

# THE DISESTABLISHMENT OF THE CHURCH IN WALES

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During the earlier part of 1993 a paper of mine was published in the *Ecclesiastical Law Journal*.<sup>1</sup> Entitled 'What of the Church in Wales?', it endeavoured to suggest why the disestablished Church in Wales still maintained the characteristics of an established Church. The paper seems to have aroused much interest within certain circles of the Church of England, especially among synod members, at a time when the question of disestablishment was once more being publicly aired. The point was made to me repeatedly that disestablishment would need to be accompanied by disendowment, although the only reason for this assertion appears to have been the historical precedents of the Irish and Welsh disestablishments. I am not competent to write about the former, but with regard to the latter I feel that a historical examination of the events which led to the disestablishment of the Church in Wales might raise some question marks against this assertion.

## 1. THE WELSH CHURCH ACT 1914

The Welsh Church Act 1914<sup>2</sup> was the Act which disestablished the four dioceses of Wales from the Church of England, and permitted them to 're-establish' themselves into a separate Church. The Act was passed in 1914, but postponed in its implementation until 31 March 1920, due to the outbreak of the First World War. This date was fixed by the Welsh Church (Temporalities) Act 1919,<sup>3</sup> which also modified the 1914 Act in some details, as will be noted later.

There were two main divisions in the 1914 Act. The first dealt with disestablishment and the constitutional changes in Church and state resulting from that, and it also made provision for the reconstitution of the Church in Wales on a disestablished basis. These sections also dismembered the Church in Wales from the Church of England as a necessary consequence of disestablishment. The second division dealt with the disendowment of the four Welsh dioceses, and made arrangements for the application of the resulting funds for the partial re-endowment of the Welsh Church and for secular objects.

### (a) *Disestablishment*

On the date of disestablishment the Act declared that the Church of England, as far as it extended to and existed in Wales and Monmouthshire, ceased to be established by law.<sup>4</sup> Those parishes which were part of the Welsh dioceses but situated in English counties, such as Oswestry in the then diocese of St Asaph, were transferred to English dioceses,<sup>5</sup> and consequently the Act did not apply to them. Parishes in Wales which belonged to English dioceses were transferred into the new province,<sup>6</sup> such as Montgomery which moved from the diocese of Hereford to that of St Asaph. Those parishes whose area took in the border between England and Wales were given the choice of which Church they wished to belong to, and only one, it appears, elected to remain with the Church in Wales. Although popular mythology has suggested this was the parish of Hawarden, whose incumbent, it is said, looked at the

<sup>1</sup> 3 Ecc LJ 20–9.

<sup>2</sup> 4 and 5 Geo 5 c 91.

<sup>3</sup> Welsh Church (Temporalities) Act 1919 (9 and 10 Geo 5 c 65), s 2.

<sup>4</sup> Welsh Church Act 1914, s 2.

<sup>5</sup> *Ibid.*, s 9(2).

<sup>6</sup> *Ibid.*, s 9(3).

map, and realised that Chester was five miles away and St Asaph thirteen, and preferred his bishop to be as far away as possible, it was in fact the parish of Llansilin. The parishioners voted 255 to 228 in favour of remaining in the Church in Wales.<sup>7</sup> Nevertheless the anomaly remains, that parts of Wales remain within the Established Church, and a small part of England is disestablished!

As a result of this Act no member of the Church in Wales was able to claim any privilege which might flow from 'establishment',<sup>8</sup> although this term was never adequately defined by the Act. Ecclesiastical corporations sole and aggregate were dissolved;<sup>9</sup> and 'ecclesiastical persons' were permitted to retain their offices as vested interests (though assistant curates were exempted from this category), but their successors would not, and consequently other alternative arrangements were required for the holding and ownership of property. Bishops ceased to be members, or qualified for membership, of the House of Lords,<sup>10</sup> although bishops and clergy ceased to be disqualified for membership of the other House.<sup>11</sup> Furthermore, the Welsh bishops and proctors ceased to be members of the Canterbury Convocation,<sup>12</sup> although Bishop Edwards endeavoured to manoeuvre around this particular clause at a later date, without success.

The ecclesiastical courts were deprived of their jurisdiction in Wales and all law as administered by these courts ceased to exist within the disestablished Church.<sup>13</sup> This meant that some form of accountability was required, and thus it was enacted that all members of the Church, both clergy and laity, were deemed to have agreed together by a binding agreement to observe the law and the present articles, doctrine, rites, rules, discipline and ordinances of the Church of England, subject to any subsequent modifications that might be made to them by a synod of bishops, clergy and laity of the Church in Wales, or their elected representatives; their election to be made in any manner as the Church might see fit.<sup>14</sup> The Church was also allowed to establish its own ecclesiastical courts with an appeal to the Archbishop of Canterbury (if he consented to this arrangement), but no further, and thus appeals to the Privy Council were disallowed.<sup>15</sup> Only questions relating to property could be taken to the civil courts,<sup>16</sup> and thus the ecclesiastical law of the disestablished Church lacked any coercive jurisdiction whatsoever.<sup>17</sup>

These arrangements hinted at, and the financial provisions required, the provision of a corporate body to hold the property of the Church and to enact new rules and regulations as and when required. The disestablishment controversy came at a time when the Church of England was claiming a much greater share of policy making for itself, so it is surprising neither that clauses relating to such a corporate body were enacted, nor that, as an indirect consequence, the Enabling Act of 1919<sup>18</sup> gave to the Church of England some measure of autonomy for itself. This, at least, was one direct benefit the disestablishment of the Church in Wales gave to its sister or daughter Church.

<sup>7</sup> *By-Gones*, 26 April 1933, pp. 153ff.

<sup>8</sup> Utilising a phrase in R. W. Fowell and L. George Dibdin, *The Welsh Disestablishment Bill 1912* (London 1912), p. 97. Two vestiges of establishment remained, so that the Church in Wales is still governed by ecclesiastical law (as distinct from its own canon law) in relation to the solemnisation of matrimony and the burial of the dead. See T. G. Watkin, 'Vestiges of Establishment' 2 *Ecc LJ* 110–115.

<sup>9</sup> Welsh Church Act 1914, s 2(1).

<sup>10</sup> *Ibid.*, s 2(2).

<sup>11</sup> *Ibid.*, s 2(4).

<sup>12</sup> *Ibid.*, s 3(5).

<sup>13</sup> *Ibid.*, s 3(1).

<sup>14</sup> *Ibid.*, ss 3(2), 13(1).

<sup>15</sup> *Ibid.*, s 3(3).

<sup>16</sup> *Ibid.*, s 3(2).

<sup>17</sup> *Ibid.*, s 3(3).

<sup>18</sup> I.e. the Church of England Assembly (Powers) Act 1919 (9 and 10 Geo 5 c 76).

The Church in Wales was thus permitted to hold synods, to elect representatives to them in any way it thought best, to establish a Constitution and regulations for the management of the Church and its affairs, and to constitute a Representative Body which would be the corporate body holding the property of the Church in Wales.<sup>19</sup> This property was defined as the buildings and contents of cathedrals and churches, residences, burial grounds, lands, tithes, and whatever was left to the Church after the disendowment clauses had been effected.<sup>20</sup> As private patronage was also abolished by the Act,<sup>21</sup> a new system had to be established for the appointment of clerics to parishes as well as bishops to dioceses. It was Archbishop Green who hinted, however, that if the Church had been disestablished in one sense, it had also been re-established in another sense, albeit on a different basis, by the Act of 1914.<sup>22</sup>

(b) *Disendowment*

The second, and major, part of the Act of 1914 related to disendowment. Indeed, the fact that that nearly two-thirds of the Act was taken up with this aspect became a matter of deep annoyance to many within the Welsh Church, as it seemed to argue that the Act was more about confiscation than disestablishment. In order to deal with this aspect of the Act a commission, known generally as the Welsh Church Commission, was set up.<sup>23</sup> Its brief was to ascertain what were the endowments of the Church and to seek arbitration on questions of dispute as to what, for example, was a private benefaction or as to the value of glebe. It was anticipated that the commissioners could complete their work within six years. Instead it took nearly thirty years to complete the business.

The endowments of the Church—in reality the four dioceses—were placed into two categories. The first category concerned how these endowments were applied, to diocesan or parochial use. The second related to their origin. The ancient endowments of the Church, defined as all those given before 1662 (the date of the Great Ejection—which had exercised a determining hold upon the conscience of militant Welsh nonconformity since the celebrations of its bi-centenary in 1862), together with the sum paid by the Ecclesiastical Commissioners to the Welsh bishops and chapters (which was seen as an ‘ancient’ endowment which the commissioners had taken over as a result of their episcopal and capitular schemes for the Welsh dioceses), were transferred to secular bodies. It was estimated that the amount so taken amounted to an annual sum of £158,000 out of a total annual income of £260,000.

At the date of disestablishment, therefore, all the property of the Church in Wales, excepting plate, furniture and other moveable chattels, passed to the Welsh Church Commissioners.<sup>24</sup> The plate, furniture and so forth passed directly into the keeping of the Representative Body.<sup>25</sup> The Church received from the commissioners in due course the cathedrals and churches, ecclesiastical residences, funds relating to their building and maintenance, the closed burial grounds the Church desired to retain, and all private benefactions given after 1662.<sup>26</sup> The Ecclesiastical Commissioners and the governors of the Queen Anne’s Bounty were permitted to transfer to the Representative Body all the funding received by them from Welsh sources, or sources applied to Wales from the various parliamentary and royal bounty fund grants placed at their disposal.<sup>27</sup> Both bodies were permitted to be fairly generous in their

<sup>19</sup> Welsh Church Act 1914, s 13(1).

<sup>20</sup> See *ibid.*, s 38.

<sup>21</sup> *Ibid.*, ss 1, 16.

<sup>22</sup> C. A. H. Green, *The Setting of the Constitution of the Church in Wales* (London 1937), p. 298.

<sup>23</sup> Welsh Church Act 1914, s 10.

<sup>24</sup> *Ibid.*, s 4(1).

<sup>25</sup> *Ibid.*, s 4(2).

<sup>26</sup> *Ibid.*, s 8(1).

<sup>27</sup> *Ibid.*, s 5, Sch 1–3.

interpretation of the Act. In addition the Church was allowed (and by the Welsh Church (Temporalities) Act 1919 required) to commute into a capital payment the vested interests allowed the beneficed clergy by this legislation, less the value of any glebe land the Church wished to retain for its own purposes.

Local burial authorities were to receive, if they so wished, the open parochial churchyards that had not been provided by private benefactions.<sup>28</sup> This provision became a grave embarrassment to the commissioners as few local authorities took up this offer and they were faced with the costs of maintenance instead. The University of Wales and the National Library of Wales received the moneys arising from the episcopal and capitular grants paid by the Ecclesiastical Commissioners,<sup>29</sup> but the Welsh Church Commissioners were also to be funded from this source, albeit on a temporary basis. The county councils were to receive under the Act the tithe rent charges belonging to the Church and capitular bodies in their respective counties<sup>30</sup> (which made for a measure of some considerable inequality and hence substantial discontent), and the value of the glebe lands if 'redeemed' by the Representative Body.<sup>31</sup> However, these lands were 'charged' for many years with the costs of commuting the life interests of incumbents,<sup>32</sup> so that the full potential of this 'gift' took many years to realise.<sup>33</sup>

Although various estimates were made from time to time as to how much the Church in Wales would lose by these disendowment clauses, from all but fifteen pence in the pound (calculated by Bishop Owen in the 1890s), to much more liberal figures, the true figure is hard to come by. Archbishop Green was probably not far out in his guess that the Church lost about seven-eighths of its endowments.<sup>34</sup> It is worth noting one assertion made by Green at this point. In spite of the disestablishment and disendowment of the Welsh Church he argued that 'no breach in the continuous life of the Church was made by the Act of Disestablishment'. The doctrinal statements and formularies of the Church of England were carried over 'into a new environment', although the new Church made clear its right to revise them in future years.<sup>35</sup>

We now need to ask why disestablishment and disendowment were linked together in the Welsh Church Act 1914 which disestablished the Church in Wales.

## 2. WHY DISESTABLISHMENT IN WALES?

The disestablishment movement was part of the wider conflict of ideals which developed throughout Great Britain by the earlier years of the nineteenth century. On the one hand there was the radicalism which had as its twin themes the cries of 'liberty' and 'equality', and on the other the so-called Romantic Movement. The first was seen in the turmoil of the French Revolution, the quest for reform which led to the 1832 Reform Act, as well as the Chartist movement. It was often anti-clerical in form, and the movement had deeply influenced the older dissenting movements in Wales, such as the Baptist and independent Churches. The Romantic Movement was characterised by the novels of Sir Walter Scott or by the Oxford Movement, and its influence ran deep within the Welsh literary movement of the day, which expressed much concern for the indigenous character of Welsh life and the development of Wales as a nation in its own right.

<sup>28</sup> Welsh Church Act 1914, s 24.

<sup>29</sup> *Ibid.*, s 19(1)(b).

<sup>30</sup> *Ibid.*, s 8(1)(c).

<sup>31</sup> *Ibid.*, s 8(1)(d).

<sup>32</sup> Welsh Church (Temporalities) Act 1919, s 1(2).

<sup>33</sup> For a detailed argument, see Bell, *Disestablishment in Ireland and Wales*, pp. 250-6.

<sup>34</sup> C. A. H. Green, address at the Church Congress, Bournemouth 1935, on 'Disestablishment and Disendowment in Wales', in *The Official Handbook of the Church in Wales 1936*, p. 14.

<sup>35</sup> Green, *The Setting of the Constitution*, pp. 279 ff.

There had been many earlier precedents relating to the disestablishment of a Church. The French Revolution had disestablished the Roman Catholic Church in that country, while the outlawing of the Jesuit order was part of the same process. The colonial Churches lost their state connection and financial support during the nineteenth century, such as the Churches of New South Wales, Newfoundland, Jamaica or Ceylon. The Irish part of the United Church of England and Ireland (its full title for a period of sixty-eight years) had been disestablished by the Irish Church Act 1869<sup>36</sup> as the government of the day felt unable to emphasise the Protestant ascendancy in Ireland against the strength of the Roman Catholic Church there. Gladstone certainly believed that disestablishment would strengthen the Irish Church and encourage it to be an indigenous body. That Church was partly dis-endowed, though on more generous terms for its clergy than those in the subsequent Welsh Church Act, and what was secularised was given for the support of educational work, the relief of distress, and the capitalisation of the Maynooth grant. This Act of 1869 was seen as the precedent for Welsh disestablishment. Significantly, the first parliamentary motion for Welsh disestablishment was a year later, in 1870, and thereafter the arguments rolled backwards and forwards as to whether the Irish Church had benefited from its disestablishment or not.

During the 1820s radical dissent joined forces with other reforming parties in such matters as the abolition of slavery, the Anti-Corn Law League, the agitation against church rates, the repeal of the Test Acts, and similar movements. It meant that its leaders became aware of the power and possibilities of political involvement, while in pursuit of another of their reforming concerns they founded the Anti-State Church Association. This was in 1844. Nine years later the name of the organisation was changed to the Society for the Liberation of Religion from State Patronage and Control, giving a more positive description of the organisation's aims and objectives, and permitting the shorter title of The Liberation Society. It is important to realise that this society conscientiously claimed that it had no wish to damage the established Church. Rather it wished to enhance that Church's work and witness by freeing it from the restraints of state control and appointments. From a theological aspect many of its earlier members believed in what was known as 'The Crown Rights of the Redeemer'. This emphasised that Christ was the head of the Church, rather than the Queen or Parliament.

The Liberation Society became an enormously successful pressure group. However, it failed in its earlier years to abolish the much hated church rates, and this made its leaders consider that the real problems of the established Church were not religious problems but social; namely, the Church feared being brought down to the level of a sect or denomination. They thus decided to attack the Church at its very roots. The view was gradually adopted that disestablishment could be best forwarded by attacking the established Churches at their weakest limbs, Ireland, Scotland and Wales. Ireland was won, not by the Society, but by Gladstone's stern sense of justice. Scotland was far too strong; besides, the established Church there consisted of their fellow nonconformists. But Wales was ripe for exploitation. And as such the Society concentrated its activities in the Principality, and won over to its side substantial nonconformist support. Nevertheless it was political pressure of another kind which forced Welsh disestablishment onto the Liberal party programme. Gladstone's need for a majority in Parliament necessitated concessions to the Irish and Welsh Liberal members. The concession to the Welsh was disestablishment. This was during the 1880s and 90s, but by that time the Liberation Society had somewhat run out of steam. Beset with internal problems it later concentrated its activities on safeguarding the rights of nonconformists for burial in churchyards.

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<sup>36</sup> 32 & 33 Vict c 42.

The question we now need to ask is why was Wales so ready for the activities of the Liberation Society?

### 3. WHY WALES?

The prime argument for disestablishment in Wales was a statistical one: it was a land of nonconformists. Although it was very difficult to define accurately what was meant by membership of a religious body, and so produce an honest head count, it was accepted on all sides that the Church was in a minority when compared with nonconformity in general, although if it was regarded as one of many denominations, it was still the largest in size of membership. In the 1851 census the Anglican Church could only claim about twenty per cent of church attendance on a given date. The argument, however, was not seriously used until 1862. In that year the Liberation Society held a great conference in Swansea to celebrate the bi-centenary of the Great Ejection in 1662. During that conference the Welsh Calvinistic Methodist Church (now known as the Presbyterian Church of Wales), hitherto a non-political body and almost pro-Establishment, was won over to the radical camp. Generally before that date the times of the Church and Welsh Methodist services were different, for membership was often inter-related, but there is evidence that there was almost an overnight change in attitudes after this Swansea conference. Co-operation ceased. Bitterness ensued. This marked one of the most decisive movements in the history of Welsh disestablishment, and it allowed a reasonably sized minority to claim a near majority of support for its proposals.

We need to ask, of course, what were the factors that brought Welsh Methodism into the disestablishing camp, although in answering that question it will be soon realised that disestablishment affected nearly every aspect of life in Wales at that time. The question had certainly become a political one. The older dissent had found a natural ally in the Liberal Party as the heirs of the former radical tradition, while the Church, by contrast, found in the romanticism of Disraeli's new Toryism its philosophy of defence. It was perhaps a little unfortunate that some of the leading supporters of the Tory party were the brewers, at a time when Nonconformity had become increasingly allied to the teetotal movement.

One of the major facts which influenced the Welsh Methodists to depart from a position of benign neutrality to one of active participation in the disestablishment campaign was the thought that the Church in Wales was an alien institution. This, of course, was at a time of growing self awareness that Wales was a nation in its own right, and possessed its own language, culture and traditions. It was also a time when the Welsh language was rightly perceived as being under threat of extinction, due in part to the educational policies introduced by both Church and state in order to encourage a greater assimilation with the green pastures and new industries of England. This resulted in the Welsh-speaking people feeling that Wales was inferior, its language obsolete and its people primitive. It was a nation under siege, and that nation looked for a scapegoat. It did not have far to look.

'The Church is alien' became the cry. It was accused of being part of a government oriented scheme whose aim was to abolish the Welsh language and so deny the national identity of Wales. The argument was far-fetched, but there was some grain of truth in it. In 1862 there had been no native Welsh-speaking bishop appointed to a Welsh see since 1714. The Hanoverian policy was to use the bishops as political pawns in the House of Lords, where they formed a significant minority. It hardly mattered to their political masters what language they spoke: they were there to vote. Their relationship with their sees was spasmodic: a tour of duty in the summer, and then *parliamentary duties for the rest of the year in London*. This applied to bishops everywhere, but in Wales it was seen as a deliberate snub to Welsh interests and as a reflection on Welsh-speaking clerics, suggesting they were unfit for episcopal office.

In a sense Gladstone compounded the issue by his appointment of Joshua Hughes as Bishop of St Asaph in 1870. He was the first native Welsh-speaking bishop for 150 years. But the fact, widely rumoured, that Gladstone had found it extremely difficult to obtain a Welsh speaker who could also take his place as a peer of the realm, did not help the Welsh 'ego', although it raised a large number of unresolved questions as to the real meaning of episcopacy.

The English 'ethos' of the Church became pronounced in the two northern dioceses, whose bishops openly practised nepotism on a wide scale. The livings in their patronage, especially in the diocese of St Asaph, were extensive, and often well endowed. The appointment to these parishes of their family and friends, English-speaking monoglots, often non-resident, was not only resented, but also added fuel to the fire of alienisation. Welsh-speaking curates were appointed to serve these cures, so that the Welsh inhabitants were not ignored. But in many cases nonconformist leaders forgot that the Church was a bilingual Church, unlike their own, and needed to cater for both languages. Nevertheless it was far too obvious in many areas that the Welsh-speaking people were given second class treatment. The language of the service was changed to cater for the English-speaking elite of the parish, Welsh services were relegated to the schoolroom or mission church; and English clergy received the preferment the Welsh considered to be their due. Furthermore, the clerical evidence given in the 1847 parliamentary report on Welsh education was not forgotten, especially when that evidence could be interpreted as suggesting that the Church believed that the Welsh language, nonconformity and immorality were interrelated. It was forgotten that many Church leaders had protested against such an interpretation of the report and the way in which the evidence had been obtained, or that the Church had helped establish the Welsh language by its translation of the Bible into Welsh, and had encouraged the revival of its cultural manifestation in the *cisteddfod* movement, at a time when nonconformist ministers regarded that platform with horror and fear. However this widespread concern about the apparent cultural genocide of Wales meant that the Church was seen to be a department of state designed to introduce an alien culture and language into Wales. The attitude of many of the Welsh bishops and clergy seemed to be summed up in the famous expression of 1886 by Bishop Basil Jones of St Davids that Wales was but 'a geographical expression'.<sup>37</sup>

It was thus argued that the Established Church in Wales had proved to be a poor steward of its responsibilities and inheritance. The evidence for such an assertion was the statistical one, namely that more than two-thirds of Wales was nonconformist — although this statistic related to the church- and chapel-going population rather than to the total population. Once again the argument drifted back to the eighteenth-century Anglo-Welsh bishops who, it was asserted, being foreigners and non-resident, could not sympathise with the religious aspirations of their flock, and thus allowed them to drift into nonconformity. It was an argument as true for England as for Wales, but in Wales the linguistic argument could be added to it for greater effect.

It was also argued that the Church had been notoriously slow in providing churches in the growing industrial areas of Wales, but it was pointed out by the Church's defenders that this was not due to any apathy on its part, but rather because of the legal restraints imposed upon it by being an established Church. These included, for example, the protection of vested interests, and the general requirement that a purpose-built church building be provided together with an endowment for its incumbent before a parish could be created. The Church was equally concerned that a nonconformist cause could be well established long before it was able to gain a

<sup>37</sup> Basil Jones, *Fourth Charge to the Diocese of St David's*, 1886, p. 33.

foothold in a new area, and as the nineteenth century progressed it had sought ways and means of alleviating this position.

Unfortunately the situation was not helped by the attitude of most Church leaders to nonconformity. The 1847 report, as mentioned above, sought to link nonconformity with immorality, and other statements by Church leaders endeavoured to link it with the disturbances of the 1830s and 1840s, namely the Rebecca Riots and the Chartist Movement. Bishop Copleston of Llandaff proclaimed again and again that he felt that nonconformity was not only a denial of the pure religion of the universal Church, but also a misdemeanour against the provisions of the state. Although in other respects he was a good and pastorally minded bishop, his attitude was shared by many within the Church. It lingered on too in the sentiments of his successors, who could not understand the reasons for the continuation of nonconformity after the Church had been reformed of its major abuses. Such sentiments of scorn, emphasising an unspoken superiority, did not help mutual understanding and good relationships.

Consequently it was argued that because the Church had acted as a poor steward of its resources and opportunities, and was now statistically in a minority, it could not honourably keep its endowments. Another argument was also advanced, namely that its endowments had been given not so much to the Church in the four Welsh dioceses as for religious purposes, and should now be shared with the other denominations, or be allocated for charitable concerns. A substantial case was made that the Church would be in a far healthier position if it relied on the voluntary principle alone for its support, that is without state aid or invested income. But this argument was often refuted by evidence that nonconformity itself was unable to live on this principle, while the Church equally claimed that it received far more substantial sums from voluntary giving than any other denomination, yet found that this giving was still insufficient for its needs.

Part of the background to this dislike of the Church's endowments was the compulsory church rate. Much pressure had been exerted by nonconformity to end this system, which required its people to support both their own chapel and the parish church which they did not attend. After years of agitation the compulsory church rate was abolished in 1868,<sup>38</sup> by which time the action of Vicar Morris of Llanelli and Llannon in 'persecuting' his warden 'to death' as a consequence of a church rate affair in 1836 had become part of the movement's folklore and an assumed indication of the hostility of the Church to reason and fair play. Furthermore this agitation not only established the principles of action, it also indicated that other targets were vulnerable.

The next target was the tithe rent charge, whose origin was obscure, but which required the farmer to share part of his income with the incumbent of his parish. The matter was in reality an economic one, and the worst years of disturbance were during the agricultural depression of the 1880s, when the tithe was often withheld if the incumbent refused to allow an abatement in its value. The action of the Ecclesiastical Commissioners in enforcing payment by distress caused enormous bitterness and ill-feeling against the Church. The Tithe Act 1891,<sup>39</sup> engineered in part by Bishop Edwards of St Asaph, by transferring the payment of the tithe from the tenant to the landlord, solved the immediate problem, but still left its legacy of discontent. Nevertheless many nonconformists felt deceived by their leaders, because instead of ending the tithe rent charge, the Welsh Church Act 1914 merely transferred it to the county councils. It was not abolished until 1936.<sup>40</sup>

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<sup>38</sup> Compulsory Church Rate Abolition Act 1868 (31 and 32 Vict c 109).

<sup>39</sup> 54 and 55 Vict c 8.

<sup>40</sup> Tithe Act 1936 (26 Geo 5 and 1 Edw 8 c 43).

If these were the major issues, there were other aggravating causes which kept the embers of hatred alive. The Church over the years had accepted its role as being the provider of education for the nation, and had taken full advantage of the various parliamentary Acts which enabled it to obtain grants and assistance in the building and maintenance of schools. As the education department would only grant aid one school in a given locality, this meant that the Church or National School had a monopoly of educational advantage in many areas of Wales, particularly in the rural areas where nonconformity was often strong. It is not surprising that the Church schools, teaching the Church catechism, and sometimes requiring the attendance of its children at the Sunday worship of the Church, were regarded as proselytising agencies, and it may be significant that Lloyd George's first revolt was occasioned by the use of the Church catechism in his local school.

It has already been noted that there was a polarisation between the Church and the Tory Party and the Liberals and nonconformity. This position became even more charged when a few of the Tory landowners evicted their nonconformist tenants who voted for Liberal candidates during the 1862 and 1868 elections. The outcry led directly to the passing of the Ballot Act 1872,<sup>41</sup> but for many years the House of Commons was enlivened by T. E. Ellis, later Liberal chief whip, giving a graphic account of his father's eviction and subsequent sufferings every time the House debated matters relating to the Welsh Church or land questions.

A third area of attack on the privileged status of the Church related to burial. The only service permitted in a churchyard was the burial office of the Church, and the only person permitted to use this was a clergyman of the Church of England. As the churchyard was the common burial place for a community, many nonconformists objected that they could not use a service and a minister of their own choice for the burial of their friends. What made the matter more intolerable was that clergy could refuse to bury unbaptised bodies in the churchyard, and this became a highly emotive area when parents who were members of a Baptist church sought to have their child, who had died unbaptised, buried in a family grave. Osborne Morgan, a Liberal MP and son of a former Vicar of Conway, carried the Burial Law Amendment Act through Parliament in 1880.<sup>42</sup> This allowed parishioners the right to burial in the parish churchyard with or without any form of Christian service, even though they might be forbidden burial by the canons of the Church. Many clergy, however, managed to evade the spirit of the Act, and left the seeds of deep bitterness in their parishes. This was one of the reasons why the Welsh Church Act 1914 offered these churchyards to the care of the local authorities.<sup>43</sup>

We may also note a strong concern that the Tractarian movement, gathering strength within the Church during the latter part of the nineteenth century, and obtaining considerable publicity, was taking the Church in a Romeward direction. The inability of the Church's leadership to stop these developments was a major factor in the decision of the Welsh Methodists to join the pro-disestablishing lobby in 1862. They were deeply concerned that the state Church should not be a Romanising institution.

#### 4. DEVELOPMENTS

It was these reasons, though some issues were still in their infancy, which led the Methodists in 1862 to join the disestablishment movement and so link together Welsh nonconformity in its desire to disestablish the Welsh Church. In theory, at least, it was argued that their real concern was for the good of the Church, although

<sup>41</sup> 35 and 36 Vict c 33.

<sup>42</sup> 43 and 44 Vict c 41.

<sup>43</sup> Welsh Church Act 1914, s 24.

the Church often suggested that the main ingredients in this desire were greed for its wealth and jealousy at its privileged status. But by the 1880s it could not be argued that the Church was either alien or a poor steward of its resources, for the so-called 'Church revival' had endeavoured to plant churches in the newly developed areas, to restore the existing structure, both physical and spiritual, and to give justice to its Welsh-speaking people. Nevertheless by this time a momentum had been established, the unity of Protestant nonconformity achieved, and clear links with political parties created. Indeed, the argument tended to change from that of desiring the good of the Church to one which emphasised that the people of Wales, in voting for the Liberal Party, had endorsed that party's policy of disestablishment for the Welsh Church. Arguments no longer mattered. The headcount of the ballot box conveyed the only message required. Both sides were soon to realise that their alliance with political parties was to lead to a situation where political considerations predominated, and religious and ethical viewpoints were lost. The bandwagon for disestablishment, hailed as a political cause, produced its own self-imposed momentum that became impossible to either stop or steer into more moderate channels.

In 1870 the first motion for Welsh disestablishment was introduced into the House of Commons. It received little support. But thereafter it re-appeared time and time again. The years of Liberal Party ascendancy were the years of proposals, Bills and schemes. Between 1885 and 1895 the Welsh Liberal Party used its political strength to place Welsh disestablishment onto the official Liberal Party programme. This was achieved in 1887, and during 1891 it was placed second on the list after Irish home rule. Gladstone, the Liberal leader and a strong churchman whose home was in Wales, accepted these proposals as a very reluctant convert. As a result in 1892–3 a Suspensory Bill was introduced. No future appointments made within the Church in Wales were to carry any vested interests. It was regarded as the first step towards disestablishment. But the Bill soon disappeared, though not the frustrations of the Welsh members. Gladstone's departure in 1894 seemed to revive their cause, and in April the first full Disestablishment Bill was introduced by the Liberal government. It was ruthless in its proposals. Even the cathedrals were placed in public ownership, while all benefactions given to the Church before 1703 were to be secularised. The Church moved rapidly into its defensive mode, although it may be surmised that the Bill was more a warning to the Church as to what to expect if it refused to compromise by accepting a limited scheme of disestablishment and disendowment. Nevertheless the substantial protest against the Bill in Wales itself, as well as in England, may have surprised the government, which dropped the Bill after its first reading. However, a similar measure was introduced in the following year, passed its second reading by 44 votes—with the help of the Irish members—but came to grief in its committee stage, as the Welsh members quarrelled among themselves as to the division of the tithe income to the county councils. It was these quarrels which contributed to the defeat of the government in June of that year. For ten years there was peace on the parliamentary scene, if not in the land.

The 1906 Liberal landslide brought Welsh disestablishment onto the political scene once more. By now there seemed to be among parliamentarians, at least, a growing distaste for the whole matter. They too were being pushed by the strength of local nonconformist feeling in their constituencies. Lloyd George, who had engineered the revolt against the Education Act 1902<sup>44</sup> which, he claimed, put Church teaching on the rates, seems to have broadened in outlook through holding high political office, and he accepted that there could be more important issues than Welsh disestablishment. It was clear that the Church in Wales was doing good work, and needed all its resources in order to continue its mission. This feeling was endorsed by the findings of the Royal Commission of 1906 into the Church and other

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<sup>44</sup> 2 Edw 7 c 42.

Religious Bodies of Wales, which reported in 1911. This showed convincingly that the good work of the Church would be crippled by disendowment, and that the Church was often the only spiritual agency in many localities. The commission was rightly seen as a delaying action on the part of the government, now growing rather annoyed by the vociferous demands of some of its Welsh members.

The Church's leaders were deeply hurt that another Bill was introduced in 1909, before the commission had reported its findings. Based on the 1895 Bill, its terms were more generous. Cathedrals were to remain with the Church, and the date for the purposes of secularisation was changed to 1662 rather than 1703. While it was introduced as a measure of good faith by the government, it was obvious that the demands on parliamentary time made by Lloyd George's 'People's Budget' would prevent the Bill from running its full course, and it was equally obvious that it would never succeed in the House of Lords.

The ramifications of Lloyd George's budget changed the position overnight. The House of Lords, faced with the threat of the creation of enough new peers to pass the budget, accepted the curtailment of its powers by the Parliament Act 1911.<sup>45</sup> This allowed the house a right of veto only, effectively, so that if a Bill passed the Commons on three occasions, even though defeated by the Lords, it could be enacted. Thus the Bill for the Welsh Church Act 1914, whose details have been noted already, was introduced in 1912, passed the Commons on three occasions, was rejected by the Lords on each occasion, and so received the royal assent in 1914. By this time there was further reflection on the part of many thinking nonconformists, and one hundred thousand of them signed a petition requesting that the disendowment clauses of the Bill be repealed.

The outbreak of the War meant that the government suspended the operation of the Act until the hostilities were ended, thus allowing the Church in Wales to get on with the business of organising itself as a disestablished Church. By 1919 an amending Act was necessary, for the Welsh Church Commissioners, who dealt with the property of the Church before passing it to its respective new ownership, found themselves in a grave financial crisis. They were required to value the tithe rent charge for the purposes of commutation, under the terms of the 1914 Act, at its actual value of £140 (much increased due to the inflation of the war years), although its 'official' value was only £109 as established by the Tithe Act 1918. The commissioners were obliged, therefore, to receive the tithe rent charge at the lower value of £109, but to pay compensation based on the higher value of £140. Besides this, they had to raise a loan in order to pay the commutation capital to the Church in Wales, eventually agreed as being in the sum of £3,400,000. But they could only offer security for £2,150,000, having in hand from another source about £250,000. Had the matter been allowed to continue without government intervention the Church's 'share' would have been diminished by the costs of transfer, while nothing would have been left for secular purposes. Indeed, it was thought that had the Church pressed the matter it could have made the Act impossible to work and might have forced its repeal. Certainly, the commissioners would have faced bankruptcy. The government found, however, one million pounds for the commissioners in order to meet their obligations, and the Welsh Church (Temporalities) Act 1919 effectively arranged matters. It seemed to many that the Church had made a net profit of one million pounds. But the Welsh Church did not complain. It still needed to find an equivalent sum to make up its former income.<sup>47</sup>

<sup>45</sup> 1 and 2 Geo 5 c 13.

<sup>46</sup> 8 and 9 Geo 5 c 54.

<sup>47</sup> See Bell, *Disestablishment in Ireland and Wales*, pp. 309–13.

## 5. ASSESSMENT

It is sometimes assumed that the Church in Wales was united in its defence against disestablishment. But that is not the case. There were a number who were pro-disestablishment; some because of their political instincts, others because they disliked the state connection. Such men as John Griffith of Merthyr Tydfil wished the Church to be free, and in this feeling he was joined by many Anglo-Catholics, who were disturbed that the state courts had heard ecclesiastical cases. A more powerful group, although never effectively organised, comprised those who, while they disliked the idea of disestablishment, preferred that to an all-out war of aggression. They felt that the Church would remain whatever happened, but that its mission could be severely compromised by utilising its full resources in an all-out offensive. Furthermore they disliked and feared the bitterness such an attitude would create. Their fears were more than justified. Bishop Joshua Hughes and Dean Vaughan of Llandaff were among their number, as was Dean Edwards of Bangor, although his motives were more nationalistic than pragmatic.

A third group comprised those who were totally opposed to disestablishment and would allow no compromise whatsoever. As the years went on this group became more and more militant, although this was often in reaction to the abuse hurled upon the Church by the Welsh nonconformist press. Bishop Edwards was of this school who, fearful of the strength of nonconformity, professed a profound contempt and hatred of all it stood for, and thus engaged in a policy of aggrandisement. Edwards browbeat his diocesan clergy into submission—facing three revolts in the process—and his attempts to influence appointments to senior offices for those sympathetic to his policy earned the contempt—on one occasion at least—of prime minister and archbishop. His policy created great bitterness in the Church and without, and may be compared with that of Cardinal Cullen in Ireland who ended the old alliance between Protestant clergyman and Roman Catholic priest. Much of the hardness which permeated the spiritual life of Wales at the beginning of the twentieth century may be attributed to Edwards's policy. Furthermore, Edwards managed to win over to his side the might and majesty of the whole Church of England. It was his intervention which brought Archbishop Benson to the Rhyl Church Congress, held in his diocese, in 1891, where his speech in defence of the Welsh Church provoked Gladstone's comment that he appeared to believe the Liberals were proposing to disestablish the Apostles' Creed. But in order to obtain this wider support from the Church of England, Edwards was forced to emphasise the links between that Church and Wales, and to argue that the Church in Wales comprised but four dioceses of the province of Canterbury. He also had to argue that poor little Wales was being attacked because it was the weakest part of the Church of England, and this was but the prelude to a wider attack upon the whole. Edwards's campaign thus effectively demolished the long desire of Welsh churchmen to be an indigenous Church, and severely compromised the nationalistic movement within the Church of England in Wales.<sup>48</sup>

My own broad conclusions are that it would have been far better had the Welsh Church compromised and accepted some measure of disestablishment during the 1890s. The terms may not have been as generous as they were later, but the long years of aggression and hostility, during which the Church was diverted from its main task, would instead have been years of construction and resettlement, and possibly even years of co-operation between the various traditions in Wales. The Welsh language, too, would have retained a far stronger hold within the Church, and its present ambiguity about language would have been avoided.

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<sup>48</sup> See my article, 'Traitors and Compromisers: The Shadow Side of the Church's Fight against Disestablishment', *Journal of Welsh Religious History*, 3 (1995) 35–53.

My second conclusion is that disendowment is not a necessary accompaniment of disestablishment. The two were linked together in Wales for historical reasons, not pragmatic, and it is more a fact of history than an incident of disestablishment that the two went together. Disestablishment was argued on the ground that the Church needed to be free to regulate its own affairs, and later on because it was claimed that it had failed Wales and was no longer a representative Church, either in terms of membership or in representing the legitimate claims and aspirations of the Welsh people. Disendowment was argued for because it was believed that the Church's endowments had been given to religion in general, rather than to the Church in particular, and consequently ought to be shared out among the other denominations who had taken over the spiritual work the Church had failed to do. At the end of the day, however, the voluntary principle of nonconformity came into conflict with this assertion, and the confiscated revenues passed into secular hands. By the 1910s, however, when it was clear that the Church in Wales was doing good work, and that the strength of all the denominations was required to counteract the secularisation of society, many nonconformists, who had no qualms about the disestablishment of the Church, felt most uncomfortable that it was to be deprived of a substantial part of its income with a consequent curtailment of its spiritual work. Hence the nonconformist protest of 1914. It seems clear to me, therefore, that disendowment is not a necessary consequence of disestablishment, but rather they are two entirely separate entities.

This paper was delivered at a meeting of the Establishment Working Party of the Ecclesiastical Law Society at Lincoln, and then at a seminar of the Cardiff Law School's canon law course at St Michael's College, Llandaff. I am grateful to the members of both who discussed this paper with me, and in particular to the Ven David Griffiths, Mr Eric Owen, and Mr Oswald Clarke.

Two books may be found helpful for further reading on the subject of this paper: P.M.H. Bell, *Disestablishment in Ireland and Wales* (SPCK, London, 1969), and Kenneth O. Morgan, *Freedom or Sacrilege* (Church in Wales Publications, Penarth 1965). His book, *Rebirth of a Nation: Wales 1880–1980* (Clarendon Press, Oxford, 1981) is also useful, especially for background reading.