

HON. WILLIAM HENRY DRAPER, B.C.

were of a high order, but he was not as successful as many men far inferior to him in learning and intellect. His language was most elegant, and it might have been said of him as was said of Wilberforce, "How the English trickles on his tongue." But his speeches, though perfect in their way, did not go to the hearts of men as did the burning words and eloquent, soul-stirring utterances of his friend and cotemporary, Mr. Hagerman, who is said by those who have had a good opportunity of judging to have excelled all men of his day in Canada in public speaking, and to have been probably the best *Nisi Prius* advocate that has as yet appeared at our Bar. Mr. Draper spoke "over the heads" of the jurymen it has been said; they were in fact unable to appreciate the beauties which a more educated class so much admired. There was also probably a want of that mesmeric sympathy without which the most faultless speaker fails to convince those hearers who must be reached through their hearts rather than their heads. But when Mr. Draper spoke to an audience of a higher stamp, as when addressing the House of Parliament, or the Bench, or the Bar, or some gathering of educated men, his words charmed like the sound of evening bells. His arguments were arranged with a crushing, logical sequence, whilst his thoughts (the thoughts of a man of intellect and high mental culture), clothed with the most appropriate words and elegant language flowed like a river, without hesitation and without apparent effort.

It will be as a judge, however, that Mr. Draper will be best known to posterity. His career on the Bench occupied a period of over thirty years. He was first appointed, as we have seen, in June, 1847. On 5th February, 1856, he succeeded Sir James Macaulay as Chief Justice of the Common Pleas, and many practitioners will remember how

the business flowed into that Court during his presidency. He remained there until he was transferred to the Court of Queen's Bench, becoming Chief Justice of Upper Canada in place of Chief Justice McLean, who was made President of the Court of Appeal on the 22nd July, 1863, which office was rendered vacant by the death of Sir John Beverley Robinson.

After spending twenty-one years in the unremitting discharge of his judicial duties, Chief Justice Draper, in March, 1868, was induced by his friends to ask for, and of course obtained, six months' leave of absence, which he spent in a visit to the Southern States. His next and only other leave was when he went to England in September, 1876. If ever holidays were earned these were. He was one of the old-fashioned men who knew no call but that of duty. His own ease and comfort had no place in his vocabulary. It is well to keep in remembrance the brave, devoted, old-time names of Robinson, McLean, Macaulay, and Draper, as beacons to encourage those who, coming after them, would fain build up such a worthy, undying record as these have left behind them.

Mr. Draper's excellence in his judicial capacity was not only that he was a deep read, sound lawyer, expressing himself with remarkable clearness (and, of course, did justice between the parties without fear, favour or affection—the judges of Upper Canada have ever done that). But it was that, in looking upon law as he did as a science, he became its expounder and teacher, and was not merely an arbitrator to settle a disputed point between two litigants. His judgments were not addressed to the parties to the suit; these persons were subsidiary to and only appeared to have been introduced as illustrations of the point of law under discussion. In this respect there was a marked difference between Mr. Draper and his