

The Honourable John Elmsley
LEGISLATIVE AND EXECUTIVE COUNCILLOR
OF UPPER CANADA (1801-1863)

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On the northern wall of St. Basil's Church, Toronto, stands a marble monument on which we read the following inscription:

HON. JOANNI ELMSLEY
CUJUS COR HIC DEPOSITUM EST
SOCIETAS S. BASILII GRATA
R.I.P.

which, in English, means: To the Honourable John Elmsley, whose heart is here deposited, the Society of St. Basil Grateful.

Worshippers in our generation, coming and going in St. Basil's, all unfamiliar with the past history of Toronto Diocese and the early families of York, Upper Canada, have often asked themselves: "Who was Honourable John Elmsley? Why is his heart enshrined in this church?" It is in order to answer these questions and others of a similar nature and to give to the people of our day the story of a great convert to the faith and outstanding citizen of Upper Canada in ante-confederation days that this memoir is written.

Honourable John Elmsley, more popularly known in his day as Captain Elmsley, was the son of Chief Justice Elmsley, the second Chief Justice of Upper Canada, and his wife, Mary Hallowell. He was born in "Elmsley House," York, Upper Canada, on May 19, 1801, and he died in Toronto, May 8, 1863, in the sixty-second year of his age.

The earlier records that we have of the Elmsley family take us back to a John Elmslie, whom we find, at the close of the seventeenth century, living in the parish of Touch, village of Kincaigie, county of Aberdeen, Scotland. From a manuscript document¹ written by the Honourable John Elmsley himself and dated January 1, 1842, we learn that, in Scotland, the Elmslies were small farmers or artisans and that they belonged to the sect of the Quakers. Our first John Elmslie, born about the year 1696, married Agnes Mouat of Balquoholly and by her had a family of six children. His second son, Alexander, through whom the family is carried down to us, was born January 1, 1730. He migrated with his brother, Peter, to Middlesex County, England, where they changed the spelling of their name from Elmslie to

¹ From "Memoir of Elmsley Family," in possession of Miss Agnes Elmsley, Toronto.

Elmsley, discarded, as Captain Elmsley says, “the broad-brimmed Quaker hat and snuff-coloured coat and joined the Church of England.” In their new home they prospered and soon became people of education and influence. Alexander, who died in London, left behind him three sons, two of whom, John and Peter,² are known to history. John, the eldest, who was born in 1762, became the second Chief Justice of Upper Canada. He was educated with his brother at Oriel College, Oxford, and destined for the law. He was called to the bar of England at the Middle Temple on the 7th day of May, 1790. On the 21st day of November, 1796, when only six years at the bar, he received the king’s patent, appointing him to the chief justiceship of Upper Canada,³ in succession to the Honourable William Osgoode. He took his seat as chief justice for the first time at the Court House at Newark (Niagara), then the capital of Upper Canada, on the 16th of January, 1797, in the thirty-seventh year of the reign of His Majesty George III. He was a strong adherent of the Church of England and according to the prescribed forms of the time, after taking the oath of office, he subscribed to the declaration against the Catholic doctrine of transubstantiation in the Blessed Eucharist. It is interesting to note that it was the proper understanding of the traditional teaching of the Church on this very point of Catholic doctrine that, less than half a century later, led his distinguished son, Captain John Elmsley, back to the faith of his forefathers. For five years, Chief Justice Elmsley presided in the various judicial districts of Upper Canada: Newark, York, Kingston, Cornwall, and Johnstown. During this time he was a member of the Executive and Legislative Councils of the Province.

Chief Justice Elmsley bought for himself a valuable property⁴ and residence in Newark (Niagara), but he did not remain there long, as we find that in 1797, when the government was transferred to York, the Chief Justice followed the Governor to the new capital. On arriving in York he built a beautiful home to the west of the growing village on the corner of King and Simcoe streets, known as “Elmsley House,” which stood until the last generation and which, after the war of 1812, served for many years as a residence of the Lieutenant Governors of Upper Canada. Developments in York were rapid and Chief Justice Elmsley and his brother-in-law, John Simcoe Macaulay, acquired much property.⁵ They each became owners of 100

² Peter was a celebrated classical scholar and critic at Oxford.

³ It is said that his appointment was due to the patronage of the Duke of Richmond, a friend of his uncle, a celebrated London publisher of Elmsley and Brother. “Lives of the Judges” by D. B. Read.

⁴ On July 17, 1797, he purchased from Robert Pilkington property comprising 27 acres and residence for £1105. On October 26, 1799, he sold this property back to Pilkington for £1,000 cash. Copy of deed of bargain at Newark, Lincoln County, December 30, Book A, folio 181.

⁵ Herbert Gardiner in his book “Nothing but Names” has this to say: “It would appear that the Chief Justice (Elmsley) was not altogether unsuccessful in acquiring land, for Lord Durham in his report quotes Mr. Radenhurst as saying that Chief Justices Elmsley and Powell purchased from

acres stretching westward and northward on the north-west corner of Queen and Yonge streets.⁶ These, and other properties, early acquired by Chief Justice Elmsley, were, in great part, the source of the wealth which later on Captain John Elmsley, on becoming a Catholic, bestowed so lavishly on works of charity, churches, educational institutions, etc.

Once settled, in York, Chief Justice Elmsley was a leader in every movement, religious and social, for the good of the growing village. He was chairman of the first meeting for the erection of St. James' Anglican church, which was held in the Parliament Buildings at York, on Saturday, January 8, 1803. He was a regular attendant at religious service. His beautiful "Elmsley House" was the centre of the social life of the town. He entertained lavishly and soon made many friends amongst the educated people around him. He was a man of high attainments and broad general culture and he carried the Oxford touch with him through life.

Owing to a disagreement between Sir Robert Shore Milnes, Lieutenant Governor of Lower Canada, and his Chief Justice, William Osgoode, the latter resigned his office and returned to England. On the 13th day of October, 1802, therefore, Chief Justice Elmsley of Upper Canada was appointed to succeed him. This nomination was a promotion, and showed the Chief Justice possessed the confidence of Lord Hobart, the colonial minister of the day. He left York for Quebec in October that same year.

On reaching Quebec City, Chief Justice Elmsley purchased for a residence a large two-story building⁷ on St. Louis Street in Upper Town, not far from Chateau St. Louis. He was not long, however, to enjoy his new situation, as a premature death cut him off at the early age of forty-three years. He fell ill in January, 1805, secured a leave of absence, and while preparing to return to

2,000 to 5,000 acres of land at prices ranging from a gallon of rum up to £6 for 200 acres.

⁶ On plan of York, drawn by D. W. Smith, surveyor-general, dated June 10, 1797. Chief Justice Elmsley holds two lots on the North side of Market St. (Wellington) corner of Simcoe, to-day occupied by C.P.R. Express Co. It is of interest to Catholics to note that the plan shows that Rev. Edmund Burke, Catholic Missionary, is linked as owner of lot No. 12 at north-west corner of Market (Wellington) and Simcoe Streets. The property on which De La Salle College 'Oaklands' on Avenue Road Hill stands to-day is part of a grant from the Crown made to Chief Justice Elmsley on April 9, 1798.

⁷ This residence was bought from Mrs. Elmsley by the government on April 5, 1811, for the sum of £4,000 sterling.

England, died in Montreal, on April 29 that year.⁸ He was buried in the old Protestant cemetery on Dorchester Street, on May 1.⁹

Chief Justice Elmsley by his last will and testament, drawn at Quebec on the 2nd day of July, 1803, appointed as his sole executrix, his wife, Mary Hallowell.

Mary Hallowell was the daughter of Captain Benjamin Hallowell of Boston. The Hallowell family had come to Boston from London, England. Benjamin Hallowell was a commissioner of customs in the part of Boston, a position which, at the outbreak of the American War of Independence in 1775, made him and his family special objects of persecution by the excited Yankee revolutionists. He was proscribed and banished. His beautiful estate at Roxbury and his property in Maine were confiscated. In the words of the Conspiracy Act of April 30, 1779, "all his estates, goods, chattels, rights, credits, and tenements of every kind, were confiscated to the State of Massachusetts." This meant, too, that if he returned to Massachusetts "he would suffer the pains of death without benefit of clergy." In March, 1776, he and his brother, Robert, left Boston with nine hundred and twenty-six other loyalists, and with his family of six children, accompanied the British army to Halifax.¹⁰ His devotion to the royal cause had cost him all his material possessions, so the British government, to compensate him, granted him lands in Nova Scotia and also in Upper Canada. In July, 1776, he sailed for England, where he lived with his family for several years. In 1796, he visited Boston with his daughter, Mrs. John Elmsley, whose husband had just been appointed Chief Justice of Upper Canada. He died at York, Upper Canada, at "Elmsley House," the residence of his son-in-law, Chief Justice Elmsley, on Thursday, March 28, in 1799,¹¹ in the 75th year of his age. He was buried in the old garrison burying ground on Portland Street. We find his name as the owner of a lot on the plan for enlargement of York by the Honourable Peter Russell, in 1797, and he was one of the first owners of a park lot of 100 acres on the old road leading down from Fort Rouillé towards York.

Captain Benjamin Hallowell left two sons, the second of whom, Benjamin, attained a high rank in the British naval service. He entered the royal navy during the American war and at the time of his death in 1834 was an admiral of the blue, the highest in the service. His employments were various and arduous. He was a volunteer on board the *Victory* at the battle of Cape

⁸ The Quebec Mercury said of him at the time of his death: "His private virtues not less than his public talents, for both of which he was eminently distinguished, will long be subjects of unfeigned regret." (From Morgan's "Famous Canadians.")

⁹ Extract from Register of burials "Christ Church Cathedral." Montreal, by, D. W. Carlisle.

¹⁰ "Loyalists of the Revolution," Vol. I, p. 25, by Sabine; "Loyalists of Massachusetts," p. 58, by Stark; and "Massachusetts Historical Society," Vol. 18, p. 266.

¹¹ Robertson's "Landmarks of Toronto," p. 132.

Vincent, February 14, 1797.¹² He was with Nelson at the Battle of the Nile in command of the Swiftsure and contributed materially to the victory. After a most distinguished career, he died at Surrey Park, England, in 1834.

Mrs. Elmsley found herself, on the death of her husband, in charge of the management of a large estate, and the education of her four children, Alexander, John, Angell and Mary. Alexander, the eldest son, died while he was yet a boy. We know that he was alive in 1811, but after that he disappears.

John, the subject of this memoir, now remained the sole male heir. Doubtless, on the advice of his maternal uncle, Admiral Benjamin Hallowell, whose career I have just briefly outlined, he was sent to England by his mother and entered, no doubt through the influence of that same maternal uncle, as a first-class volunteer on board the good ship Tonnant, on November 11, 1815. After two years of service, he was promoted to midshipman on board the same vessel in November, 1817. In 1818 he was transferred as a midshipman to the Newcastle for three years. Advanced to mate in December, 1821, he served successively on the Bulwark, the Gloucester, and the Prince Rupert, until August 3, 1824, when he received his commission as a lieutenant.¹³ He was then twenty-three years of age. He had been educated aboard ship as was the custom at the time. Officers in training on flagships had special educational advantages, as these vessels carried an adequate staff of competent instructors. Young Elmsley received careful instruction in mathematics, navigation, the drawing of charts, the construction of fortifications, etc. He tells us himself that he passed "eight years and eight months as volunteer first class midshipman and mate," three of which were passed on the Irish station at Cork, three on the North American station, at Halifax¹⁴ and the remainder on the Nore station, all the time in flagships.¹⁵ After his promotion to the rank of lieutenant, he did not serve in the Royal Navy but retired¹⁶ on half pay and returned to Canada. He never lost, however, his love for a sailor's life. His title of captain was derived from his services as a fresh-water sailor on our Great Lakes, where he commanded at various times armed or merchant vessels. He was very active for the crown in the rebellion of 1837. Following the rebellion, Captain Elmsley withdrew for some time to his estate on "Clover Hill," where he

¹² Article on Benjamin Hallowell, Dictionary of National Biography.

¹³ From official record of Admiralty regarding Hon. Lieutenant John Elmsley, Adm. 9 Volume 30.

¹⁴ From a letter written by Capt. John Elmsley to Bishop Macdonell, from New York, June 29, 1835, we learn that he had as messmate for two or three years Frederick Spencer, brother of the famous convert and missionary, Father John Spencer.

¹⁵ Retired Aug. 17, 1824, with allowance which amounted to £91, 5 shillings a year.

¹⁶ He visited Quebec City on board the Newcastle in October, 1821.

devoted himself to agricultural pursuits.¹⁷ The old homestead which bore the name of “Barnstable” stood a little to the west of St. Michael’s College adjoining Queen’s Park. When it was pulled down, the present substantial brick residence, now occupied by the Basilian Fathers, was erected in its stead.

“Elmsley Villa,” where Captain John Elmsley lived for some years before moving farther north to Clover Hill, was situated on the Captain’s Yonge Street property, on the rising ground to the west of what is to-day the corner of Yonge and Grosvenor Streets, where stood, for many years, the Central Presbyterian Church, just at the intersection of Grosvenor and St. Vincent Streets (Bay St.). The building stood in the midst of a grain field “with a screen of lofty trees on three of its sides.” In 1849 it became the residence of Lord Elgin, the Governor General, during his sojourn in Toronto following the riots in Montreal in which the parliament buildings were burned by a mob.

Captain Elmsley’s old love for the sea soon returned again,¹⁸ so he took command for some time of the vessel named James Coleman, and traded on his own account between Halifax and Quebec. When captains and pilots were scarce, he took command of the “Sovereign,” a mail steamer on the St. Lawrence. Captain Elmsley’s last enterprises on water were undertaken with the avowed purpose of raising money to help the Catholic works of the Toronto diocese. Bishop Charbonnel, writing to Rome, bears this testimony:¹⁹ “Captain Elmsley has gone to sea in order to gain money to help his bishop from which undertaking I was not able to dissuade him.”

In 1833 a great stir was created in York by the conversion of the Honourable John Elmsley to the Catholic Church. Up to that time he had been, like his father before him, “a staunch Protestant” and an active and zealous member of the Church of England, very regular in his attendance of divine service at St. James. He was besides a close personal friend of Archdeacon Strachan. His conversion came, therefore, as a bolt from the blue and violently agitated religious and social circles in York. Up till 1831, Elmsley seems to have been fully convinced of the truth of the Anglican claims, for although on September 12, 1831, he was married to a Catholic wife²⁰ (Charlotte Sherwood), by a Catholic priest, in the Catholic mission at

¹⁷ Captain Elmsley’s interest in his farm was such that when writing his mother in England from York on March 14, 1831, he could not omit the following: “I have had during the winter 4 horses, 3 cows, 5 sheep, 4 turkeys, 6 geese, 6 chickens, 3 ducks, 2 cats and 2 dogs.”

¹⁸ In 1830 he had built at York a twenty-ton cutter which he named the “Dart” and of which he was very proud — (Elmsley Letters, St. Augustine’s Seminary Library.)

¹⁹ “Life and letters of Mother Teresa Dense” by a member of the Loretto Community, p. 48.

²⁰ Charlotte Sherwood, eldest daughter of Hon. Levis Peters Sherwood, judge of King’s Bench of Upper Canada, member of the House of Assembly for County of Leeds and in 1822 speaker. “Lives of Judges,” p. 1.01. D. B. Read.

York, he insisted on having the marriage ceremony performed again according to the Anglican rite by the Honourable and Venerable Archdeacon Strachan.²¹ There was certainly nothing in his early education or his home surroundings that gave him any inclination towards the Catholic faith, for Archdeacon Strachan bears testimony thus: "He had been carefully educated to mature years in the doctrines of the Protestant Church"; and Elmsley himself tells us that his mother ever held the most violent prejudices against the Church of Rome. His sudden and unexpected conversion was brought about by the reading of a Catholic pamphlet entitled, "Bishop of Strasburg's Observations on the Sixth Chapter of St. John's Gospel," which most likely he had picked up on a visit to London in 1830.²² The pamphlet was a London publication and was unknown in this country until circulated by John Elmsley himself. It is a strong argument in favour of the Catholic doctrine of transubstantiation and the real presence of the body and blood of Christ in the Blessed Eucharist, doctrines which the Church of England denied. Apparently a comparative study of the teachings of the Church of England and of the Catholic Church on the Real Presence must have interested Elmsley for some time, for when writing Archdeacon Strachan regarding the pamphlet of the Bishop of Strasburg, he says, "I have perused, I believe, every work to be found in the catalogue on this subject (the Blessed Eucharist) before I fell in with this." He evidently had been inquiring for some time and looking for the truth. Having been once convinced of the truth of the Catholic teaching, he moved rapidly towards Mother Church. In the summer of 1833, he wrote to Bishop Macdonell, the Catholic Bishop of Kingston who was in York at the time, a letter full of faith and piety, announcing to His Lordship his intention of joining the Catholic Church. This letter ran as follows:

Clover Hill, August 20, 1833.

My dear Lord:

Enclosed I send you a cheque for £10 with the name of the drawee left blank, in order that you may fill it up with whatever name you please.

It is to be applied to suit charitable purposes as you may see fit, and it is somewhere about the sum whereof I have, from time to time, defrauded my neighbours by wickedly shooting their swine, poultry and other property which I found on my farm.

I promised to send you this some time since, when I had the consolation of receiving remission of the manifold transgressions of my past life.

His wife, nee Jones, was a Catholic.

²¹ Montreal Gazette of Sept. 29, 1831, as quoted by Francis J. Audet, director of Information Division, Government Archives, Ottawa.

²² In a letter written from York, Sept. 7, 1829, to Peter McGill, Esq., Montreal, Elmsley says: "I leave here October 20 and sail from New York on 1st of November, for London, or rather Cowes, in the Isle of Wight." His mother was then in England and he did not return until the following April.

It is now with the most hearty joy and satisfaction that I acquaint your Lordship of my intention of returning to the bosom of the Catholic Church from which my forefathers went forth in an evil hour and I take this opportunity of begging your Lordship to receive me, a strayed sheep, into the one fold of the one Shepherd, Christ Jesus.

To this resolution I feel that I have been brought entirely and solely by the grace of God. To my own exertion, I owe nothing; indeed, I may say that as far as regards myself, my wish and desire has been to find the Church of England in the right. But God has graciously inspired me with light to perceive that neither the Church of England nor any other Church can be that established by His beloved Son, but that in communion and fellowship with the See of Rome.

Soon I will appear at the tribunal of penance, there to confess and bewail my past sins and errors and receive pardon and remission and repentance at the hands of His Holy servant and I will pray to be permitted to partake of His Blessed Body and Blood in the venerable sacrament of the Eucharist.

In the meantime I beg of your Lordship to maintain secrecy with respect to this, my purpose, because my old mother, who, in the common course of nature cannot long remain in this world, would be most terribly shocked to learn that I had embraced a religion against which she has ever entertained the most violent prejudices. Begging a share in your prayers, believe me, my dear Lord.

Your affectionate child in God,

JOHN ELMSLEY

All kinds of stories were now afloat in the community regarding Elmsley's desertion of the Church of England. The report had reached the ears of Archdeacon Strachan. Elmsley had been in England from the summer of 1831 until the late spring of 1832. When he returned to York, it was noticed that his attendance at St. James was very irregular and that it soon ceased altogether. In the meantime, Elmsley had five thousand copies of the "Bishop of Strasburg's observations on the Sixth Chapter of St. John's Gospel" printed at his own expense and distributed broadcast throughout the Province of Upper Canada.²³ On October 7, 1833, while forwarding to Archdeacon Strachan a copy of the pamphlet of the Bishop of Strasburg, Elmsley wrote as follows:

York, October 7, 1833.

My dear Sir:

²³ Hon. John Elmsley also published in 1834 "Husenbath's Defence of the Catholic Church," which is a complete refutation of the calumnies contained in a work entitled "The Poor Man's Preservative Against Popery," by the Rev. Joseph Blanco White.

“In enclosing you a copy of a pamphlet, the publication of which, in this country, I have been at some pains and expense to effect, I trust you will pardon the liberty I take in begging for it your most attentive consideration, in order to my being favoured at your leisure, with your opinion of the important subject of its pages, and also of the manner in which the argument is sustained...

"Your reading must, of course, have been more various than mine, and your judgment more matured; I, therefore, come to you, my dear Sir, as an enlightened teacher of that sect in which I was born and educated, and as a friend of my parents, and I flatter myself of mine too, to afford me all the information you can supply on so momentous a subject. In the meantime, I will not conceal from you my determination, that unless the subject of the Bishop's argument can be overthrown, I must, of necessity, no longer abstain from receiving the Communion in that Church, where alone the real presence of our Blessed Lord and Saviour, Jesus Christ, in the Sacrament of the Eucharist, is acknowledged.

"I remain, my dear sir,

"Yours very sincerely,
JOHN ELMSLEY

Elmsley's letter was naturally a shock to Archdeacon Strachan, who admits: "It was, I really confess, at the first view, not a little mortifying to me to see the son of two valued friends, zealous and enlightened members of the Church of England, forsaking the faith of his parents and that of his uncle, one of the brightest pillars of our ecclesiastical establishment and one of the most eminent classical scholars in Europe."

Archdeacon Strachan answered Elmsley's communication the same day and set to work to prepare a letter addressed to the congregation of St. James' church, York, in which he tried to refute the arguments of the Bishop of Strasburg. This letter appeared on the 1st of January, 1834.

A violent religious controversy now ensued and the religious peace and quiet of the community of York were temporarily disturbed. With a strange inconsistency, Archdeacon Strachan, who was himself a convert from Presbyterianism to the Church of England, had nothing but reproaches for John Elmsley who, following the dictates of his conscience, had decided to leave the Church of England to join the Mother Church of Christendom. The freedom in religious matters which Strachan claimed for himself he would deny to Elmsley. In the first ten pages of the pamphlet containing his letter to the parishioners of St. James' church, Strachan launches out into a most violent attack on the Catholic Church, her beliefs, and her practices. In scurrilous and most offensive language, he paints a distorted picture of everything Catholic in an effort to dissuade any member of his flock from following the example of Elmsley and passing over to Rome.²⁴ It is almost

²⁴ Archdeacon Strachan sent Bishop Macdonell a bound copy of his insulting pamphlet. This aroused the ire of Rev. W. P. Macdonald, who replied in a vigorous document of 72 pages, Kingston, 1834.

impossible for us in our day to believe that a man of education and ripe scholarship could give utterance to the statements found in Strachan's letter. The language can be explained only by the intolerance and blindness of extreme bigotry.

We might remark that the years 1832-33-34 were perhaps the saddest and the most unfortunate in the history of the Catholic Church in York. It was really an extraordinary time for Elmsley to join the Catholic body, but grace seems to have struck him as it struck Saul of old on the road to Damascus. In the fall of 1832 a grave scandal had arisen in St. Paul's parish through the refusal of Vicar-General W. J. O'Grady to obey the commands of Bishop Macdonell.²⁵ As a consequence, unfortunate divisions, dissension, and controversies were rife amongst the members of the Catholic colony in York. These, however, did not disturb Elmsley's faith. He had found truth and peace of mind in membership in the Catholic fold and to the many works of Catholic endeavour, then challenging his faith and zeal, he devoted himself with all the burning ardour of a convert. It might be remarked, too, in passing, that Strachan in joining the Church of England in Upper Canada of his day was allying himself with all the wealth, power, and influence in the province, while Elmsley, in identifying himself with the Catholic Church in York of his time united himself with a religious body made up almost entirely of poor, uneducated, and unlettered Irish immigrants without social standing, political influence, or prestige of any kind, new arrivals in the country, who brought with them the only thing that hundreds of years of misrule and plunder had left them, their Catholic faith.

Bishop Macdonell looked upon John Elmsley's conversion as a very special providence of God on behalf of the young Church of Upper Canada. Writing from Kingston on June 15, 1834, to Elmsley, he says:²⁶

"I do believe that you have been selected by the Almighty to be a support and pillar of the Catholic Religion in this province and that you are guided and directed by the Divine Spirit in your proceedings."

On February 2, 1835, Bishop Macdonell wrote again from Kingston to the Hon. John Elmsley:

"I have before me several of your letters and I assure you with great sincerity that the sentiments which breathe through the whole of them both edify and delight me. Your gratitude to Divine Providence for bringing you to the Knowledge of the religion of Jesus Christ; your pious resolutions to make the best use of the advantages this religion offers to the sincere profession of it; and the ardent zeal which you show to propagate the faith and extend the Church of Christ afford me the greatest consolation."

²⁵ Archives of St. Michael's Cathedral, Toronto.

²⁶ From "Letters of Hon. and Rt. Rev. Bishop Alexander Macdonell," Archives of St. Mary's Cathedral, Kingston, Ontario.

Again on November 14, 1837, Bishop Macdonell when sending Bishop Gaulin to Toronto as pastor, wrote Hon. John Elmsley:

“ There is much to do for the good of religion in this province and as you are the strongest pillar of it, I trust that the Almighty will give you both the means and the will to answer the holy purpose for which he has favoured you in preference to so many thousands with the light of the true faith.”

Following his conversion, John Elmsley took an active part in the advancement of every Catholic work in Toronto. He was particularly devoted to the cause of Catholic Education. In 1841, through his energy and liberality, the first Catholic school²⁷ was built in Toronto on the south side of Richmond (New) Street at the rear of the Lombard Street fire hall. In 1843, there were about forty pupils in this school, mostly boys. John Elmsley took a great interest in the religious instruction of these Catholic children and Sunday after Sunday marched with his Sunday School pupils from the Richmond Street school to old St. Paul's church for the late Mass. He and his sister-in-law, Mrs. John King (Amelia Sherwood) wife of Dr. John King, taught the children catechism at the school every Sunday. When the Catholic schools of Toronto came under the provincial system in 1841, John Elmsley was elected school trustee. When the Richmond Street school passed into the hands of the Brothers of the Christian Schools (Christian Brothers) who were brought to Toronto in 1851 by Bishop Charbonnel, Hon. John Elmsley continued to befriend and encourage in every way the Brothers and their work. He was a generous benefactor of the Brothers and their community. In the annals of the Brothers of the Christian Schools in Toronto, we find an interesting note from the pen of Brother Tobias Josephus who was, at the time of his writing, 1879, Director of the old De La Salle Institute on the corner of Duke and George Streets.²⁸ Brother Tobias tells of a letter which he received from New York from Brother Joachim of Mary who was, in 1854, director of the Brother's schools in Toronto. Brother Joachim has this to say of Captain John Elmsley: “ I cannot finish without speaking of our dear old friend, the kindest of men, the most respected, who did not know what favours to bestow upon us to make us happy. You know whom I mean, Captain John Elmsley; a better layman Toronto never saw before and may never see again. He left an imperishable name after him.”

Having succeeded with the Richmond Street school, we find that on August 8, 1844, Hon. John Elmsley, representing the Catholic ratepayers of Toronto,²⁹ wrote G. A. Barber, Superintendent of Toronto Schools, asking

²⁷ This was a frame building of one story with five windows on each side upstairs and four windows on each side and a door on the ground floor. There was a fee charged of 50c a month. Wm. Davis Heffernan was first teacher. Robertso's "Landmarks of Toronto," Vol. 1.

²⁸ History of De La Salle Institute, Records at 99 St. Joseph St., Toronto.

²⁹ This letter is signed also by S. G. Lynn and Charles Robertson.

permission to establish two or three separate schools within the limits of the city with an apportionment of funds to support them.³⁰

It was through the Hon. John Elmsley that Mr. Patrick Lee, grandfather of His Honour Judge W. T. J. Lee, was appointed to conduct for some years a classical and mathematical academy in Toronto.

Captain John Elmsley deeded to the Roman Catholic Episcopal Corporation of Toronto, as a site for a college and church, the land on which St. Michael's College and St. Basil's church stand to-day. To the Sisters of St. Joseph, he gave a site for a free school for Catholic children.³¹

Elmsley's letters to Bishop Macdonell following his reception into the Catholic Church in 1833 bear abundant witness to the zeal and enthusiasm with which he threw himself into every Catholic work and in a special manner into the almost hopeless task of restoring peace and harmony to the misguided members of the Catholic parish at York.³² They reveal also his sincere gratitude to God for the gift of faith bestowed upon him. In 1834 he was church warden at St. Paul's. In his endeavours, he was inspired by what at times appears to have been an over-ardent zeal, hoping for too immediate results. He was impatient at the meagre response which attended his persistent efforts. As church warden, he set to work to reorganize church finances, took every means to compel slackers to do their share for the support of the parish priest and the liquidation of the parish debt. Differences of opinion arose, however, disputes occurred on matters of policy, involving sometimes the parish priest, so that at times disappointment and lack of co-operation almost discouraged him and finally did force him to resign his office as church warden in 1835.

Bishop Macdonell was not in York after the spring of 1834. He had returned to Kingston. With him, however, Elmsley kept up a constant correspondence; to him he submitted all his plans, his projects, and ambitions; of him he sought light and direction, and to him he exposed all his difficulties. This correspondence while showing Elmsley's mind reveals also the lamentable state of affairs in the parish at York. In a letter written shortly after his reception into the Church, Elmsley says: "God be forever praised for bringing me into His true Church, for selecting me from among so many millions of unfortunate creatures who still remain in error, to show me the true light. May I never fall from this high estate or increase my condemnation by omitting to correspond with the great grace He has bestowed upon me." On June 12, 1834, he wrote hopefully to Bishop Macdonell to tell him that Dr. John King,³³ his fellow-warden, had devised plans to raise money to support two priests for the York mission, that they could build a priest's house, that they intended also to build a Catholic

³⁰ Letter found in Tower Archives, Parliament Buildings, Toronto.

³¹ This school was located on the south-west corner of the present property of St. Joseph's Convent, St. Alban's St.

³² St. Michael's Cathedral Archives, Toronto.

³³ Dr. John King, a distinguished Professor of Medicine in the University of Toronto, educated in Dublin, died Jan. 2, 1857, aged 53 years.

school with a dwelling for the master and that Cardinal Weld and a Mr. Spencer³⁴ in England might help to secure needed priests. On July 18, 1834, he writes asking Bishop Macdonell to transfer Rev. Wm. Peter Macdonald from Kingston to York to edit a Catholic paper. This the Bishop did and Father Macdonald took up quarters for a time in the Hon. Captain Elmsley's home. Meanwhile, cabals and schisms had multiplied in the York Mission. The authority of the new pastor and the church wardens was ignored. To add to this misery, Rev. W. J. O'Grady, who, after his break with his bishop, had openly left the Church, had plunged headlong into the seething politics of the day. In November, 1832, he founded with James King, a York lawyer, a political news-paper known as "The Canadian Correspondent"³⁵ in which he violently attacked Hon. John Elmsley and Bishop Macdonell. As a result of the activities of this newspaper the parish now found itself hopelessly divided along political lines, the leaders supporting the government while the sympathy of many of the rank and file lay with Mackenzie and other extreme reformers of that day whose cause O'Grady had espoused. Elmsley was greatly sorrowed by this lamentable state of affairs, for on April 2, 1835, while writing Bishop Macdonell, to assure him of his wholehearted co-operation, he says: "The cause of religion is, I regret to be forced to admit, suffering extremely just now in this benighted city and all attempts to place it upon a more desirable footing seem destined to involve insurmountable difficulties. Meetings without number have been held with a view to suggest some plan of future operations that might be productive of benefit. All have signally failed, however, and have produced only angry discussion and invectives."

In the midst of all this turmoil, Elmsley never lost his faith and trust in God. His zeal for the good of the Church seemed rather to have been quickened, for on August 27, 1835, we find him writing again to Bishop Macdonell as follows: "By the blessing of God I hope very shortly to be able to erect a chapel in the most central part of the city. When that happy period comes around, I shall do myself the great pleasure of submitting for your Lordship's approval the plans for the building and the endowment of the said chapel together with the amplest rules for the regulation for the temporalities of the same, and I shall hope for your sanction and benediction for the undertaking." Captain Elmsley was not able to carry out this pious design, but ten years later he gave generously of his time and money to assist Bishop Michael Power in the erection of St. Michael's Cathedral. In 1848, in order to clear the new cathedral of debt and thus enable Bishop Charbonnel to proceed with its consecration, Elmsley and his fellow-convert, S. G. Lynn,

³⁴ Refers to the Hon. and Rev. John Spencer, son of Lord Spencer and brother of Lord Althorp, whose conversion had at that time created such a sensation in England.

³⁵ In 1834, "The Canadian Correspondent" merged with Mackenzie's paper, "The Colonial Advocate," and was re-named "Correspondent and Advocate." It ceased publication in 1837.

assumed the whole cathedral debt of \$57,600, an immense sum in those days.³⁶ (36)

On May 9, 1835, he had written Bishop Macdonell as follows: "In whatever manner I can be shown that the exercise of my abilities or the devotion of my time can be of service to the Church, I shall not be niggard in respect to either; and as respect to my purse, I hope that I shall ever deem that I hold all that I possess simply as a trust for the honour and glory of God."

Captain Elmsley's religious duties and pre-occupations did not prevent him from taking an active interest in the political life of Upper Canada. On his return from England in 1824, he found the reform movement growing in strength and vigour. Already open antagonisms existed between the members of the elective body, known as the House of Assembly, on the one hand and the appointees of the crown, the members of the Upper House, the Legislative Council, and the Executive Council on the other. Violent opposition had arisen, fierce debates were entered into, duels had been fought in which blood was spilt, yet no agreement or compromise could be found between the two warring parties. Mutual concessions would not and could not be made, clashing interests could not be reconciled; it was a fight to the death. The executive government of the province had been controlled for years by a group of men known as the Family Compact. The members of this group were drawn mostly from old Loyalist families, men who often held immense landed estates, and who generally represented the wealth and education of the country. They had grown in strength from the days of the first parliament in Upper Canada in Newark, in 1792. They were in possession; success and patronage had emboldened them; they had consolidated their positions; and they would not surrender without a fierce struggle. A struggle there was to be, rebellion was not far distant, for Mackenzie's guns rattled on north Yonge Street and Gallows Hill on the 5th of December, 1837. To the Family Compact group, Captain John Elmsley, son of the second Chief Justice of the Province, and now a graduate Lieutenant of the Royal Navy, a young man of wealth, education and social standing, naturally belonged. With that political group, therefore, he identified himself. By a writ issued by Sir John Colborne, K.C.B., and dated September 20, 1830, Captain John Elmsley was appointed a member of the Executive Council and sworn in on May 5, 1831. He was then thirty years of age and at the time was still a member of the Church of England. On the 26th of January previous he had already been appointed a member of the Legislative Council.³⁷ Both these bodies were dominated and controlled by Family Compact ideas. It soon became apparent, however, that Elmsley had a mind of his own, and it was evident that the atmosphere of the

³⁶ Writing to Rome at the close of his first year's administration, Bishop Charbonnel has this to say: "Two Englishmen, converts from Anglicanism, have saved the whole Catholic establishment in Toronto by giving their fortunes as security. I should be happy if the Holy See would grant a mark of satisfaction to these two fervent Christians." Jubilee Volume, p. 152.

³⁷ He received, as Executive and Legislative Councillor, £100 a year.

Legislative and Executive Councils was not congenial to him. This we learn from his attendance at council meetings which was very irregular and in marked contrast with the assiduity of his fellow members in these bodies.³⁸ He felt his liberty circumscribed. In council he was not free to speak his mind and express an honest opinion without fear of offending the governor and courting dismissal from office. His impulsive nature and his honesty of purpose could not endure the strain. He had conscientious objections also. Writing Mr. Jeffrey Hale of Quebec, February 14, 1831, he complained: "They think, of course, that I should support high salaries, fat pensions and corrupt practices of all sorts." (Letters of Hon. John Elmsley). A sensation was created, therefore, when suddenly in 1833 he resigned his seat on the Executive Council Board. A violent storm now broke over his head. Bitter reproaches were hurled at him by members of the Family Compact group and he was accused of ingratitude and disloyalty to the governor. A letter written from York by Robert Stanton on January 8, 1834, to John Macaulay of Kingston, a member of the Legislative Council, gives us an idea of the temper of the Family Compact members whose anger John Elmsley's honesty had aroused.³⁹ Stanton wrote in part as follows: "Truly Sir John (Colborne) is unfortunate in his nominations. After the sample he has had in the Hon. John Elmsley, one would suppose he would be cautious. What an egregious ass he (Elmsley) has made of himself and how bitterly must Sir John (Colborne) rue the day that he ever named to his council such a fool."

To make his position clear, Elmsley, on December 3, 1833, wrote an open letter to the editor of "The Patriot," a York newspaper of the time, explaining the reasons of his resignation. This letter ran as follows:

To the Editor of "The Patriot."

Holland House,⁴⁰

York, December 3rd, 1833.

Sir:

In order to prevent any misconceptions as to the motives which have induced me to resign my seat in the Executive Council. I beg to be permitted to make your paper the channel through which my reasons for taking that step may be communicated to the public in their proper light. In the year 1830, His Majesty was graciously pleased, in compliance with the recommendation of His Excellency, Sir John Colborne, to call me to the Executive Council, of this Province. For that mark of His Excellency's consideration, I feel highly proud and deeply grateful, but

³⁸ Of the eighty meetings held between Oct. 31, 1832, and Feb. 13, 1833, he attended only 17. (Journal of Legislative Council).

³⁹ Letter found in Tower Archives, Parliament Buildings, Toronto.

⁴⁰ Holland House, residence of Hon. Henry John Boulton, Solicitor General of Upper Canada, on Wellington St., just west of Bay. When Boulton was appointed Chief Justice of Newfoundland in 1833, Hon. John Elmsley rented the mansion and lived there for some time. Robertson's Landmarks, p. 7.

since I have assumed the duties of that high office, I find that I cannot fearlessly express my real sentiments and opinions, if opposed to the Government for the time being, without incurring the risk of dismissal from that Honourable Board, which constitutes my inability to advance the public good. I have therefore deemed it expedient, most respectfully, but reluctantly, to tender the resignation of my seat in the Executive Council.⁴¹

JOHN ELMSLEY

On Dec. 28, 1833, Wm. Lyon Mackenzie wrote in the "Advocate" regarding Elmsley's resignation: "Mr. Elmsley deserves the approbation of the country for the honest English independence he has exhibited on this occasion. He has proved by his manly conduct that he had the good of his country at heart."

Political changes, however, succeeded each other rapidly in the Province. Sir John Colborne was replaced by Sir Francis Bond Head.⁴² Lieutenant Governor Bond Head was looking about for men of moderate views as members of his Executive Council board, so he recalled Hon. John Elmsley whose resignation three years before had created such a sensation in the province. He was sworn in anew on March 14, 1836.⁴³ By this time he had become a member of the Catholic Church and was a recognized leader in every Catholic enterprise in York while his opposition to the manner in which the Executive Council embarrassed the work of the Elective Assembly had made him friends amongst the moderate reformers of the day.⁴⁴

The summer of 1837 showed plainly that affairs in Upper Canada were moving swiftly towards rebellion. With freedom of speech and necessary political reforms, Elmsley undoubtedly sympathized, but with rebellion he had no patience. The outbreak in December of that year found him therefore solidly behind Sir Francis Bond Head and the authority of the constituted government of the Province. He immediately offered himself for service. He was senior captain in the Provincial Marine of Upper Canada. The Toronto division of that force was under his orders. In 1837, he was appointed to the

⁴¹ This letter is found in Mackenzie's famous "Seventh Report of Grievances," p. 48, drawn up and published by the Assembly in 1835.

⁴² Sir Francis Bond Head was sworn in as Lieutenant Governor, Jan. 25, 1836, in the old Legislative Council Chamber on Front St. Resigned and retired March 23, 1838. "Lieutenant Governors of Upper Canada," p. 158.

⁴³ Augustus Baldwin, Robert Baldwin Sullivan, and Wm. Allen, were sworn in with him. Bond Head called Elmsley the "Ultra-reformer" of the Executive Council.

⁴⁴ On Feb. 14, 1831, he wrote: "Sir John Colborn honors me with his especial favor to the no small chagrin of the High Tory folks of Sir P. Maitland's Administration who dub me a rank democratic leveller." (Elmsley's letters).

command of a government vessel on the St. Lawrence.⁴⁵ Two vessels were engaged by the government in November, 1838; of one Elmsley was appointed captain. He had already commanded the steamer "Thomas" during the months of June and July, 1838, and had defended the frontier bordering Lake Erie.

In November 1838, his excellency Major-General Sir George Arthur ordered Captain Elmsley, who at the time was in command of the "Chief Justice Robinson" of the Provincial Marine, to muster sixty seamen and proceed immediately to the mouth of the Grand River to assist Captain Drew and man for him the armed steam vessels there. This Captain Elmsley objected to doing unless his standing was settled and additional rank conferred upon him. His request in this matter was refused, as the governor claimed he had no power to act. Consequently, Elmsley resigned his command and, instead, a couple of days after, offered his service to his Excellency, the Lieutenant Governor, in the capacity of a private volunteer. This misunderstanding between Elmsley and the local militia authorities referred solely to a question of rank or distinction in the force and was due to different interpretations of the Militia Act of 1838. The relative standing of officers of the provincial militia as compared with the rank of officers of the Provincial Marine and the Royal Navy was in dispute. Of course pay and emoluments were involved. Captain Elmsley had asked several times to have the ambiguities and uncertainties of the Act clarified. This, however, was never done. His Excellency, Sir George Arthur, had frequently intimated the difficulty that he felt in arriving at the exact intention of the Legislature with respect to the constitution of the Provincial Marine.⁴⁶ The outcome of all this was that Captain Elmsley was blamed, was suspended on January 8, 1839, and was finally dismissed from the Executive Council Board. Captain Elmsley was a man of great honesty of purpose but also apparently of a very impulsive nature. Taking all things into consideration, it would appear that in this matter he acted with all sincerity and with an upright intention, but that he erred in point of judgment in standing on a mere question of rank at an hour when the government of the Province was threatened by rebellion. It was contended that his conduct prejudiced the interests of the province at a critical moment. Later on, Captain Elmsley demanded an investigation into his conduct by militia General Court Martial which he considered the only competent tribunal to hear his case. For reasons of economy this request was not granted. He refused to appear before the Executive Council claiming that that body had no jurisdiction to hear him.

Major-General Sir George Arthur, Lieutenant Governor, who succeeded Bond Head, bears witness to the loyal and patriotic service of Hon. John Elmsley. He frequently expressed his high opinion of Elmsley's zeal and his desire to place him in the most important position in his power under the militia laws. Sir Francis Bond Head also in his story of Canadian affairs

⁴⁵ Article on John Elmsley in "Catholic Weekly Review," May 5, 1888, by H. F. McIntosh.

⁴⁶ Documents from Archives of Dominion Government, Ottawa.

praises the gallant conduct and splendid services rendered by Hon. Captain John Elmsley⁴⁷ during the exciting days of the rebellion. Elmsley himself has this to say of his efforts in defence of Upper Canada in the crisis: "From the first outbreak of the rebellion in December of 1837, through all the stirring events of the winter and the ensuing summer, on the St. Lawrence, Niagara, and western frontiers of the province universal testimony has been borne to the satisfactory manner in which I acquitted myself as an officer."

It was Hon. Captain John Elmsley, who under orders of Commodore Drew went ashore at Fort Schlosser, on the American side, and with his men cut the steamer Caroline from its moorings and sent it adrift over the Falls.⁴⁸ In January, 1838, there were twenty-eight Legislative Councillors for the province of Upper Canada.⁴⁹ Of these only three were absent on military duty in defence of the province. Of these three, Hon. Captain Elmsley was one.

Hon. John Elmsley had a family of ten children, seven boys and three girls. Of these only two outlived him, his second daughter, Sophia Stuart, who had become a Benedictine Nun at St. Mary's Priory, Princethorpe, near Rugby, England, where she died on March 31st, 1873; and his fifth son, Remegius or Remi, from whom the Elmsleys living in Toronto to-day are descended.

Early in 1863 the health of Hon. John Elmsley began to decline. His last will and testament is dated March 37, 1863.⁵⁰ He died May 8, 1863, in the 62nd year of his age, thirty years after his reception into the Catholic Church. He was buried in the family vault under St. Michael's Cathedral,⁵¹ Toronto, but his heart was deposited under the altar of the Blessed Virgin in St. Basil's Church, Toronto, where the Basilian Community has erected a monument to his memory.

⁴⁷ "A Narrative," p. 381, 389, 4.56.

⁴⁸ "Canada Since the Union of 1841," by Dent, p. 168; and "A Narrative" by Sir Francis Bond Head, Bart., p. 381.

⁴⁹ Journal of the Legislative Council of Upper Canada, meeting of Saturday, Jan. 6, 1838.

⁵⁰ His widow, Charlotte Sherwood Elmsley, died in Toronto, Oct. 2, 1883.

⁵¹ There are two Elmsley vaults under St. Michael's Cathedral. Strangely enough, on one the name is spelled "Elmsley," and on the other "Elmsly." Dr. John King, a brother-in-law, is buried in the Elmsley vault.