

Romance of Making Wills

Some time ago I had occasion to go to Doctors' Commons to look at a will of a dead man. The hand that signed it was in the grave long before—dust, perhaps; but the record of the will which animated that hand was there among those dusty folios, engrossed in an almost undecipherable hand, which tell how all the real property in the county has been disposed of over and over again. I had no difficulty in finding it, for I had a note of the precise day the deceased died on. It is unnecessary to say anything about the contents of the will, however, for they have no relation to what I was writing. It is the only date which I have any business with. The will was dated the day before the man died. I, of course, had often heard of men making their wills when they were just at death's door, without any particular thought being excited; but this time I was surprised, as a single fact very often does surprise us, when we have passed by a host of similar ones unnoticed. I knew the man who had made that will. He was a shrewd, prudent, sharp lawyer, who had risen from nothing to be a man of immense wealth. If he was distinguished for any qualities in particular, it was for punctuality and promptitude. None of the clerks of his office were ever five minutes too late. That was an offence not to be forgiven. No one ever knew him to be behindhand at an appointment, or to let business go undone. His housekeeper, who managed his bachelor home for many years, only kept her place by being exact as to time. Yet this man had not made his will till a few hours before his death; and, therefore, the possession of his property formed the subject of a very flourishing lawsuit.

When I went out of that dark, dismal catacomb of dead men's wills, I went on thinking of all the similar cases of procrastination which I knew or had heard of—and they were not a few—for this was the experience of one who was a law clerk before he quarreled with red tape. What a curious catalogue they were! There was an old lady, a toothless old dowager, who had a reprobate and discarded son, and a pretty gentle niece who lived with her. We used to manage all her affairs, and it was pretty well known in the office that the "nice girl with the long curls" was to be the old lady's heir. Our head clerk, a red-whiskered dandy, who had no mean opinion of himself, built, I could see, certain speculations on that basis. The old lady never came without Eliza; and when a visit was expected, Mr. Catchpole brushed his hair into the most killing curls, and changed the out-at-the-elbows coat for the smart one he wore out doors, and beautified himself as far as that was practicable. Well, a message came one day that the old lady was ill—very ill—with an urgent request that some one would go at once and make her will. Off went our Adonis as fast as the promise of something liberal over the fare could urge the cabman.

When he arrived, the old lady was alive—just alive enough to tell him that all her property was to be left to Eliza. She told him that in a hissing whisper which supplied the place of the cracked voice; but when she came to the word "all," so full was the poor old creature of love for the niece, or, perhaps of determination—let us hope not hate—against her son, that she half rose up in her bed, and clenched her withered hand, and shrieked out that word again. It must have been a terrible sight—that of life struggling with death for a will!

It was a short matter to write that will down, and Catchpole's pen flew over the paper, and the old eyes that were glazing so fast stared anxiously the while, and the thin fingers actually held the pen she had asked for beforehand, ready to sign the paper. In a few moments all was ready; but what a difference that few minutes made! The clerk had risen from his seat and approached

the couch, when the surgeon, who stood on the other side, said, with that coolness which medical practice brings, "It is too late!" and it was too late. The dead fingers clenched the unused pen so tightly that they had to be unclasped from it. The son was heir of all, and Eliza was a beggar. Death had translated that "all" into none. The sequel is soon told. The property was wasted by the reprobate son, and has long since passed into other hand, and Eliza, instead of possessing some thousands a year, and being wooed by Mr. Catchpole, is a faded daily governess.

Every lawyer's office has plenty of such stories as this. One I remember of a miser who had ruined more than one family, and in his last moments wished to make such reparation as bequeathed gold could compass. Poor wretch, when the will was brought, catalepsy had seized him, and he laid there a living corpse—dead in all but mind. He could not move his hand, his tongue refused its office; only his eyes were free to move; and of those eyes I have been told a terrible tale. He was, as misers often are, a man of strong mind and iron nerve. Passive as he was in every other part, the eyes told all that was passing within. You could have seen in them intelligence when the will was read to him; the powerful volition brought to bear, and persevered in, when the written word which was to make it a testament, was required; the terror and horror which came over him when he found the right hand, which had so often aided him for evil, would not help him for good—the despair which burst the unseen bonds around him, and with a convulsive motion, let out the last of life. It must have been a spectacle of horror, when punishment came in the shape of a prohibition of the one act of mercy, which might have made some amends for a whole lifetime of wrong.

Then there was another legend of a man whose daughter married against his will. He lived somewhere in a retired country-house far off from any town. This man was subject to a disease of the heart, and one night, feeling the symptoms of an approaching attack, and that strange presentiment which so often comes before death, he roused his household and sent off a messenger on horseback, not for a surgeon, but for a lawyer. He wanted his will made instantly. The messenger could not be expected back for at least two hours, and long before that the spasmodic attack had come on, but still in the intervals of his paroxysms, that determined man wrote as against time. When the lawyer did arrive, all that was left of the living will which had been so active and energetic a few hours before, was that last piece of writing. It expressed the deceased's intention, in the strongest terms, utterly to disinherit his rebellious child, and to give his property to some charitable institution. It was complete, even to the signature; only the flourish usually added to the name was wanting, as though there the hand had failed. But the writing was not a will, it was not in proper form, nor attested. In the eyes of the law, it was but an invalid piece of paper, and the daughter took that to which her birthright entitled her to.

Wills generally afford a more frightful temptation to the worst part of our nature. I really believe that more cunning, more falsehood, more world anxiety, and more moral wrong are blended with the subject of "wills," than with the whole mass of law parchments extant. A will should not only be properly made, but properly placed, and more than one should be cognizant of its whereabouts. I have known many cases of gross turpitude in the shape of destroying will, and can record one rather curious anecdote, affording a vivid illustration of unprincipled greed defeating itself. Two gentlemen in the city, close friends from their school days, were in the decline of life. Mr. Edmonds had large family, with comparatively small means, while Mr. Raymond was worth two hundred thousand pounds, with no living relative but a nephew of the

most profligate and hopeless character. The nephew had been expensively educated, and had spent unlimited money for the worst of purposes, and the uncle at length became weary and disgusted with the young man's depravity. "Edmonds," said Raymond, one day to his friend, as he handed him a roll of paper, "here is my will. I have left my nephew ten thousand pounds, and the rest of my property to you, who, I know will make good use of it." Edmonds remonstrated and implored, but was eventually compelled to take the will, and lock it up in his private desk. Within a few months, however, by dint of constant entreaty, Mr. Edmonds prevailed upon his friend to make another will, and just reverse the bequests, giving the nephew the hulk of his property, and Edmonds the ten thousand pounds. This will Edmonds read, and saw safely deposited in Raymond's iron chest at his private residence. Within the following year Raymond died. The nephew found the will, and, as it afterwards appeared, such was his baseness, that to secure in addition to the rest the ten thousand pounds left to Edmonds, he immediately burnt the document, knowing that if his uncle died intestate, he himself was heir-at-law. Edmonds sinking his conscientious scruples, produced the first will made by Raymond, and claimed the chief of the property, and the unprincipled nephew, after making full confession during a fit of delirium tremens, killed himself.

Green Mountain Freeman [Montpelier, VT], August 31, 1854