

Elmsley, John ^[1]

Elmsley, John

by [William S. Powell](#) ^[2], 1986

1762–1805



John Elmsley, chief justice of Canada (1762-1805). Image from the Bibliothèque et Archives nationales du Québec.

^[3]John Elmsley, chief justice of Canada, was born in [Halifax](#) ^[4], the son of [Alexander Elmsley](#) ^[5] and his wife. He moved to England with his parents in the summer of 1768 and was graduated from Oriel College, Oxford, in 1786. Called to the English bar at the Middle Temple in 1790, he was named chief justice of Upper Canada (now southern Ontario) six years later. Also in 1796 he became a member of the Legislative Council of the province and speaker in 1799. He became chief justice of Lower Canada (now Quebec province) in 1802. His appointment to these posts came through the patronage of [William Henry Cavendish Bentinck](#) ^[6], Duke of Portland, a family friend. In Canada Elmsley acquired property in York (afterwards named Toronto) and was active in promoting its growth and development. Government House there was erected on property owned by him. He married Mary Hallowell of Boston, Mass., sister of Admiral Sir [Benjamin Hallowell Carew](#) ^[7] (1760–1834). They were the parents of three children: John, Ann Gee, and Mary Bond. The son, [John \(1801–63\)](#) ^[8], became a captain in the Royal Navy and a member of the executive council of Upper Canada.

After settling in Canada Justice Elmsley wrote to old friends in North Carolina mentioning events of his childhood and suggesting that they visit him. He recalled with pleasure life in [Edenton](#) ^[9] when he was a child. His father once expressed the hope that one of his sons, presumably John, might marry the daughter of one of their North Carolina friends. Alexander Elmsley once considered purchasing several thousand acres in North Carolina in expectation that one of his sons would settle there.

Elmsley died suddenly as he was preparing to return to England and was buried in the cemetery at Dorchester. A number of his descendants now live in Canada, Michigan, Connecticut, Illinois, and elsewhere.

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