Acts' retention:

I am not prepared, I confess, to argue this question as if the continuance of the Test and Corporation Acts was so essentially interwoven with the protection of the constitution, or the security of the protestant Establishment, that one or both must fall by the concession which the Dissenters require.³⁴

A month later, in correspondence with Lloyd, Peel significantly extended his position: 'I do not think that it is...possible to contend from the abstract position that the true test...of an Established church – is the superior privilege as to civil rights of its members'.³⁵ This was diametrically opposed to Eldon's view that the sacramental test 'was well calculated to maintain' the connection between church and state.³⁶ Peel's unwillingness to defend the principle of anglican supremacy raised consternation amongst peers and bishops, including Lloyd himself and the ultra-tory duke of Newcastle. Peel 'had not the spirit to oppose the motion on the principle [Newcastle observed after the debate] & in short wished to avoid all responsibility in the course which he took'.³⁷ Whilst Norman Gash described Peel's argument as 'very English, very pragmatic' and regarded his speech as 'cool and balanced', previous biographers, including Dalling and Doubleday, saw it as a likely indication of the certainty of defeat.³⁸ A week before the debate, Peel had privately confessed to Lloyd that 'the argument against repeal, for a popular assembly like the house of commons, is threadbare in the extreme' and later declared his aversion to delivering a self-fulfilling prophecy: if he had stated the indispensability of the Acts to the preservation of the constitution in church and state, and lost, it raised the potential for that very position to come true.³⁹ Peel failed to hold the ground on the basis of principle and, though Eldon afterwards attempted to do so in the house of lords, it is notable that the debates on repeal were, thereafter, almost entirely concerned, with 'the stability of society [rather] than with the abstract rights of man or the theoretical justification of political obligation'.⁴⁰

The government subsequently went down to defeat on Russell's repeal motion by a majority of 44, with 237 votes given in favour; in the recriminations which

followed, the blame was variously attributed to poor whipping on the part of the government, over-severe whipping on the part of the government and uncertainty as to whether it really was a government issue or a vote of conscience. However, at bottom, as Lord Hatherton observed and Lord Ellenborough confirmed, ‘The debate was dull’; ‘the Government spoke so feebly and all the arguments the other way were so ably put that it was impossible to resist and we all walked out with the Ayes’.⁴¹

An interesting aspect of Peel’s position in the debate arose from the fact that he was not only speaking in his capacity as home secretary and leader of the house of commons but as MP for the university of Oxford. In introducing his speech, Peel made a good deal of the fact that he had received no specific instruction, petition or advice ‘as to the course of conduct which [the university] desire their representative to adopt’ and inferred from this silence that it was ‘disposed to rely with confidence upon the judgement of this House’.⁴² After the government’s defeat, reports circulated that a ‘strong disinclination was felt’ to a petition against the measure by the vice-chancellor.⁴³ Wellington used this as one of the justifications for his government’s subsequent about-face on the issue: ‘The universities not only did not stir but large majorities of the heads of houses and the graduates at Oxford almost unanimously refused to concur in any address upon the subject’.⁴⁴ ‘When we bear in mind Mr Peel’s intimate connexion with Oxford, the orthodoxy of which city he may be considered to represent [*The Liverpool Mercury* observed], we deem the failure...as amongst the favourable signs of the times, and as good presumptive proof that a “new era” is at hand’. ‘In fact’, *The Leicester Chronicle* concluded, ‘intolerance must finally disappear there, just as certainly as Jacobitism has disappeared’.⁴⁵

But, as Gash sardonically observed, ‘Oxford was not England’ and the government now faced a dilemma.⁴⁶ Wellington later maintained that the adverse parliamentary vote made the question ‘hopeless in the House of Commons’, for many who had voted with the government in the minority had ‘declared their determination to vote for the repeal upon the next division’.⁴⁷ Peel’s *Memoirs* also made play with what appeared to be ‘decisive evidence of a change in public opinion’ - as registered in the votes of MPs rather than the weight of petitions. It was no longer possible, as Eldon maintained, to use the massive majority against repeal in 1790 as the measure of sentiment on the subject, for that had now been eroded and turned into a majority in its favour.⁴⁸ Whilst the cabinet debated its course of action, given that the larger part of it was now regarded as favourable to repeal, Peel was faced with an immediate need to determine a response in the Commons. In formulating this, Peel remained mindful that a repeal measure would meet full-scale assault in the house of lords, bring the king’s position into question and possibly lead to that wider assault on anglican privilege which an emboldened Whig Party and the organised efforts of dissenting opinion in the country might serve to provoke. Conversely, anything less than total repeal might enflame a delicate situation still further.⁴⁹

As to the principle behind the Acts, it is clear that, insofar as Peel is concerned, this had fallen victim to (if it was not already in full retreat before) the government defeat on the issue. In classifying the different positions of his cabinet colleagues, after the vote had passed, Ellenborough recorded Peel as being ‘indifferent’ to the Acts’ retention. Charles Lloyd had appeared to foresee this state of affairs when he advised Peel, a fortnight before, to oppose repeal ‘this Session at least’ before giving up the issue and staying out of the matter in order to save face.⁵⁰

However, as with catholic relief a year later, this last piece of tutorial advice proved impossible for Peel to subscribe to, although the pupil now took up the hint which his former master had thrown out not to concede the measure ‘without consulting some of the heads of the church, and hearing their reasons – because in either case it may be of great importance for you to be able to say afterwards that you acted with their sanction’. Lloyd was clearly in favour of some form of declaration of Christian belief, as a substitute for the sacramental test, whilst Ellenborough felt that the bishops of London (William Howley) and Bath and Wells (George Henry Law) would agree to something similar, although whether as a declaration or an oath remained, as yet, unclear.⁵¹

In the interim, Peel flirted with another possibility which had been raised in the repeal debate by the backbench MP Sir Thomas Acland. Acland had suggested an annual suspension of the sacramental test as a fit method for proceeding; this would meet the dissenters’ immediate grievance whilst deferring consideration of a permanent settlement until a future date. Ellenborough thought that Peel seemed ‘to catch’ at Acland’s suggestion ‘as a mode of getting out’ of his difficulty, although it became increasingly clear to him that this would not satisfy the Commons.⁵² In the words of *The Leicester Chronicle*, playing ‘the game of suspension, instead of repeal [would] prove the intellectual littleness of an administration, who would stultify themselves and the nation by such mockery of legislation’.⁵³ Likewise, the United Committee addressed a resolution to Peel on 3 March specifically declaring ‘that they would be satisfied with nothing less than the outright repeal of the sacramental test laws and that they would not accept any other type of religious test for civil offices’.⁵⁴

This point was brought home clearly enough two days after the vote on Russell's repeal motion. On 28 February, Russell moved immediately for legislation to repeal such parts of the Test and Corporation Acts as required the sacramental test and deflected Peel's suggestions for a necessary delay in which to consider the best manner of proceeding. Peel pointed out, fairly, that Russell's majority had been for a committee to 'consider the Sacramental provisions of the Test and Corporation Acts' and not for their total repeal; any such bill could only be introduced on the resolution of a committee of the House.⁵⁵ Lord Milton attacked Peel's 'pretences' at delay which he considered part of a determination 'to regain the vantage ground [the government] had lost, and...defeat the Dissenters'. This was 'warmly repelled' by Peel, who proceeded to leave the House, followed by a phalanx of about 100 supporters. Colonel Davies attacked Peel for allowing 'paltry, petty, and personal feeling to interfere with the broad path of [his] duty' and Sir George Warrender stated that 'if anything was likely to make him withdraw his support from the government it was the conduct of the Right Honorable Gentleman'.⁵⁶ 'It was not perhaps a line of conduct befitting the leader of the House', Gash observed, 'but Milton's...insult had rankled, and the plain fact was that Peel could in no way control the proceedings'.⁵⁷ Though Peel subsequently returned to the House, claiming that he had left it to satisfy his hunger, rather than his anger, the incident gave rise to a good deal of critical commentary on Peel's highly strung temperament and his sensitivity wherever a point of personal honour was concerned. Hobhouse noted that the drama had served to de-rail proceedings, because 'the chairman forgot to report on the bill and the object of the contest was lost' – an occurrence which the duke of Newcastle mistakenly took to be the signal for a counter-assault against the measure by Peel.⁵⁸

Not for the first time, however, Newcastle was to be disappointed. Though *The Liverpool Mercury* felt Peel was ‘a sincere bigot, whose opposition to the claims of the Dissenters arises from his zeal for Mother church’, they realized that his ‘hostility to the measure [was] less distinguished than heretofore by dogmatism and inveteracy; and he recognises the respectability of the majority to which he was opposed’.⁵⁹ Peel now took the central role in formulating the government’s response to the *fait accompli* of repeal by negotiating with the anglican hierarchy for a declaration which would satisfy their own desire for securities to the church and facilitate the Bill’s passage through the house of lords without thereby enraging the dissenters. Russell prudently arranged a meeting between Peel and the United Committee, ‘in order to allay any irritation’ arising out of the last debate. From it emerged a promise, on Peel’s part, not to oppose the Bill ‘in its present stage’. This allowed it to pass its second reading in the Commons, without division, on 14 March.⁶⁰

III

By this time, the government’s intended course of action in committee on the Bill was becoming clear. Peel told Lloyd, on 4 March, ‘I think Declaration in lieu of Sacramental Test – the latter being repealed – will be the measure; but we must not say so now’.⁶¹ Both Wellington and Peel had consulted separately with the archbishop of Canterbury (Charles Manners Sutton) and the bishops of London, Durham (William Van Mildert) and Chester (Charles Blomfield) on the subject but the crucial meeting occurred at Lambeth Palace on 15 March when, by the archbishop’s invitation, Howley, Van Mildert and Blomfield were joined by the archbishop of York (Vernon) and bishop of

Llandaff (Edward Copleston) to agree a ‘form of declaration’ with Peel.⁶² Of those present, Van Mildert appears to have been the most reluctant to accede, a fact which Peel subsequently expressed some surprise at, given that the declaration which he introduced into the Bill, on 18 March, was somewhat stronger than that agreed with the bishops:

I [A B] do solemnly declare that I will never exercise any power, authority, or influence, which I may possess by virtue of the office of [X] to injure or weaken the Protestant church as it is by law established within this realm, or to disturb it in the possession of any rights or privileges to which it is by law entitled.⁶³

Peel’s wording was ‘generally approved’ at a ‘full meeting of Bishops’ on 21 March.⁶⁴ This led Blomfield, in correspondence with the dean of Peterborough, to declare that the Bill as it proceeded from the Commons:

...was strictly and literally a measure of the Bishops. The Dissenters acknowledge the concession, but consider it any thing rather than a triumph on their part. The more violent regard the proposed Declaration as a fetter, where there was none (in practice) before. Cobbett abuses Lord John Russell for acceding to such a security, and laughs at the dissenters for having been made fools of by “sly old Mother church”.”⁶⁵

Wellington also placed most of the responsibility for the government’s proceeding upon the bishops. According to the duke, the prelates were opposed to the occasional

conformity currently practised in relation to the Acts as an abuse of a religious rite and wished to avoid a clash between a house of commons supported by public opinion and the house of lords which might endanger ‘the peace of the church’. Consequently, the government was in the position of deciding ‘whether they would comply with the desire of the Archbishops and Bishops and others, and make an arrangement, or...urge them to concur in an opposition to the Bill in the House of Commons’. Significantly, Wellington stated that the declaration was ‘concocted by the Archbishops and Bishops with Mr Peel’. However, when Peel introduced the declaration to the Commons, he stated that he had done so ‘on his own view of the case’ and without ‘an opportunity of consulting any professional person’.⁶⁶

Jonathan Clark and Boyd Hilton have argued that Peel ‘beat the retreat’ by helping to “orchestrate” the bishops’ submission to what was technically a compromise, but actually a capitulation’. However, the two men differ in their interpretation of the cause and consequence of this retreat. Clark thought Peel insufficiently robust in resisting a pressure which he did not consider to be all that strong and misguided insofar as his solution promoted the very thing he was hoping to prevent – further inroads upon anglican constitutionalism. By contrast, Hilton thought Peel’s compromise the inevitable consequence of the unexpected timing – and success – of Russell’s motion.⁶⁷ However, there were plenty of contemporary critics who castigated Peel for his perceived surrender. For example, one correspondent to *The Morning Post* attacked Peel for sacrificing ‘his own interest [and] the interest of his country [by joining] the ranks of his opponents, bearing his declaration as a cloak for his apostasy’.⁶⁸

Yet, as Peel told the house of commons, in what was widely regarded as a ‘conciliatory speech’ introducing the government’s measure, the alternatives to such a course of action were hardly more palatable. The Test and Corporation Acts could not be preserved as they stood; Acland’s idea of suspension recognized the principle of a sacramental test (which had been decisively voted down by Russell’s motion) whilst a simple, unqualified repeal of the sort Russell had introduced gave no corresponding security to the anglican church.⁶⁹ By contrast, the proposed declaration was to be obligatory for all those chosen for office in corporations in England and Wales and at the discretion of the crown for holders of civil offices of trust and commissions under the crown. As *The Christian Observer* subsequently observed, the church of England would ‘at least, not be in a worse condition [under the declaration] than under the indemnity act, by which neither test nor declaration was required’.⁷⁰

Whilst hostile to the idea of a declaration in principle, Russell had already expressed himself willing to accommodate it if it would facilitate the passage of the Bill through the house of lords whilst satisfying the church of England. As John Prest notes, Russell was willing to ‘accept the irritation rather than lose the substance of the reform’; moreover, he persuaded the dissenters to do the same.⁷¹ One over-heated correspondent to *The Morning Post* complained that the declaration was accepted by the dissenters ‘with a surly grace’, whilst the *Leicester Chronicle* saw the declaration as ‘so utterly nugatory’ as to be little more than an ‘expedient to [mollify] a certain class of high-church supporter, who regard this solemn kind of nothingness as the very perfection of statesmanship’.⁷² However, the minutes of the United Committee for 21 March 1828 reveal a shrewder perspective:

The Bill thus framed, abolished the Sacramental Test – enacts no penalties beyond loss of office – imposes no form of declaration on Protestant Dissenters, that is not equally imposed upon all classes of His Majesty’s subjects – and, with regard to offices under the Crown, makes the declaration imperative only where it may be required by the competent lawful authorities. [Moreover] the declaration is not intended to bind the declarant, being a Protestant Dissenter, to abstain from that free expression of his opinion as an individual, and from those measures for the maintenance and support of his own faith and worship, in the use of which he is now protected by the law.⁷³

Peel stated that he had ‘reluctantly conceded’ to bring forward the declaration himself, rather than cede the ground to either Acland or Russell. In doing so, he provoked some privately expressed criticism from the 18-year old Gladstone who, in his final term at Eton, wrote to a school friend declaring that Peel’s conduct towards Acland was not ‘altogether fair: I mean in taking the matter out of his hands’.⁷⁴ However, as Peel subsequently informed Lloyd, he had done so at the express desire of the bishops and especially the archbishop of Canterbury: ‘Their wish was that I should propose the Declaration myself, or at any rate take a very prominent part in advising its acceptance’. Lloyd, moved to unusual epistolary anger by the idea that his favourite charge should be exposed to public taunts of inconsistency, responded that he saw ‘nothing but cowardice’ in the bishops’ advice.⁷⁵

To that extent, the repeal measure bears out the argument promoted by Norman Gash and supported by Frank O’Gorman that Peel ‘virtually took charge of’ the Bill at this stage of proceedings.⁷⁶ But if Peel had thereby framed the terms of the subsequent

parliamentary debate, by focusing consideration upon the nature and wording of the proposed declaration, rather than the repeal of the sacramental test itself, he had just as obviously exposed himself to the objections to which the declaration gave rise.

Within days of Peel's speech, an alteration to the wording had been accepted, which inserted the terms 'power' and 'authority' in addition to what was regarded as the vague term 'influence'. This was conceded at the request of Edgar Taylor, a leading unitarian and member of the United Committee. Similar influence, conveyed from the committee to Peel through Lord Sandon, had already influenced the inclusion of the phrase 'by virtue of the office' before the declaration was introduced.⁷⁷ Beyond that, as Peel made clear to the Commons on 24 March, he was not prepared to go:

I am satisfied with the security which this Declaration offers. I am not prepared to make any alteration in it to please the wishes of any party. All that has passed since I proposed it, confirms me in the sanguine hope that the present session will not close without our having every question satisfactorily arranged, with respect to Dissenters from the Church of England.⁷⁸

However, it is clear that Peel's objection to further alterations arose from another consideration. The day after introducing the declaration, at a meeting with Russell and William Smith, the veteran campaigner for repeal and chairman of the United Committee, Peel:

... expressed it to be his earnest wish that the declaration should be so framed as that the House of Lords should not have any inducement to meddle with it; that

if the Bill should pass the House of Lords without much observation, there would be no ill feeling in the country excited; that some opposition would most probably be raised but that he thought he had secured a satisfactory feeling in favour of the measure; that he thought the words now used would induce the leaders in the House of Lords to accede to the measure, but that he could not be answerable for the consequences if those words were altered.⁷⁹

Peel said much the same in introducing the declaration to the Commons; a move which, as Eldon subsequently noted, ‘made it impossible [for the house of lords] to resist with effect’.⁸⁰ However, for ultra-tories like Eldon and Newcastle, a principal ground for resistance arose from the fact that the declarant was ‘not even required to acknowledge himself a Christian, so repugnant is that supposed to be to the liberal opinions of the present enlightened age’.⁸¹ Likewise, a correspondent to *The Morning Post* complained that the declaration was ‘too general and indefinite, and upon an occasion of too much personal interest, to be relied upon as an effectual restraint’. Dr Tournay, the warden of Wadham College, observed that the declarant did not ‘declare generally that he will not destroy the church, but merely that he will not destroy her by means of his official power and opportunities’, whilst Edward Irving attacked the declaration for asking ‘a man to avoid doing what, as a subject, he was legally bound not to do’. Henry Drummond also regretted the lack of ‘any reference to the divinity of the established church [which] thus reduced it to a mere object of mercenary gain’.⁸² Amongst the tory press, whether government-subsidised or not, there was a general unity of feeling against repeal. *The Age* described the Bill as an ‘abortion’ and Peel as a rat whilst *The*

Standard proposed a substitute test, in place of the declaration, limiting office to Christians.⁸³

Important though these views were, they exercised little influence over lords Winchilsea, Falmouth and Tenterden, who took a leading role in opposing the government's measure in the house of lords. Indeed, it is notable that discussion of the Bill amongst the peers was dominated by issues arising from the absence or inclusion of particular words in Peel's declaration rather than the principle of repeal itself. To that extent, Peel's intervention and his subsequent handling of the bishops had helped move the debate away from territory which would have extracted embarrassing sentiments from ministers and exposed internal divisions on the catholic question (in a period when the Canningites still comprised part of the government) and on to the narrower ground of semantics. Viewed in this light, Peel's course of action was a shrewd political strategy which afforded important securities for the anglican church.⁸⁴

IV

The progress of the Lords debate is well attested in the published diaries of its leading participants (notably, those of Colchester, Ellenborough and Newcastle). The peers' treatment of the Bill generated a good deal of public interest, being keenly read by Gladstone and stimulating the one caricature of significance to emerge from the repeal campaign – William Heath's *Grand Battle of Lords Spiritual and Temporal or Political Courage Brought to the Test*.⁸⁵ Yet, in essence, the opposition to the Bill may be summed up in two words: Lord Eldon. It was always likely that Eldon, drawing upon 20 years' worth of experience as lord chancellor and a sense of grievance borne of his

exclusion from Wellington's cabinet, would constitute a formidable opponent. Throughout the debates, he was noted to have become proportionately more 'vehement and ill-humoured, as his chance of any sort of success in either defeating the dissenters or embarrassing his old associates became less and less'.⁸⁶ Lord Holland attempted to prepare for this eventuality by writing to Russell and the United Committee, in advance of the debates, to gain advice about the:

... omissions which Eldon pretends to have found & means to expose. This is material – for we should forestall all such as appear to be reasonable by avowing an intention to amend or supply them in Committee. You will observe these objections & omissions apply to the repealing Clause not to the declaration to your bill [and] not to Peel's part of it.⁸⁷

Holland was to be disappointed in his expectation that the repeal clause, rather than Peel's declaration, was to be the object of fiercest consideration amongst the peers. In fact, most of the 20 amendments and 35 speeches which Eldon made, in the course of the Lords debates, sought to improve the latter rather than prevent the former; either by turning the declaration into an oath or constituting it, through its wording, a more overtly protestant profession of faith which would provide greater protection to the 'practice, institutions and discipline of the church of England'.⁸⁸ After the contest was over, Harriet Arbuthnot considered that Eldon had fought 'like a dragon', but Eldon himself felt that he had 'fought like a lion, but my talons have been cut off'. He had conceded, even before the debates began, that those 'who oppose, shall fight respectably and honourably; but victory cannot be ours'.⁸⁹ Ellenborough thought Eldon had been

allowed too much latitude in the initial stages of the debate, encouraging him to become 'more mischievous and grasping' as time elapsed. At one stage in the proceedings, lord chancellor Lyndhurst 'seemed rather unwilling to take upon himself the responsibility of [offering a legal] interpretation contrary to Eldon's', whilst the bench of bishops split on Eldon's amendment to insert the words 'I am a protestant' into the declaration for those admitted to corporation offices. Eldon subsequently gained George IV's support for this amendment, probably through the intervention of his brother, the duke of Cumberland, who returned from Hanover for the express purpose of opposing the repeal legislation. Only some deft manoeuvring, on Wellington's part, deflected this potential ambush. Nevertheless, the king's feelings on the measure are illustrated by his refusal to enforce obedience, or attendance, upon the household peers, during the Bill's passage through the Lords.⁹⁰

Ultimately, the union of whig and ministerial support and the attitude of the bishops ensured the Bill's success. Indeed, in some respects, this represented a more united front than in the case of either catholic emancipation in 1829 or the English Reform Bill in 1832. Blomfield stated that 'the Bishops took the lead, and were heard with great attention', whilst Ellenborough concluded triumphantly: 'We managed to keep the Bishops with us, to divide with a great majority, to resist successfully amendments which would have nullified the measure or converted it into a penal law, and to have all the grace of concession'.⁹¹

However, the Bill emerged from the Lords with two major alterations to Peel's declaration. By an amendment which the house of commons subsequently accepted on 2 May, all 'Naval officers below the rank of Rear Admiral, military officers below the rank of Major-General in the army or of Colonel in the Militia,

Commissioners of Customs, Excise, Stamps, and Taxes, and all officers concerned in the collection, management and receipt of the revenues' were exempted from the requirement to make the declaration upon admission to office.⁹² More significantly, Copleston's amendment to insert the words 'upon the true faith of a Christian', which had the effect of preventing the possible extension of the Act to Jews and atheists, was accepted. Whilst William Smith told the Commons that it was not, in his opinion, 'of any great importance' whether the declaration existed or not, and John Wilson Croker correctly foresaw that the wording would not obviate the need for future Indemnity Acts, the alteration to the text of Peel's declaration provided a further barrier of admission.⁹³ Jews were only admitted to corporation offices, without the threat of prosecution, in 1845 (8 & 9 Vict c.52), and to the house of commons, after a compromise was reached with the house of lords - by which Lionel Rothschild took the oath on the old testament - in 1858 (21 & 22 Vict c.49). Whilst the Parliamentary Oaths Act of 1866 (29 & 30 Vict c.19) established the oath of allegiance to the crown and the protestant succession as the only required oath of office, the case of Charles Bradlaugh, the atheist MP for Northampton, raised a new difficulty for any free-thinker objecting to the injunction 'so help me God'. Appropriately enough, in light of events in 1828, a solution to the parliamentary impasse that this created, resulting in the ability to make a 'solemn affirmation' under the Oaths Act of 1888 (51 & 52 Vict c.46), was provided by the critical intervention of the speaker of the house of commons (and Peel's youngest son) Arthur Wellesley Peel.⁹⁴

It was never likely that Robert Peel's name would be on the lips of those who gathered to celebrate the achievement of repeal. A gala dinner of over seven hours' duration was convened at the Freemasons' Hall in London on Waterloo Day, 18 June 1828. Henry Brougham and Robert Aspland lectured the assembly on the necessity of an imminent catholic relief, to which the presiding officer, H.R.H. the duke of Sussex, retorted 'thank you for the lecture which you have read my family, but I wish you to remember that I at least have not deserved it'.⁹⁵ For the dissenters, the achievement of repeal galvanised their energies for future campaigns - civil registration, church rates and university admission as well as parliamentary reform - and showed them a possible route for success. Yet the repeal of the sacramental test was insufficient, in itself, to guarantee the dissenters full access to corporations. As John Phillips argued, whilst the oligarchic structures of English local government were re-modelled through the Municipal Corporations Act of 1835, dissenters could be made to feel 'painfully aware of their inequality [which was] reinforced by social interactions in church and chapel'.⁹⁶ Yet repeal also recognized the dissenting interest as an established political fact; the subsequent achievement of the £10 householder franchise as the basic qualification for the parliamentary vote in urban constituencies, under the terms of the 1832 Reform Act, necessitated that much of Peel's leadership of the Conservative Party in the 1830s be consciously constructed with an eye to conciliating it as a constituency of support. This was attested to privately by Peel in conversation with the duke of Newcastle in 1833 and publicly, through the prominence given to un-resolved dissenting causes, in the Tamworth Manifesto of December 1834.⁹⁷

Repeal also had immediate consequences for the church of England for it represented, in the words of *The Annual Register* for 1828, 'the first successful blow

that had been aimed at the supremacy of the Established church since the [Glorious] Revolution'. Moreover, as Lord Holland observed, it had exploded 'the real Tory doctrine *that church & state are indivisible*'.⁹⁸ This is precisely what ultra-tories had understood at the time and what many others, less stridently, came to perceive thereafter. Historians of the church of England have uncovered evidence of how widely such concerns came to be shared. For example, during the 1830s, John Keble 'clearly anchored tractarian protest to the reforms of 1828-9'. Meanwhile, Ian Machin has taken his cue from Geoffrey Best's immortal phrase that 'hardly a dog barked' at the passing of repeal, by contrasting the relative quiescence with which repeal passed onto the statute book with the sense of gloom and foreboding which followed fast upon its heels.⁹⁹

As to Peel's role in these events, Lord John Russell was clear: he was 'a very pretty hand at hauling down his colours'. With more or less degree of sympathy, historians writing on the subject have tended to agree. For Norman Gash, 'the government had conducted a neat rearguard action', whilst Professors Machin, Davis and O'Gorman regard the ultimate success of repeal as having more to do with political circumstances and parliamentary arithmetic than (in Machin's words), 'long-term social trends or the rapid growth of dissent'.¹⁰⁰

Whilst this hardly accords due weight to the long-term contribution made by dissenters to English public life, these historians are nevertheless correct in noting that the terms of the final repeal legislation owed much to the influence exerted upon it by Wellington and Peel, as leaders of their respective chambers. However, when compared with the repeal of the corn laws eighteen years later, it is clear that the input of Russell

and the United Committee to the final outcome was correspondingly greater than that exercised by Cobden, Bright and the Anti-Corn Law League in 1846.¹⁰¹

Unsupported by any significant degree of petitioning evidence to the contrary, any noticeable opposition from the universities, any clear signs of resistance from the bench of bishops as a whole and except for the principled (if vehement) opposition of the ultra-tory peers and the populist baying for ministerial blood of their representatives in the press, Wellington's government lacked any discernible appetite for a fight over the retention of the Test and Corporation Acts, during 1828. In these circumstances, Peel in particular must be credited for having intervened in the Bill in a manner and at a point which served (in William Gibson's words) to 'insulate' and 'neutralise the source of the strife' to the extent that it salvaged something by way of security for the anglican church.¹⁰²

Peel's management of repeal also provided a precedent for his subsequent treatment of anglican church questions during the 1830s. Indeed, a close parallel with Peel's strategy over repeal is provided in the formation of the Ecclesiastical Commission in 1835. By working with, rather than against, the grain of the anglican church hierarchy, Peel once again helped in 'neutralising the source of strife' by creating a separate body which would debate the issues and propose legislative solutions for them. By attempting to isolate these discussions, as far as possible, from acrimonious debate in parliament, Peel helped to make the church of England abettors in the solutions which legislators sought to provide.¹⁰³

In later years, Peel himself was apt to elide the separate legislative enactments of the 'Constitutional Revolution' as being of a piece; hence the inclusion of the material upon repeal in the relevant volume of *Memoirs* concerned with the achievement of

emancipation. However, whilst the achievement of repeal could not, necessarily, be divorced from the wider issue of emancipation, asking how repeal looks on its own terms, and what the motivations of key players such as Peel were when the event is thus isolated, remains a worthwhile activity. As Chester New observed in his biography of Henry Brougham, over 50 years ago, ‘it was said at the time [of repeal] and it has been repeated in all the books to this day that [repeal] was important only because it prepared the way for Catholic Emancipation. From that view Brougham [for one] strongly dissented’.¹⁰⁴ There was no expectation that emancipation would hurry along so quickly on the tails of the 1828 legislation as it did, though its supporters clearly believed that its achievement could not be long delayed. Tactically, this raised interesting questions. For example, the Catholic Association seriously considered suspending its rule of opposing all candidates pledged to support the government in parliamentary elections – a proposal which O’Connell himself supported.¹⁰⁵

Given Peel’s public declarations on the relationship between repeal and emancipation, and the tactical considerations raised by granting one before the other, it is likely that, when the time came, he expected repeal to succeed (rather than precede) emancipation. However, in neither case did he expect to play a leading role in their achievement. The speed and success of Russell’s repeal motion changed that sequence of events, just as the need to respond decisively, whilst securing safeguards for the anglican church, ensured that Peel assumed a decisive role in shaping the final legislation. To some extents, this was a foretaste of events the following year. Peel’s indispensability to the government as leader of the Commons increased after the resignation of the Canningite ministers in May 1828. Likewise, Peel’s view of a relief measure, stripped of wings or securities, proved to be decisive in ensuring the passage

of catholic emancipation through the house of commons. The necessity of confronting repeal head-on formed a back-drop to that ‘ripening’ of Peel’s views which commentators and historians have detected during this period.¹⁰⁶

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¹ The standard account is Norman Gash, *Mr Secretary Peel* (2nd edn, Harlow, 1985), 461-5. Also see Fergus O’Ferrall, *Catholic Emancipation. Daniel O’Connell and the Birth of Irish Democracy, 1820-1830* (Dublin, 1985), 181-2.

² For a recent interpretation which makes much of Peel’s egotistical tendencies, see R. A. Gaunt, *Sir Robert Peel. The Life and Legacy* (2010). For Peel’s ‘self-congratulatory speech’ to the house of commons during the Reform Bill debates (12 December 1831), see *The History of Parliament: The House of Commons, 1820-1832*, ed. David Fisher (7 vols, Cambridge, 2009), i, 362.

³ *Speeches delivered in the House of Commons by the late Rt. Hon. Sir Robert Peel* (4 vols, New York, 1972), i, 551-6.

⁴ *Prime Ministers Papers: W. E. Gladstone*, ed. John Brooke and Mary Sorensen (4 vols, 1971-81), iii, 77; Boyd Hilton, ‘The Ripening of Robert Peel’, in *Public and Private Doctrine: Essays in British History Presented to Maurice Cowling*, ed. Michael Bentley (Cambridge, 1993), 63-84.

⁵ *The Leicester Chronicle*, 12 Apr., 1828.

⁶ *Memoirs of Sir Robert Peel*, ed. Lord Mahon and E. Cardwell (2 vols, New York, 1969), i, 64.

⁷ G.F.A. Best, 'The Constitutional Revolution, 1828-32', *Theology*, lxii (1959), 226-34; Norman Gash, *Aristocracy and People. Britain 1815-1865* (1979), chapter 5.

⁸ For the repeal legislation, *English Historical Documents, VIII 1783-1832*, ed. Arthur Aspinall and E.A. Smith (1959), 674-5.

⁹ J.C.D. Clark, *English Society 1660-1832* (2nd edn, Cambridge, 2000), 440, 527-47; Richard W. Davis, 'The Politics of the Confessional State', *Parliamentary History*, 9 (1990), 38-49.

¹⁰ Richard W. Davis, 'Toryism to Tamworth. The Triumph of Reform', *Albion*, xii (1980), 132-46.

¹¹ Boyd Hilton's *A Mad, Bad, & Dangerous People? England, 1783-1846* (Oxford, 2006), 379-84.

¹² *Statutes of the Realm*, ed. John Raithby (9 vols, 1810-25), v, 321-3, 894-6.

¹³ Robert Hole, *Pulpits, Politics and Public Order in England* (Cambridge, 1989), 239. For early-18th century attempts at repeal, see N. Hunt, *Two Early Political Associations* (Oxford, 1961).

¹⁴ *The Liverpool Mercury*, 7 Mar., 1828; K. R. M. Short, 'The English Indemnity Acts 1726-1867', *Church History*, xlii (1973), 372.

¹⁵ D.W. Hayton, 'Exclusion, Conformity, and Parliamentary Representation: The Impact of the Sacramental Test on Irish Dissenting Politics' in his *Ruling Ireland, 1685-1742: Politics, Politicians and Parties* (Woodbridge, 2004), 188; *idem.*, 'Parliament and the Established Church: Reform and Reaction', in *The Eighteenth-Century Composite State: Representative Institutions in Ireland and Europe, 1689-1800*, ed. D.W. Hayton, James Kelly and John Bergin (Basingstoke, 2010), 78-106.

¹⁶ *Political Diary of Edward Law, Lord Ellenborough, 1828-30*, ed. Lord Colchester (2 vols, 1881), i, 39. For the growth of organised dissent from the late-18th century, see Ursula Henriques, *Religious Toleration in England, 1787-1833* (1961); B.L. Manning, *The Protestant Dissenting Deputies* (Cambridge, 1952); R.W. Davis, *Dissent in Politics, 1780-1830. The Political Life of William Smith MP* (1971).

¹⁷ *The Public and Private Life of Lord Chancellor Eldon, with Selections from his Correspondence*, ed. H. Twiss (3 vols, 1844), ii, 200-1.

¹⁸ Clark, *English Society*, 414-17, 530-2; Peel, *Memoirs*, i, 66. On the earlier parliamentary repeal campaign, see G.M. Ditchfield, 'The Parliamentary Struggle over the Repeal of the Test and Corporation Acts, 1787-90', *EHR*, lxxxix (1974), 551-7.

¹⁹ Peel, *Memoirs*, i, 77.

²⁰ Ellenborough, *Political Diary*, i, 39.

²¹ O'Ferrall, *Catholic Emancipation*, 181.

²² Peel, *Speeches*, i, 149.

²³ G.I.T. Machin, 'Resistance to Repeal of the Test and Corporation Acts, 1828', *HJ*, xxii (1979), 124; Peter Jupp, *British Politics on the Eve of Reform. The Duke of Wellington's Administration, 1828-30* (Basingstoke, 1998), 278.

²⁴ Peel, *Speeches*, i, 512.

²⁵ Arthur Aspinall, *The Formation of Canning's Ministry February to August 1827* (Camden Society, 3rd ser., lix, 1937), 124, 158, 190.

²⁶ *Committees for Repeal of the Test and Corporation Acts, Minutes 1786-90 and 1827-8*, ed. T.W. Davis (London Record Society, xiv, 1978).

²⁷ Wendy Hinde, *Catholic Emancipation. 'A Shake to Men's Minds'* (Oxford, 1992), 31.

²⁸ Machin, 'Resistance', 119.

²⁹ William A. Hay, *The Whig Revival 1808-1830* (Basingstoke, 2005), 155; Peel, *Speeches*, i, 551-6.

³⁰ O'Ferrall, *Catholic Emancipation*, 181-2; Davis, *Committees*, 62-106.

³¹ Richard W. Davis, *A Political History of the House of Lords 1811-1846. From the Regency to Corn Law Repeal* (Stanford, 2008), 143-5.

³² Ellenborough, *Political Diary*, i, 35-6, 39.

³³ G.H. Francis, *Opinions and Policy of the Right Honourable Viscount Palmerston as Minister, Diplomatist, and Statesman during more than forty years of Public Life* (1852), 53-7.

³⁴ *The Monthly Repository and Review of Theology and General Literature*, ii (Apr., 1828), 274.

³⁵ Davis, *Committees*, xxv.

³⁶ Twiss, *Eldon*, ii, 200-1.

³⁷ *Unrepentant Tory. Political Selections from the Diaries of the Fourth Duke of Newcastle, 1827-1838*, ed. Richard A. Gaunt (Woodbridge, 2006) 47; cf. *The Diary and Correspondence of Charles Abbot, Lord Colchester*, ed. Lord Colchester (3 vols, 1861), iii, 553.

³⁸ Gash, *Mr Secretary Peel*, 462; Lord Dalling and G. Bentley, *Sir Robert Peel. An Historical Sketch* (1874), 49; T. Doubleday, *The Political Life of the Right Honorable Sir Robert Peel. An Analytical Biography* (2 vols, 1856), i, 428-30.

³⁹ Peel, *Memoirs*, i, 66, 74-7.

⁴⁰ Hole, *Public Order*, 240-1.

⁴¹ Arthur Aspinall, 'Extracts from Lord Hatherton's Diary', *Parliamentary Affairs*, xvii (1963) 20-1; Ellenborough, *Political Diary*, i, 42. With 435 MPs present, the division was the largest in the parliamentary session: *HPC 1820-1832*, i, 318.

⁴² Peel, *Speeches*, i, 551-6.

⁴³ Colchester, *Diary*, iii, 552-3.

⁴⁴ Southampton University Library, Wellington Papers, 1/930/39, Wellington to Montrose, 29-30 Apr. 1828; cf. Peel, *Memoirs*, i, 86.

⁴⁵ *The Liverpool Mercury*, 28 Mar., 1828; *The Leicester Chronicle*, 12 Apr., 1828.

⁴⁶ Gash, *Mr Secretary Peel*, 462.

⁴⁷ SUL, WP1/930/39, Wellington to Montrose, 29-30 Apr. 1828.

⁴⁸ Peel, *Memoirs*, i, 100.

⁴⁹ Gash, *Mr Secretary Peel*, 461-2.

⁵⁰ Ellenborough, *Political Diary*, i, 46; Peel, *Memoirs*, i, 65; W.J. Baker, *Beyond Port and Prejudice. Charles Lloyd of Oxford, 1784-1829* (Maine, 1981), 175.

⁵¹ Baker, *Port and Prejudice*, 175-6; Ellenborough, *Political Diary*, i, 47; Colchester, *Diary*, iii, 550.

⁵² Ellenborough, *Political Diary*, i, 43; Machin, 'Resistance', 125.

⁵³ *The Leicester Chronicle*, 8 Mar., 1828.

⁵⁴ Davis, *Committees*, 92.

⁵⁵ Peel, *Speeches*, i, 564-6; *HPC 1820-1832*, i, 296.

⁵⁶ *Parliamentary Debates*, new series, xviii, 816-33.

⁵⁷ Gash, *Mr Secretary Peel*, 463-4.

⁵⁸ *Recollections of a Long Life by Lord Broughton. With additional extracts from his private diaries*, ed. Lady Dorchester (6 vols, 1910), iii, 246; Gaunt, *Unrepentant Tory*,

47. For a further example of Peel putting his dinner first (28 Jan., 1832), see *HPC 1820-1832*, i, 409.

⁵⁹ *The Liverpool Mercury*, 7 Mar., 1828.

⁶⁰ Davis, *Committees*, 92.

⁶¹ Peel, *Memoirs*, i, 73.

⁶² Ellenborough, *Political Diary*, i, 47; W.J. Copleston, *Memoir of Edward Copleston DD Bishop of Llandaff with Selections from his Diary and Correspondence* (1851), 123; Peel, *Memoirs*, i, 74.

⁶³ Colchester, *Diary*, iii, 555; Peel, *Memoirs*, i, 88.

⁶⁴ Copleston, *Memoir*, 123.

⁶⁵ A. Blomfield, *A Memoir of Charles James Blomfield, DD Bishop of London with Selections from his Correspondence* (2 vols, 1863), i, 138-9.

⁶⁶ SUL, WP1/930/39, Wellington to Montrose, 29-30 Apr. 1828; Peel, *Speeches*, i, 581-5; *The Monthly Repository and Review of Theology and General Literature*, ii (Apr., 1828), 279-80.

⁶⁷ Clark, *English Society*, 395; Hilton, *Mad, Bad*, 383; Hilton, 'Ripening of Robert Peel', 69.

⁶⁸ *The Morning Post*, 21 Apr., 1828.

⁶⁹ Gash, *Mr Secretary Peel*, 465; Davis, *Committees*, 96.

⁷⁰ Quoted in *The Age of Peel*, ed. Norman Gash (1968), 20.

⁷¹ John Prest, *Lord John Russell* (1972), 35; this rather calls into question Russell's subsequent discussion of the declaration in his *Recollections and Suggestions 1813-1873* (1875), 58.

⁷² *The Morning Post*, 17 Apr., 1828; *The Leicester Chronicle*, 22 Mar., 1828.

⁷³ *The Monthly Repository and Review of Theology and General Literature*, ii (May 1828), 353.

⁷⁴ Brooke and Sorensen, *Gladstone*, i, 203.

⁷⁵ Peel, *Memoirs*, i, 93, 95.

⁷⁶ Gash, *Aristocracy and People*, 137; Frank O’Gorman, *Voters, Patrons and Parties. The Unreformed Electorate of Hanoverian England, 1734-1832* (Oxford, 1989), 367. The same point was made contemporaneously by *The Exeter Flying Post*, 17 Apr., 1828.

⁷⁷ Davis, *Committees*, 96-7.

⁷⁸ Peel, *Speeches*, i, 592-3.

⁷⁹ Davis, *Committees*, 96.

⁸⁰ Twiss, *Eldon*, ii, 200.

⁸¹ Gaunt, *Unrepentant Tory*, 49; also see SUL, WP1/926/17, Westmorland to Wellington, 8 Apr. 1828.

⁸² *The Morning Post*, 21 Apr., 1828; Peel, *Memoirs*, i, 87; Machin, ‘Resistance’, pp. 130-1.

⁸³ James Sack, *From Jacobite to Conservative* (Cambridge, 1993), 204; Machin, ‘Resistance’, 127-8.

⁸⁴ P.D., n.s., xviii, 1571-1610; P.D., n.s., xix, 39-49.

⁸⁵ *The Gladstone Diaries*, ed. M.R.D. Foot and H.C.G. Matthew (14 vols, Oxford, 1968-94), i, 170, 175; British Museum, Department of Prints and Drawings, 15530. This image provides the cover illustration to the present volume.

⁸⁶ *The Monthly Repository and Review of Theology and General Literature*, ii (May 1828), 354.

⁸⁷ TNA, PRO 30/22/1A, f. 197, Holland to Russell, 3 Apr. 1828; Davis, *Committees*, 98-9.

⁸⁸ R.A. Melikan, *Lord Eldon, 1751-1838. The Duty of Loyalty* (Cambridge, 2000), 335-8.

⁸⁹ *The Journal of Mrs Arbuthnot, 1820-1832*, ed. Francis Bamford and the duke of Wellington (2 vols, 1950), ii, 166; Twiss, *Eldon*, ii, 200, 203.

⁹⁰ Ellenborough, *Political Diary*, i, 88-92; *The Letters of George IV*, ed. Arthur Aspinall (3 vols, Cambridge, 1938), iii, 401.

⁹¹ Blomfield, *Memoirs*, i, 139; Ellenborough, *Political Diary*, i, 86.

⁹² Gash, *Age of Peel*, 20.

⁹³ Davis, *Dissent in Politics*, 248; *The Correspondence and Diaries of the late Right Honorable John Wilson Croker*, ed. Louis J. Jennings (2 vols, New York, 1884), i, 385; Short, 'Indemnity Acts', 375.

⁹⁴ Frances Knight, 'The Bishops and the Jews, 1828-1858' in *Christianity and Judaism*, ed. D Wood (Oxford, 1992), 387-98; Walter Arnstein, *The Bradlaugh Case. A Study in late Victorian Opinion and Politics* (Oxford, 1965); Michael Wheeler, *The Old Enemies. Catholic and Protestant in Nineteenth-Century English Culture* (Cambridge, 2006), 3, 149.

⁹⁵ Robert B. Aspland, *Memoir of the Life, Work and Correspondence of the Rev. Robert Aspland of Hackney* (1850), 484.

⁹⁶ John Phillips, *The Great Reform Bill in the Boroughs. English Electoral Behaviour 1818-1841* (Oxford, 1992), 302.

⁹⁷ Gaunt, *Unrepentant Tory*, 223.

⁹⁸ Gash, *Aristocracy and People*, 137; Clark, *English Society*, 532; cf. *Early Correspondence of Lord John Russell*, ed. Rollo Russell (2 vols, 1913), i, 272; Ellenborough, *Political Diary*, i, 44.

⁹⁹ William Gibson, *The Church of England 1688-1832. Unity and Accord* (2001), 12-18; Simon Skinner, *Tractarians and the 'Condition of England'. The Social and Political Thought of the Oxford Movement* (Oxford, 2004), 87; G.I.T. Machin, *Politics and the Churches in Great Britain 1832-68* (Oxford, 1977), 20-1; Machin, 'Resistance', 115; cf. Hilton, *Mad, Bad*, 383.

¹⁰⁰ Spencer Walpole, *The Life of Lord John Russell* (2 vols, 1889), i, 143; Gash, *Mr Secretary Peel*, 465; Machin, 'Resistance', 116; Richard W. Davis, 'The Strategy of Dissent in the Repeal Campaign, 1820-1828', *Journal of Modern History*, xxxviii (1966), 392; O'Gorman, *Voters, Patrons and Parties*, 367.

¹⁰¹ Gaunt, *Peel*, chapter 6.

¹⁰² Gibson, *Unity and Accord*, 107.

¹⁰³ Davis, 'Toryism to Tamworth'.

¹⁰⁴ Chester New, *Life of Henry Brougham to 1830* (Oxford, 1961), 322.

¹⁰⁵ Oliver MacDonagh, *O'Connell. The Life of Daniel O'Connell, 1775-1847* (1991), 248.

¹⁰⁶ Gaunt, *Peel*, chapter 2.