

Hebbert v Purchas (1871) LR 3 PC

TO THE ARCHBISHOPS AND BISHOPS OF THE CHURCH OF ENGLAND.

We, the undersigned Clergy of the Church of England, hereby offer our solemn Remonstrance against the Decision of the Judicial Committee of the Privy Council in the Case of Hebbert v. Purchas.

Without referring to all the points involved in this Judgment, we respectfully submit the following considerations touching the Position of the Minister during the Prayer of Consecration at the Holy Communion:-

1. That the Rubrics affecting this particular question having been diversely observed ever since they were framed, the Judicial Committee has given to these Rubrics a restrictive interpretation condemnatory of a usage which has continuously existed in the Church of England, and has for many years widely prevailed.
2. That this Decision is opposed to the comprehensive spirit of the Reformed Church of England, and thus tends to narrow the Church to the dimensions of a sect.
3. That this restriction will press very unfairly upon a large body of Clergy who have never attempted, by resort to Law or otherwise, to abridge the liberty of those whose practice differs from their own.
4. That the rigorous enforcement of a Decision so painful as this is to the consciences of those whom it affects might involve the gravest consequences to a large number of the Clergy, and lead to results most disastrous to the Established Church.

On these grounds, although many of us are not personally affected by the Judgment, we earnestly trust that your Lordships will abstain from acting upon this Decision, and thus preserve the ancient liberty of the Church of England.

March 8th, 1871.