

APPENDIX Q

Judgment of the Supreme Court of Appeal

The Supreme Court of Appeal convened in Winnipeg, April 4-6, 1989, to consider a request of the House of Bishops of the Ecclesiastical Province of Rupert's Land. The members of the Court were:

Archbishop Michael G. Peers, President
Archbishop Reginald Hollis
Bishop Arthur D. Brown
Linda Barry-Hollowell
Archdeacon Robert S.C. Grigg
Joan Werrun
Dean Austin Munroe
Chancellor John Wright
Canon Donald M. Landon

The Registrar was John G. Goodwin.

The Judgment, issued June 16, 1989, is:

Judgment

The following case having been stated:

WHETHER OR NOT, having regard to the provisions of Sections 6.j), 7.b)(iv) and 8.a) of the Declaration of Principles of, and Canon XIV of, the General Synod of The Anglican Church of Canada, Sections 6.26, 6.27 and 6.28 of the Constitution of, and Canon V of, the Ecclesiastical Province of Rupert's Land within The Anglican Church of Canada, of Canon XXXVIII of the Diocese of Qu'Appelle within said Ecclesiastical Province, and of any other provisions of the Constitutions and Canons of the Ecclesiastical Provinces and dioceses of and within The Anglican Church of Canada that have similar import,

- a) Bishops consecrated according to the forms for Consecration provided in The Book of Alternative Services authorized for publication and use by the National Executive Council of General Synod in November, 1984, pursuant to resolution passed by General Synod in June, 1983, are validly consecrated, and
- b) Priests and Deacons ordained by the use of the form provided in said Book are validly ordained, and
- c) Marriages celebrated by the use of either of the forms provided in said Book are validly solemnized; in each case according to the ecclesiastical law and usages of The Anglican Church of Canada, and also
- d) The forms for Consecration, Ordination and Marriage provided in The Book of Common Prayer (1962) of The Anglican Church of Canada, are in any, and if so, which, of the dioceses of The Anglican Church of Canada, the only forms which may be used by The Anglican Church of Canada for such purposes, validly and effectively.

And

The Court, having considered the submissions of the Intervenors, and the opinions of the Bishops having been considered in accordance with Canon XX of the General Synod, the Court holds that:

- a) Bishops consecrated according to the forms for Consecration provided in The Book of Alternative Services are validly consecrated.
- b) Priests and Deacons ordained by the use of the form provided in The Book of Alternative Services are validly ordained.
- c) Marriages celebrated by the use of either of the forms provided in The Book of Alternative Services are validly solemnized; and
- d) While The Book of Common Prayer has been authorized by The Anglican Church of Canada, such authorization does not confer exclusivity and there is nothing to prevent other alternative liturgies from being lawfully authorized. It is also our conclusion that nothing prevents liturgies in other than the English language from being lawfully authorized.

[Written Reasons for the Judgment were given by the Court.]

For a full account of the proceeding, see John deP. Wright, "Convening the Supreme Court of Appeal of the Anglican Church of Canada – A Memoir", *Journal of the Canadian Church Historical Society*, XLVII, 2, Fall 2005, 224-261.