

## HON. WILLIAM HENRY DRAPER, C.B.

the cheque is not presented till after the donor's death, for the amount of that cheque his estate is not liable." *When the cheque is presented*, the distinction in such a case is marked in *Bromley v. Brunton*, L. R. 6 Eq. 275, where it was held that this was a good gift *inter vivos*, though the payment of the check was refused because the signature was doubted, and the drawer of the cheque died the day after. Sir John Stuart, V. C., said: "The effect of the cheque was to appropriate so much of the donor's money, and the funds are in the hands of the executors just as much liable to the payment of the cheque as they were in the hands of the banker."

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Last month we chronicled the death of this distinguished man and eminent jurist, the last of the Judges of the old Court of Queen's Bench. It needs not that we should again state how great the loss has been. It has not, however, come as a sudden blow, for his failing health had gradually taught us that very soon the brilliant lawyer, and the courteous, honorable gentleman must leave the scene of his labours and his triumph. The loss indeed occurred before he went to England on leave, for it was then becoming evident that his time for work was rapidly passing away, and that the end was comparatively near. Such, however, was the strength of his constitution, that for months, weakened as it was by constant and often intense pain, it resisted the last enemy. How bravely and patiently he bore his sufferings, without a murmur, calm, kind and thoughtful to the last, is known only to those few who were constantly with him.

Some years ago when speaking of the address presented to Chief Justice Draper, on his leaving the Court of Queen's

Bench for the Court of Appeal, we briefly referred (*ante vol. 5, p. 29*) to the main incidents of his life. It will, however, be interesting to those who may not have that volume at hand to recapitulate them here, with a few additional particulars.

Chief Justice Draper was born in the County of Surrey, in England, on the 11th of March, 1801. His father was the Rev. Henry Draper, D.D., Rector of St. Antholin, Watling street, London, and afterwards of South Brent in Devonshire. He at first chose the sea as a profession, and had he chosen to remain there, though Canada would have lost one of her brightest ornaments, another famous name might have enriched the proudest roll of England's worthies. His cool head, fearless courage, powers of command and endurance would have made him a sea captain second to few. On the deck of an East Indiaman he shewed the stuff he was made of, when, alone at his post a young cadet, he defended it from mutineers till assistance came, felling one of his assailants dead at his feet with a blow from a handspike, his only weapon. But he had other gifts which fitted him for a still higher position in the service of his country—a keen intellect, sound judgment, a ready tongue, and a polished eloquence were combined with a retentive memory and great industry. It was well therefore that young Draper left his first love, (though he never forgot it), and came to this country to seek his fortune.

He arrived at Cobourg on the 4th June, 1820, and three years afterwards commenced the study of law in the office of Thomas Ward, Esq., of Port Hope. He subsequently went into the office of Hon. G. S. Boulton, and for some years added to his slender income by acting as Deputy Registrar of Northumberland and Durham. Like many other men known to fame he married early in life, while yet a student, in the year 1826. His choice was Miss White, daughter of Capt.