

HON. WILLIAM HENRY DRAPER, C.B.

dence itself in the improved condition of the class of criminals who might be sent for a limited time beyond harm's reach instead of being confined in jails. Another subject was alluded to in the presentment, namely, the infliction of corporal punishment upon the incorrigible class of juveniles and hardened adults, for whom no term of jail confinement could be considered an adequate punishment for the crimes they committed. He himself had always expressed from the bench whenever he had occasion to refer to the subject, the opinion he entertained of the propriety of restoring to this species of punishment in the cases referred to, and he had no hesitation in now declaring his cordial concurrence in the recommendation on this point by the grand jury, nor had he any hesitation in declaring that the class of men, calling themselves human beings, whose brutal and ruffianly conduct, frequently towards women, inflicting upon them serious bodily harm, and many of them their own wives, whom they were bound to protect, should be the first on whom this corporal punishment should be inflicted. He never had any of the mawkish sympathy which unfortunately but too often exhibited itself in behalf of this brutal portion of the community, sanctioning as it were ferocious attacks on the unprotected of the other sex, and whom every effort known to the existing laws had hitherto been of no avail in restraining such lawless propensities."

The grand jury on the same occasion alluded to the rumored retirement of the Chief Justice from the Queen's Bench in the following words:

"In thanking your Lordship for the able and lucid remarks that you were pleased to address to us at the opening of this court, the grand jurors cannot avoid referring, with great regret to the current rumor, which points to the probable retirement of your Lordship from the Bench, which, first as Puisne Judge, and subsequently as Chief Justice, you have occupied for about a quarter of a century. They would fain hope that the rumor is unfounded, as the loss to the public by your retirement would be deeply deplored by the community at large. If, however, from ill-health or other causes, you should feel constrained to resign, your Lordship may feel assured that your long and laborious services in the administration of justice, which you have discharged with eminent impartiality and ability, will ever be appreciated by the people of Ontario."

The grand jurors concluded with an expression of their sincere desire that, on his retirement, he might enjoy that peace and quiet of mind which are inseparable from a conscientious discharge of the arduous duties to which they had referred. His Lordship replied in feeling terms, thanking the grand jury for their good wishes, and intimating his willingness still to serve his country should his services be required in some position where his energies might not be taxed to the same extent as they were in his then present position. He concluded his remarks by indulging the fond hope that when it was God's wish to remove him from the world, that the services which he was prepared thereafter to do for his adopted country would secure for his memory the kind appreciation which the grand jury had so feelingly expressed in regard to his past judicial conduct.

The address presented to Mr. Draper by the Bar of Ontario when he took his seat as President of the Court of Appeal, and his reply thereto, were published in our columns in February, 1869; but, for the sake of completeness, we repeat it:

"Her Majesty having been graciously pleased to accept your resignation as Chief Justice of Upper Canada and subsequently to appoint you as President of the Court of Error and Appeal, we, the Law Society of Upper Canada, beg leave respectfully to address you, and to convey to you our sincere thanks for the unvaried courtesy and kindness which, in the exercise of your judicial office, the members of the legal profession have received at your hands, for a period extending over more than twenty years. It is to us a subject of unfeigned satisfaction that your talents and learning are not to be lost to the country, but that you will hereafter preside in the Court of ultimate resort in this province. We trust that on an occasion like the present you will excuse our calling attention to the course of your professional life as an example and encouragement to those who devote themselves to the study of law, as showing that, without any adventitious aid, but solely by the exercise of your own ability and industry, you have successfully, with satisfaction and applause, discharged the duties of Solicitor-Gen-