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Note

FRANK ANGLIN JOINS THE BENCH: A STUDY OF JUDICIAL PATRONAGE, 1897-1904

By JAMES G. SNELL *

Though of intrinsic interest and importance, historical evidence of the process of judicial appointment in Canada is often difficult to uncover. However, in the case of Frank Anglin, who eventually became Chief Justice of Canada (1924-1933), there is a good deal of material in some of the country's archives. The story that these records reveal is one of interest, involving a Toronto lawyer with a powerful compulsion to become a judge, an important minority group that was able to voice effectively its demands and by whose needs Anglin was able to profit, and a federal government coping with various pressures and claims as it dealt with the requirements of the judicial system and of the Liberal Party. After appointment to the Supreme Court of Ontario in 1904 and to the Supreme Court of Canada in 1909, Anglin J.'s service on the bench was noteworthy. Yet it is the process by which Anglin joined the judiciary that is fascinating, in its revelation of both the strength of his own ambition and the complexity of pressures and criteria by which such appointments were made.

Frank Anglin was the oldest son of a middle-mark member of the federal Liberal Party. His father, Timothy Warran Anglin, had been a Member of the Legislative Assembly in New Brunswick (1861-1866), a Member of Parliament in Ottawa (1867-1882), a Speaker of the House of Commons, and had largely based his political career on being a representative of Irish Catholics in Canada.¹ It is not surprising, therefore, that Frank Anglin became interested in following in his father's footsteps, both as a politician and as an ethno-religious representative. In fact, the young Anglin was quick to begin acting as a spokesman on Irish Catholic issues. As early as 1889 he spoke out publicly about Irish Catholic needs and it was not long before the young Toronto lawyer was addressing the public and the leaders of the Liberal Party concerning the Irish Catholic perspective of the Manitoba schools question and other matters.²

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¹ See, Baker, *Timothy Warren Anglin, 1822-96* (Toronto: U. of T. Press, 1977).

² Anglin, "The Irish in Canada," from a lecture delivered in Oshawa, 17 March 1891, reprinted in *The Catholic Weekly Review*, 28 March 1891 at 101-102; Letter from F. Anglin to Sir W. Laurier (March 26, 1895), Public Archives of Canada, *Sir W. Laurier Papers*, #3720-21; P.A.C., *op. cit.*, (April 5, 1895), #3750-52; Letter from Sir J.S.D. Thompson to F. Anglin (April 2, 1889), P.A.C., *Sir J.S.D. Thompson Papers*, v.

In his political aspirations, Frank Anglin could only have been helped by his three years (1885-1888) in Edward Blake's law firm. At the same time, his experience there as a student lawyer must have helped confirm what was to be a life-long allegiance to the Liberal Party. By 1895 he had been admitted to the bar and was ready to step to the front of the political fray, offering himself as a candidate for the federal Liberal nomination in South Renfrew. While Frank Anglin did not win the nomination, he did make his services as a speaker available in the 1896 election campaign. The victorious Liberal candidate in Perth South noted that one of Anglin's speeches had been called "the best he had heard during the campaign" and commented: "Mr. Anglin seems to be well posted on political questions and he is a very fluent and impressive speaker and an able debater." Four years later, at a time when his judicial expectations were quite fully developed, he again made his services available for the federal election contest, writing to both the Prime Minister and the Minister of Justice; but what use was made of Anglin is unknown.³

Frank Anglin's political aspirations seem to have been very short lived. In this he must have been considerably influenced by his father's later career. Timothy Anglin had been defeated in 1882 and thereafter had moved from post to post, unable to find a position that was either secure or suitably rewarding. Thus his son's partisan activities remained secondary in importance to his legal career and supplementary to his rising hopes of a lifetime committed to the study of the law from a position on the bench.

In a period when political partisanship was rampant and when patronage consideration dominated government appointments in all spheres, Anglin could not hope to be named to a judgeship on the basis of merit alone. In fact, of twenty-one extant letters from Anglin discussing the prospects of a position on the bench, not one mentions any qualifications which might be described by "merit." Instead, two arguments were put forward as the grounds for his expectations of an appointment. The first, Anglin's claims on the basis of his past services to the Liberal Party, was not frequently mentioned but seems always to have been understood. What Anglin concentrated on, and what he hoped would make his insistent requests stronger than those of others, was his standing as a leader within the Irish Catholic community of Ontario. In September 1897, at age thirty-two, he warned the Prime Minister about the "strong attempt that is being made at present and will be kept up, to inflame the minds of Irish Catholics in this Province against the Liberal Party upon the ground of discrimination against Catholics by the Governments both here and in Ottawa in the matter of appointments." Of the sixty-four junior and district County Court judgeships, only five were held by Roman Catholics, and only one Catholic held a Superior Court judgeship. Such underrepresentation of Catholics should clearly be rectified, the lawyer ad-

238; P.A.C., *op. cit.*, (March 28, 1890), v. 243. I would like to thank Prof. W.M. Baker, U. of Lethbridge for generously sharing his research notes concerning these early years of Anglin's life and for his helpful comments on an earlier draft of this article.

³ Baker, *supra* note 1, at 254-55, 324; Letter from D.K. Erb to W. Laurier (June 27, 1896), P.A.C., *Sir W. Laurier Papers*, #4923; Letter from F. Anglin to Sir W. Laurier (Oct. 9, 1900), P.A.C., *op. cit.*; Letter from D. Mills to F. Anglin (Oct. 12, 1900), U. of W. Ontario, *D. Mills Papers*, box 4287, Letterbook VI (1900) at 758.

vised, if the Government wished to calm discontent among Irish Catholics and to retain their electoral support.⁴

As proof of his claims to be a representative of the Irish Catholic community, Anglin summoned the support of a large number of clerical and lay leaders. At various times the Archbishops of Toronto, Ottawa and Kingston wrote to the Prime Minister and the Minister of Justice on Anglin's behalf; so too did the members of Parliament for Wellington North, Hastings East and Huron West, the Bishops of Alexandria, Peterborough and Pembroke, and parish priests. Even Anglin's mother added her support to the cause, by writing her late husband's colleague, David Mills, who was at that time the Attorney-General of Canada.⁵ Time and time again during the several years following 1897 Frank Anglin and his friends voiced their demands for greater representation of Roman Catholics on the bench.⁶

As much as the support for Anglin came from all sections of Ontario, so too did the specific judgeships being sought. First, the Toronto barrister applied for an anticipated vacancy on the Carleton County Court. When this opening did not materialize as soon as expected, Anglin (while carefully maintaining his claims to such a position) turned his attention to the Perth County Court. He had learned "on undoubted authority," he informed the Prime Minister, that the Bar of Perth County desired an outsider to be named to the post. When Anglin discovered from Sir Wilfrid Laurier that John Barron, the ex-Member of Parliament for Victoria North, was seeking the same position, Anglin hurriedly instructed the Prime Minister why Anglin's would be a stronger appointment. Barron definitely had solid personal claims on the Liberal Party, but surely the Roman Catholic demands (which Anglin conveniently represented) were more pressing. Not only were there few Catholics on the Ontario bench, but also in Perth County they had recently lost the positions of both Postmaster and the Crown Attorney,⁷ which they had formerly held. Moreover, Barron, a member of the "noble thirteen" of 1889, personified anti-Catholicism in Ontario and, according to Anglin, engendered much local animosity among Catholics.⁸ Despite such efforts,

⁴ Letter from F. Anglin to Sir W. Laurier (Sept. 20, 1897), P.A.C., *Sir W. Laurier Papers*, #17210-11; P.A.C., *op. cit.*, (April 16, 1898), #22705-06; Letter from G. Corbet 16.9 per cent of the total population; by 1901, these figures had risen to 390,304 Roman Catholics and 17.9 per cent (see *I Census of Canada, 1901* at 2,147).

⁵ Letter from F. Anglin to Sir W. Laurier (Oct. 17, 1897), P.A.C., *Sir W. Laurier Papers*, #17210-11; P.A.C., *op. cit.*, April 16, 1898), #22705-06; Letter from G. Corbet to F. Anglin (April 18, 1898), P.A.C., *op. cit.*, #22701; Letter from T. Kelly to F. Anglin (Jan. 24, 1898), P.A.C., *op. cit.*, #22702; Letter from Bishop A. Macdonell to F. Anglin (Feb. 9, 1898), P.A.C. *op. cit.* #22703; *D. Mills Papers*, *supra* note 3, Letterbook I (1897-98) at 356, 362, 382, 410; *D. Mills Papers*, *op. cit.*, Letterbook V (1899-1900) at 485, 659, 667, 922; *D. Mills Papers*, *op. cit.*, Letterbook VII (1900-01) at 30,406.

⁶ The terms "Roman Catholic" and "Irish Catholic" were often used interchangeably by the writers.

⁷ Interestingly, the Crown Attorneyship had been awarded to John Idington who was to be Anglin's colleague for many years on the Supreme Court of Canada.

⁸ P.A.C., *supra* note 4; P.A.C., *op. cit.*, (Oct. 12, 1897), #16581-82; P.A.C., *op. cit.*, (Oct. 17, 1897), #17210-11. The "noble thirteen" were a group of eight Conservatives and five Liberals who had stood together in the House of Commons in their "defence of Protestant Canada" and in their attack on the *Jesuits' Estates Act*.

the Toronto lawyer must have been frustrated to see both the Stratford and Ottawa posts go to others.

Yet, perseverance was clearly one of Frank Anglin's more developed traits. Tactfully acknowledging that the Carleton and Perth appointments had been wise, he proceeded to advance his aspirations for a prospective vacancy in Cornwall. Anglin's expectations must have been encouraged by Laurier's earlier response regarding Carleton County; Anglin's claims were strong, the Prime Minister had written, and a vacancy in the eastern section of the province "fairly belongs to you." Fortunately for Anglin, the United Counties of Stormont, Dundas and Glengarry seemed to be a particularly appropriate region. The counties had a large Roman Catholic population; his wife's family lived in the Fraserfield area in Glengarry; and the incumbent County Court judge (Pringle) was his wife's uncle by marriage. Could not Laurier, the Toronto barrister boldly asked, promise now to give Anglin the Cornwall vacancy when it occurred? Then when others applied, the Prime Minister could easily respond that the position had already been filled. Anglin even went so far as to offer to arrange for the eighty-three year old Judge Pringle's resignation in such a manner that it would not be publicly known until it was in the Government's hands, so that Pringle's departure and Anglin's appointment could be gazetted at the same time.⁹

It is an indication of how much Anglin was attracted to the bench that early in 1898, while asserting his claims to the Cornwall post, he diverted his attention briefly to British Columbia. The existing opening on the Supreme Court of that province could be ably filled by himself, he suggested to cabinet members. There were no Roman Catholics on the British Columbia bench, where formerly there had been two; there were no English-speaking Catholics on any Superior Court west of Toronto (except one in the Klondike). Furthermore, the Government clearly had the power to name an outsider to such a post (Anglin sent a memorandum to the Solicitor General on this point) and while the British Columbia bar was opposed to an outsider as Chief Justice, the same was not true of a puisne judge. Here, he suggested, was an easy way to deal with Ontario Catholic resentment regarding discrimination. Anglin's daydreams about the west coast were quickly shattered when the Justice Minister reported "insuperable difficulties."¹⁰

Anglin smoothly reverted to the Cornwall position. In June, 1898, he wrote Laurier complaining of rumours that Anglin would soon be appointed to a junior judgeship at Whitby. Anglin feigned disbelief in view of the Prime Minister's statement that the position in Stormont, Dundas and Glengarry was "rightly mine." The latter office was better, both financially and in all other respects, and the Whitby judgeship would be a poor reward for Anglin's claims. More letters of recommendation were sent to the government, but

⁹ Letter from W. Laurier to F. Anglin (April 18, 1897), P.A.C., *Sir W. Laurier Papers*, #16853; Letter from F. Anglin to Sir W. Laurier (Jan. 6, 1898), P.A.C., *op. cit.*, #19592; *D. Mills Papers*, *supra* note 3, (March 23, 1898) Letterbook I (1897-98) at 855; Letter from D. Mills to F. Anglin (Mar. 23, 1898) (n.p.).

¹⁰ *D. Mills Papers*, *id.*; P.A.C., *supra* note 4, (March 25, 1898), #22001-02.

Ottawa's response was not what the aspiring judge would have liked. Laurier informed Anglin that the latter had put the case much too strongly in citing the Prime Minister to the effect that the Cornwall judgeship was rightly Anglin's; the Government leader had been expressing merely his own inclinations in the matter—in all Ontario appointments the cabinet ministers from Ontario had the first word. What was more, the alleged rumours had no foundation.¹¹

Thus chastened, Frank Anglin went off to lick his wounds. He wisely stopped hounding Laurier and the Minister of Justice for a while, taking care, however, to keep his name before the latter by posing a difficult question of law and seeking the Minister's opinion.¹²

A year later, in mid-1899, Anglin returned to the fray. His hopes for the County Court judgeship in Cornwall were again brought to the Prime Minister's attention and several letters of clerical support from across the province were forwarded to Ottawa. Anglin also hastened to advise Laurier that if the persistent rumours of John Costigan's appointment to the post were accurate, many Liberal supporters would be alienated and no strength would be added to the Party. The Prime Minister replied by informing the applicant that no further letters from clerics were needed—what Anglin lacked was local support. Quickly, the Toronto lawyer responded that such backing was difficult for an outsider and that there were political advantages to meeting the wishes of Anglin's allies, since their influence extended across Ontario and was more important than that of a few local politicians.¹³

Meanwhile, Anglin adopted a new tactic. If the Government could be persuaded to bring in a measure providing County Court judges with a liberal pension on retirement at age seventy-five, a number of vacancies would be created; voluntary retirement could not be anticipated otherwise.¹⁴ He found it unnecessary to add that he expected to benefit directly from the proposed retirements.

No such legislation was forthcoming, and the Toronto barrister was soon back to familiar themes although the setting was new. A judgeship had become available in Lincoln County, and Anglin asserted his claims. When he learned, however, that one of his Irish Catholic competitors for a judgeship, J.R. O'Reilly, was the leading candidate but might be denied the post simply because he was Roman Catholic, Anglin moved quickly into action. It was important to him that an Irish Catholic be elevated to the bench. In an attempt to strengthen O'Reilly's position and the Government's hand in

¹¹ P.A.C., *id.* (April 21, 1898), #22700; P.A.C., *op. cit.*, (April 16, 1898), #22705-06; P.A.C., *op. cit.*, (June 3, 1898), #23899-900; P.A.C., *op. cit.*, (June 6, 1898), #22704; Letter from Sir W. Laurier to F. Anglin (June 4, 1898), P.A.C., *op. cit.*, #23901.

¹² *D. Mills Papers, supra* note 3, (Nov. 19, 1898) Letterbook II (1898-99) at 73.

¹³ P.A.C., *supra* note 4, (May 18, 1899), #33708; P.A.C., *op. cit.*, (May 23, 1899), #33710; Letter from Sir W. Laurier to F. Anglin (May 25, 1899), P.A.C., *op. cit.*, #33711.

¹⁴ P.A.C., *supra* note 4, (July 17, 1899), #35556-57; *D. Mills Papers, supra* note 3, (July 18, 1899) Letterbook IV (1899) at 876.

appointing him, Anglin withdrew his own candidacy. He urged his friends to throw their weight behind O'Reilly and he joined with the Ontario Catholic executive in sending Laurier a strongly worded telegram for public use. If the Liberal Government failed to appoint O'Reilly, Anglin warned, the effect on Roman Catholic support for the Liberal Party in Ontario would be "disastrous."¹⁵

If Anglin was willing to bow out of the competition in Lincoln County, he clung tenaciously to his dreams of the Cornwall bench. When he heard of rumours to name O'Reilly to the United Counties Court, the Toronto lawyer reacted in a proprietary fashion. The Cornwall judgeship had been promised to Anglin and any appointment other than his own would solidify his feeling and conviction of being badly treated in the matter. The Prime Minister was plainly apprised of Anglin's sense of indignation.¹⁶

As the Toronto lawyer's missives became more emotional, so too did Sir Wilfrid Laurier's. Declaring complete ignorance of anything touching on the Cornwall appointment, the Prime Minister retaliated, complaining of "a peremptory tone" and "a stand and deliver attitude" on the part of the aspiring judge. When letters of support for Anglin's appointment (this time to the High Court) flowed in during the summer of 1900, the Prime Minister's exasperation became particularly evident. To one of Anglin's Toronto backers, Laurier said:

If you really want Mr. Anglin to be appointed a judge of the High Court, and if you are a friend of his, I would advise you to tell him that if he continues to badger me with letters from all parts of the province, I will refuse point blank to appoint him.¹⁷

The message was certainly plain.

Moreover, the nature of the message must have reached Frank Anglin soon after, for the correspondence from and about the Toronto barrister began to change quite noticeably. Within days he had offered to help in any way during the election campaign, asking for nothing in return. He also hastened to point out that while letters of recommendation had been written favouring Anglin's nomination to the High Court, he himself had refrained from applying. He had informed the Prime Minister of recent proposals to lead Ontario Catholic Liberals away from the Party and of his own refusal to head such a movement. Nevertheless, Anglin reminded both Laurier and the Minister of Justice that English-speaking Catholic Liberals in Ontario

¹⁵ Letter from Sir W. Laurier to F. Anglin (Feb. 5, 1900), P.A.C., *Sir W. Laurier Papers*, #42430; P.A.C., *op. cit.*, (Feb. 16, 1900), #42429; P.A.C. *supra* note 4, (Feb. 15, 1900); P.A.C., *op. cit.*, (Feb. 24, 1900), #42732.

¹⁶ P.A.C., *supra* note 4, (Feb. 24, 1900), #42732; P.A.C., *op. cit.*, (March 1, 1900), #42734-35.

¹⁷ Letter from Sir W. Laurier to F. Anglin (Feb. 26, 1900), P.A.C., *Sir W. Laurier Papers*, #42733; P.A.C., *supra* note 4, (March 1, 1900), #42734-35; Letter from A. Campbell to Sir W. Laurier (Sept. 21, 1900), P.A.C., *op. cit.*, #49395-96; P.A.C., *op. cit.*, (Sept. 26, 1900), #49398-99; Letter from Sir W. Laurier to A. Campbell (Sept. 24, 1900), P.A.C., *op. cit.*, #49397.

and the West were dissatisfied with the Government.¹⁸ Again, in the spring of 1891, Anglin brought to the Government's attention discontent concerning judicial appointments,¹⁹ but his direct pleas for his own elevation to the bench became very infrequent. Anglin did defend himself against alleged attacks,²⁰ but his requests for specific judicial posts were limited. Late in the summer of 1901 he had an interview with the Prime Minister that was followed by a letter. It was critical, Anglin again argued, that Ontario Irish Catholics' vexation be met in some way. If a Protestant had to be named to the High Court, a balance could be attained and Catholics appeased by appointing Anglin to the current vacancy on the Supreme Court of the North West Territories; while he would accept a puisne judgeship there, he would prefer the chief justiceship, since the positions paid less than in Ontario.²¹

By the fall of 1901 the barrage of Anglin's claims for consideration and letters of support had ceased. It was three more long years before he finally received his reward. In 1904 Anglin, at the age of thirty-nine, was named to the High Court of Ontario (Exchequer Division), where he performed quite ably before moving on in 1909 to the Supreme Court of Canada. One legal journal assessed his first five years on the bench:

It can safely be said that since Mr. Justice Anglin was appointed to the Ontario Bench he has given every satisfaction to the legal profession. He has been uniformly courteous, and often at much inconvenience to himself, he has undertaken work in which the legal profession is deeply interested. His removal to the Supreme Court at Ottawa is a distinct loss to the Bench of Ontario.²²

Frank Anglin himself enjoyed such praise, but in 1909 he seemed at least as pleased by what he assumed to be his appointment as an English-speaking Catholic representative. He thanked the Prime Minister on behalf of "our people" and pointed out that his promotion had broken the constraints of the previous tradition that only Quebec Catholics were named to the Supreme Court of Canada.²³

While the records reveal no evidence of the Government's reasoning behind Anglin's promotion in 1909, there is no doubt that his earlier pleas as an Irish Catholic spokesman were accepted by members of the Laurier Government. David Mills, Minister of Justice 1897-1902, in particular was quite sympathetic to complaints of Roman Catholic underrepresentation on the bench, and on several occasions he expressed his opinion both about the general problem and about Anglin's desire for appointment.

¹⁸ P.A.C., *supra* note 4, (Oct. 9, 1900), #49869; P.A.C., *op. cit.*, (Oct. 10, 1900), #49870-71; *D. Mills Papers, supra* note 3, (Nov. 10, 1900) Letterbook VI (1900) at 785.

¹⁹ P.A.C., *supra* note 4, (May 4, 1901), #55895; P.A.C., *op. cit.*, (April 9, 1901), #55898-99.

²⁰ P.A.C., *id.* (May 16, 1901), #55896; P.A.C., *op. cit.*, (Sept. 11, 1901), #58857-60.

²¹ P.A.C., *id.* (Aug. 31, 1901), #58429-31; *D. Mills Papers, supra* note 3, (Sept. 4, 1901) Letterbook VII (1900-01) at 898; *D. Mills Papers, op. cit.*, (Oct. 11, 1901) Letterbook VIII (1901-02).

²² (1909) 29 Can. Law Times 304.

²³ P.A.C., *supra* note 4, (Feb. 23, 1909), #152342-44.

Soon after becoming Minister of Justice, Mills was warned about those who presented themselves as "professional Irish Catholics," but he professed a belief that such men were few in number. A true liberal philosophically, Mills proclaimed that no man would be barred from the public service because of his religion and hoped that ultimately religious differences would ultimately fade away as grounds for selection. He was quickly ensnared, however, in the standard dilemma of reverse discrimination: in order to prove that religious denominations were treated equally and fairly, it would be necessary to single out those churches which were underrepresented and to appoint several of their members.

I am certainly very anxious to see that the Liberals of the Catholic faith are treated with perfect fairness, and I shall do my best to bring about this result, and I am sure that in this aim I shall have the support of my colleagues, but to make it the subject of frequent discussions in the newspapers certainly will not facilitate the work. . . . It will be singularly unfortunate to have any class of a community feel that their religion was a barrier to personal promotion, and the action of every party ought to be such as to put an end to any suspicion of this sort, but it certainly would have a very bad effect upon the Liberal party if they were to go into the ranks of their political opponents to choose candidates for appointment on account of their religion. A man ought to be a Liberal: he ought to be competent: he ought to be a man of good reputation: and having these qualities his religion ought not to stand in the way of perfectly fair treatment. If time is given us, I think in the end there will be no ground of complaint in this regard.²⁴

Yet in practice Mills found it not easy to balance religious affiliation with other criteria for nomination to the bench. "I must keep in view the religious complexion of the localities in which they [Roman Catholics] are appointed," he informed one correspondent, "so that, where one of that faith is to be appointed it may be as far as possible amongst those of his own religion."

By early 1898 the Minister of Justice had a short list of three qualified English-speaking Catholic barristers in Ontario, including Anglin and O'Reilly, and he intended to appoint these men to the judiciary as suitable opportunities arose. More specifically, Mills advised George Ross, the powerful Ontario Minister of Education, that Frank Anglin was being considered for a post in eastern Ontario, "and I do not think it would at all do to disappoint him." To a Liberal colleague Mills underlined the political advantages in such an appointment:

One of the parties whose names have been pressed upon this Department for appointment is F. Anglin of Toronto, for whom I hope a position may be found either as a senior or junior Judge in some county where there [are] a fair number of his co-religionists, and I am the more anxious to do something for him because I think his appointment would give satisfaction in certain quarters, and I shall be glad to hear from you any suggestion which you can make.

²⁴ Letter from D. Mills to L.G. Power (Dec. 4, 1897), *D. Mills Papers*, *supra* note 3, Letterbook I (1897-98) at 141; Letter from D. Mills to J. Cameron (Dec. 16, 1897), *D. Mills Papers*, *op. cit.* at 254-56; Letter from D. Mills to J. Idington (March 16, 1898), *D. Mills Papers*, *op. cit.*, at 795-96.

I am most desirous to act with the approval of our friends at the Bar in all appointments of county Judges, so that neither as to general fitness nor capacity will any mistake be made.²⁵

The process of judicial selection under Mills was nothing if not both thoughtful and careful.

While Anglin's name remained near the top of the list, an appropriate opportunity to appoint him was some time in coming. In 1900 he was seriously considered for the Lincoln County bench, but O'Reilly was chosen instead—only to have O'Reilly's appointment deferred because all other officers in the county were Catholics. When O'Reilly was named to the County Court in Cornwall late in 1900, it removed one of Anglin's competitors but also a potential post. Mills continued to try to placate the interest group. "I am doing my best to make things satisfactory to our Irish Catholic friends," he wrote to one contact, "Whether I will succeed or not, I cannot at this moment say, but if not, it will not be because I have not endeavoured to do so."²⁶

The strength of Anglin's desire to acquire judicial status is certainly remarkable; so too is his persistence and perseverance. The personal reasons why the Toronto barrister sought elevation to the bench were never made clear. There are hints that money (and presumably security of income) was important. As well, the prestige and dignity attached to the judiciary would seem to have been attractive.²⁷ Yet it is difficult to do more than speculate on his motives; one can simply wonder at the earnestness and the urgency of Anglin's compulsion to become a judge. For him it was obviously not so important where he joined the bench, just so long as he did so. The diversity of geographical location that he was willing to accept is particularly striking, and his casual assumption that western posts, either in Regina or in Victoria, were readily available to Ontarians is a reflection of the not unknown phenomenon of central Canadian imperialism.

Frank Anglin's campaign for a place within the judiciary is revealing of the process of elite accommodation.²⁸ He was a member of a family already recognized as forming part of the elite among Irish Catholics in Canada; his father had maintained a political career through that role. By supporting Anglin's demands for access to the bench, the Irish Catholic leaders of Ontario were helping to perpetuate the influence of a fellow member of the elite. Consciously or otherwise, in securing a position in the judiciary Frank Anglin was also entrenching his role as a leader of that important social group

²⁵ Letter from D. Mills to Archbishop T. Kelly (March 29, 1898), *D. Mills Papers*, *id.* at 885; Letter from D. Mills to G.W. Ross (March 29, 1898), *D. Mills Papers*, *op. cit.* at 888; Letter from D. Mills to J.D. Edgar (Dec. 3, 1898), *D. Mills Papers*, *supra* note 3, Letterbook II (1898-99) at 128.

²⁶ Letter from D. Mills to P. Ryan (Feb. 13, 1900), *D. Mills Papers*, *supra* note 3, Letterbook V (1899-1900) at 666-67; Letter from D. Mills to G.W. Ross (Dec. 1, 1900), *D. Mills Papers*, *supra* note 3, Letterbook VI (1900) at 916; Letter from D. Mills to P. Ryan (Oct. 12, 1901), *D. Mills Papers*, *supra* note 3, Letterbook VIII (1901-02) at 17.

²⁷ In later years this appetite for status and prestige certainly influenced Anglin's conduct as Chief Justice of Canada.

²⁸ Presthus, *Elite Accommodation in Canadian Politics* (Toronto: Macmillan, 1973) at 28, 62, *passim*.

within Canadian society. As well, in allowing Irish Catholic leaders access to the bench, the existing federal political elite was accomodating the political structure to Irish Catholics as an interest group and was further legitimizing people like Anglin as that group's elite.

The details of Anglin's quest for the bench are more revealing of the process of judicial appointment at the turn of the century. Evidence of religious discrimination in Protestant Ontario comes as no surprise, but it is interesting to watch the government trying to deal with that factor balanced against several others. The Minister of Justice's genuine attempts to give Roman Catholics more appropriate representation on the bench were important in opening up the judiciary. Just as meaningful was Mills's concern to work with the legal profession in determining judicial selections. At the same time, his emphasis on proven political affiliation should not be forgotten. It was to Frank Anglin's undoubted advantage that he had solid Liberal credentials as well as standing as a leader of an influential minority.