

Day 1 – Trial of ANiC Parishes v Diocese of New Westminster – May 25, 2009

Today the trial began in a courtroom too small for the number of people who came to observe. Some sat on the floor while others stood along the walls at the back. Although a large courtroom had been requested, Mr Justice Stephen Kelleher advised that the largest courtrooms were all in use. One possible alternative was proposed – moving to a smaller courtroom and possibly teleconferencing the proceedings to a larger venue in Robson Square. A number of people chose to leave the proceedings and go somewhere to pray. We are grateful for the amount of prayer that was going on across the country and around the world.

Counsel for the parishes, Geoff Cowper, QC, gave his opening statement for most of the morning session. He described at length, the content and purpose of the Solemn Declaration of 1893, as a foundational declaration of faith and interdependence with the Communion – and the limits it placed upon the ability of the Anglican Church of Canada to amend its doctrine.

There was also extensive discussion on the principles of trust law in relation to religious purpose trusts, as well as the court's traditional inherent jurisdiction and its duty in respect of such trusts.

Mr Cowper gave an overview of the history of the crisis and the division occurring in the Anglican Church, not only locally in New Westminster (which he referred to as “ground zero” of the crisis), but nationally and internationally, characterizing this case as one of “*division not departure*”. The Anglican Church is dividing, so is it fair and just for one party (in this case, the defendant diocese and bishop) to claim all the property and assets? As Mr Cowper stated, “*The question before the Court is whether the division created by the Defendants’ doctrinal and liturgical innovations justifies the expulsion of the plaintiff congregations from the church properties they funded, maintained and have long considered their church homes*”.

Mr Justice Kelleher was clearly engaged and listened intently throughout the day, asking clarifying questions on several occasions.

Two witnesses were on the stand in the afternoon. First up was Dr John G. Stackhouse Jr, a professor of theology and culture at Regent College, with a background in church history. He defined a number of terms for the judge, including: orthodoxy, evangelical, liberal, conservative, polity, fundamentalism, Pentecostal, Charismatic, Protestant and communion.

Upon cross-examination, Mr George Macintosh, QC, counsel for the diocese and bishop, suggested that Dr Stackhouse lacked “independence” in his “expert” opinions based upon a blog he had written and posted on March 7, 2008

<http://stackblog.wordpress.com/2008/03/07/alternative-bishops-among-anglicans-its-already-here/#more-120>> where he referred to Michael Ingham as “a heretic and schismatic (by the standard definitions of those terms)” who promotes “*crypto-Hinduism*”. Dr. Stackhouse defended the adjectives he used, saying he used them in their academic sense, and that since he was not an Anglican, he had no personal battle with Bishop Ingham.

Bishop Don took the stand for the latter part of the afternoon. He described his journey as a cradle Anglican, baptized, confirmed, ordained and consecrated in the Anglican Church of Canada (ACoC) to leaving the ACoC to become Moderator of ANiC. He was cross-examined on issues relating to the structures of the Anglican Church of Canada, the General Synod, the Anglican Communion, the Anglican Church in North America, and the distinction between parishes and congregations. Unfortunately, his cross-examination did not finish today and Bishop Don will be back on the stand in the morning.

Other witnesses expected tomorrow are Bishop Ron Ferris, Linda Seale (churchwarden from St. Matthew's, Abbotsford) and Gail Stevenson, long-time parishioner of St John's Shaughnessy. If time permits, Mr Peter Pang from Church of the Good Shepherd may be called.

Please continue to uphold Bishop Don and all our witnesses – as well as the legal team – in your prayers tomorrow.

Thank you for praying!

Marilyn Jacobson

Anglican Network in Canada communications

604 929-0369 OR 1-866-351-2642 ext 4020

Cell: 604 788-4222

mjacobson@anglicannetwork.ca

www.anglicannetwork.ca <<http://www.anglicannetwork.ca/>>