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To the Hon. & Right Reverend the Lord Bishop of Toronto;

The undersigned, appointed by your Lordship "to inquire into the allegation that the Reverend John Smithurst, Missionary at Elora, in the County of Wellington, in your Lordship's Diocese of Toronto, has, without your Lordship's license or authority, absented himself habitually from his charge as Missionary at Elora, to the great neglect of the duties incumbent on him, & to the detriment of the people committed to his charge", by leave respectfully to report, –

That they met at the Church at Elora, pursuant to notice, on Thursday the 22nd October 1857, for the purpose of prosecuting the said inquiry.

The Churchwardens of the said Church, W^m. Reynolds and J.S. Crossman Esquires, were present, – who affirmed that, since the end of April last, the Reverend John Smithurst did not habitually reside in the village of Elora, or within the limits of the Mission to which he was appointed; that he visited Elora at intervals only, sometimes remaining a week at a time and then affording them service on two consecutive Sundays; but that several Sundays in the course of this interval were omitted by him. They further stated that his frequent

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absence from his Mission was a great inconvenience to the parishioners as respects attendance at funerals, & in cases of sickness & other incidental duty, - the service at funerals being frequently read by one of the Churchwardens.

Both these gentlemen stated the inability of the Rev. M^r. Smithurst to read or preach in a tone of voice audible to all the members of his congregation; but admitted that his bodily health was on the whole vigorous, & was such as to enable him to do all other acts of parochial duty, - as visiting the sick & well, officiating at baptisms, marriages, funerals &c.

Andrew Geddes Es^r, one of the leading parishioners of the said Church, substantiated the testimony of the Churchwardens as to the fact of the frequent absence of M^r. Smithurst from his charge & duties, & added that this was much complained of by the parishioners. He was not willing to state, however, that M^r. Smithurst's health was vigorous, though he admitted his ability to perform the ordinary acts of parochial duty, such as visiting, officiating at funerals, baptisms &c.

Upon this sufficient testimony it is considered by us to be fully established, that the Rev. John Smithurst has for several months absented himself, in an unusual & unauthorized manner, from his Mission at Elora, to

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the great inconvenience & detriment, & just complaint of the people committed to his charge.

On this ground of unauthorized & habitual absence, we should conceive your Lordship to be fully justified in requiring from M^r. Smithurst the immediate return to his mission & his steady residence therein, or else the unqualified resignation by M^r. Smithurst of the said Mission.

If it should be pleaded by M^r. Smithurst that he is not in a condition to continue the full & efficient discharge of his duties at Elora, in consequence of partial loss of voice, it would appear to us to be the duty of a clergyman so circumstanced respectfully to submit his case to his Diocesan, & solicit his full retirement from the duties of his mission, or else offer such aid as might be in his power for the continuance of his ministrations, through a substitute or assistant.

We are not prepared, from the facts before us, to advise your Lordship to accept M^r. Smithurst's resignation of his charge at Elora, unless with the resignation at the same time of all stipend, & emoluments, from whatsoever source derived, which he may hold as incumbent of the said mission. We should venture, from whatsoever source derived, which he may hold as incumbent of the said mission. We should venture, nevertheless, to state it as our opinion that the alternative might be allowed to him contributing out of his commuted stipend such an amount annually as would empower your Lordship to employ a clergyman in his stead at Elora. This last would be an act of indulgence & kindness, as affording

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him the opportunity of resuming his duties there, or at such other point as your Lordship would approve, with his full stipend, so soon as he should be enabled fully & efficiently to perform the same.

We state this our opinion upon the ground that, although M^r. Smithurst is enfeebled in voice, & thereby unable to give due efficiency to one department of his duties, he is still in a condition to perform those ordinary ministrations of visiting his parishioners, whether sick or well, & giving attendance at baptisms, funerals &c. which constitute so important a portion of ministerial obligation. The fact of his offering to perform missionary duty in the township of Minto where he has taken up his residence, confirms us in this belief.

Respectfully submitting this our judgment of the case of the Reverend M^r. Smithurst as derived from the facts brought before us, we beg to subscribe ourselves your Lordship's faithful & obedient servants,

(Signed,

A.N. Bethune, D.D.

Archdeacon of York

Arthur Palmer, M.A.

Rector of Guelph & Rural Dean

F.L. Osler, M.A.

Rector of Ancaster cum Dundas

& Rural Dean

Guelph,

October 22, 1857. }

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