



"Reading the Will" (from the original drawing by Thomas Rowlandson, 1756-1827).

READING THE WILL WHEN HUMAN NATURE REMOVES ITS MASK

*"Here we have it scratched and scored'
By the tides of an impotent human soul;
He that wrote it died abhorred,
And scarcely the bell had ceased to toll
Ere they crowded together over the cake,
Ferret-eyed women and keen-faced men,
In the putrid well of his life to slake
Their viperous throats, and wonder when
The lawyer was coming to give their share—
Slowly, slowly, the red seals break,
Watch them marking his every word—
How in life he had willed to make
This one wretched and that preferred."*

—Kipling.

"Reading the Will" and the "Funeral Feast" are customs which have come down to us from very early times. The historian finds a vast amount of literature devoted to these subjects, and celebrated painters and poets have depicted them. What more dramatic subject can be suggested for the brush or the pen than the one, "Reading the

Will"; what can bring out more strikingly the idiosyncracies, elevated or debased, of individual character? What more surely discovers the depths of affection, or more perfectly unmasks abysses of jealousy, selfishness and avarice?

Goethe has cynically said, "There is something at the bottom of every man's heart which, if we knew it, would make us hate him." Most wills are read and probated within two or three days after the testator's burial—sometimes, it would seem, with almost indecent haste. Let us observe an imaginary group as it sits to hear the will read, for it gives us room for thought and speculation: there is the table, cleared of its usual ornaments, except possibly an inkstand, and the man of law solemnly opens the document encased in its paper shroud, and reads to the silent and expectant listeners that which may govern the whole future tenor of their lives: the thoughts of some, perhaps one, on the lone grave or empty chair, remembering the endearing qualities of the departed and their own irreparable shortcomings; some present for the sake of form, who can have no part in succession, merely indifferent as to the death of the testator, or what he left behind him; others asking themselves, with terrible anxiety, if advancements are canceled and forgiven; some maybe speculating on the contingent possibility of the revelation of family secrets or skeletons, which to this moment have been successfully concealed, or entertaining the hope that mysteries which date far back are now, at last, to be cleared up: how impatiently, though with calm and decorous exteriors, they wait to learn the worst or the best that has befallen them! Human nature has stood still while all else has been changed.

The ancient custom of "reading the will" is still followed, but not so formally or frequently as of old. The "funeral feast" existed among the Romans; in fact, no country has indulged in more intricate funeral rites or displayed therein more formality and ceremony than perhaps the Egyptians. In Rome it became necessary to repress by law extravagant funeral rites: a law of the XII Tables provided that there should be only one funeral and one "funeral feast." The feast was an essential feature among primitive peoples, and we see it degenerated into the "Irish wake" which still survives. The "Ecclesiastical wake" in Scotland and Ireland had formerly a much wider significance than at present and was a vigil kept as a Church celebration; it was an all-night service of prayer and meditation in the Church in commemoration of some important event in the affairs of the Parish Church. These wakes are, to some extent, still kept in many English rural parishes.

EXCERPTS FROM EARLY ENGLISH WILLS

Excerpts from certain early English wills are in point, and may not prove uninteresting:

The will of Thomas, Earl of Warwick, who died in 1401, contained this clause: "I will that all my friends attending my funeral shall have good entertainment, viz., supper overnight and a dinner next day."

In the will of Sir Thomas West, Knt., who died in 1415, we find this provision: "I will that not more than xl £ be laid out in meat, drink and tapers on the day of my burial; and that xxiv £ be given two priests to celebrate divine service for my soul for two years after my decease, as also for the souls of all my progenitors and all faithful deceased."

The will of Robert Fabyan, Knt., who died in 1511, provided: "I will that myn executrice doo purchase ayenst my burying competent brede, ale, and chese, for all comers and at such church competent brede, ale, chese, etc., pieces of beffe and moton and rost rybbs of beffe."

Dame Maud Say, wife of Sir Geoffrey Say, who died in 1369, provided in her will: "I desire that no feast be made on my funeral day, but that immediately after my decease, my corpse be carried to burial covered only with a cloth having a red cross thereon."

Ann, Duchess of Exeter, who died in 1457, evidently disapproved of the custom, for by her will, she forbade her executors "to make any great feast or to have a solemn hearse, or costly light, or largess of liveries, according to the glory and vain pomp of the world."

The "Corpse wake," or "Lyke-wake," formerly held for the purpose of preventing the body from being carried off by agents of the invisible world, or to avoid the ravages of animals, or for indulgence in reverential sorrow, has in modern times frequently been converted into drunken and riotous orgies. The "funeral feast" incident to the "corpse wake" has given rise to many serious yet amusing contentions in court as to reasonable expenditure. Probate Courts have carefully refrained from laying down a bill of fare.

Hon. John Marshall Gest, of Philadelphia, a learned author on testamentary lore, says: "It is probable that the conventional collation of cold ham, bread and butter, pickles (the long, green, pimply kind) and coffee with perhaps the addition of cake, in accordance with the decedent's station in life, would meet with the approval of the strictest judge. Of course, where the residuary legatees partake of the repast, it would not lie in their guilty mouths, for they would be

stopped or estopped, to object to the cost of dainties which they had helped to consume."

Canvas-back ducks and champagne, even if obtainable, would doubtless be disallowed, for the reason put by an old writer on the subject "as not congruent to the sadness and dolefulness of the action in hand." "Crackers, cheese and tobacco" have been approved by a learned judge who added that a "beverage" of some kind would have made the meal "less unwholesome and more palatable"; but this was before the unhappy days of National prohibition.

A MIRROR OF HUMAN TRAITS

How virtue and vanity, how benevolence and miserliness can shine out in a will! In wills the dead speak, and in a manner, live again. How often and how plainly in them do we see vanity, "a ruling passion strong in death," and the unmistakable desire for posthumous fame and glory.

On the tomb of the poet Gay in Westminster Abbey are his own mocking lines:

"Life is a jest and all things show it.

I thought so once and now I know it."

Wills have existed from the dawn of creation; possibly Adam and Job, but surely Abraham and Jacob, made wills. Did not Abraham appoint his steward his heir, and did not Jacob give a portion above his brethren?

The poet Virgil died some years before the Christian era: by his will, he directed that his *Æneid* be burned, but his friends would not permit it;—no doubt a source of deep regret to many a youth since who has essayed a knowledge of Latin.

Horace, the poet, wrote a satire on "Legacy Hunters," which is as full of practical wisdom today as it was two thousand years ago, and it can be used now as an excellent guide for those seeking to insinuate themselves into the affections of relatives and friends who are financially able to bestow testamentary favors.

The writing of a will is a serious and formal matter, for the testator knows when he pens it, that no wound inflicted can be remedied, no neglect repaired. And scarcely a will of any length is written which does not afford some knowledge of the heart of the person who made it. Suggestions of interest, prejudice or revenge may induce a witness to shade the truth or swerve from it, but the testator recollecting that the document will not see the light until he has gone on his journey over that dark and unknown sea which surrounds all the world, tends to render his statements of unquestioned veracity: the real wishes of

the innermost heart are suffered to appear, for the writer will be indifferent to consequences when they are disclosed.

Mr. Dooley, the humorist, has recently written a book on "Making a Will and Other Necessary Evils": here, as elsewhere, he "speaks the truth smiling." He gives a striking illustration of the vanities of testators and the yearning for posthumous glorification, in the attempt of the dead hand to hold on after the spirit has left its temporal abode.

POSTHUMOUS GLORIFICATION

One of the strangest efforts to obtain posthumous remembrance is a monument in the "Campo Santo," Genoa's great cemetery: a woman, whose business was that of a sausage seller, requested by her will that there should be erected over her remains an effigy which would signify her trade. Her executors followed her instructions, and this statue is a faithful likeness of the woman at her chosen occupation. In her hands are strings of sausages and liver puddings, and her costume is copied from one worn by her when actively engaged in trade. In marked contrast, is the first monument erected to a woman, in this country. It stands in Margaret Place, not far from Canal street, in the city of New Orleans. The figure is that of a woman sitting in a rustic chair, dressed in a plain skirt and loose sack, with a simple shawl thrown over her shoulders, her arm encircling a child.

Prior to her death, and by her last will, she gave to charitable institutions of the city of New Orleans about \$600,000. She died in 1882. Her parents were Irish immigrants who died of yellow fever. When quite young she married an Irishman of her own rank, who also died shortly after the marriage, and a year thereafter she lost her only child. The childless widow became a laundress in the St. Charles Hotel, and afterward entered into the bakery business, in which she was eminently successful. Her whole life was devoted to charities, Catholic, Protestant and Hebrew alike. She never learned to read or write, and could not distinguish one figure from another. Her will is signed with a mark. The fund for the monument was obtained by popular subscription. Her funeral sermon was preached by the Archbishop; the business of the city was temporarily suspended, and a thousand orphans, representing every asylum in the city, occupied seats of honor.

CONSEQUENCES OF WILL-MAKING

Will-making is one of the most important privileges given by society to the individual: many persons take good care to vent their spleen, and in sarcastic terms, take a final hit at an unfriendly world, and express without reserve opinions about persons and things. We have the will of an Englishman who left to a thankless kinsman the pic-

ture of a viper biting the benevolent hand which fed it, and the will of the Tennessee testator who referred to his nephews and nieces as "illegitimate children": in both cases suits for damages were brought by the ones libeled, and, strange to say, they were successfully maintained. But fortunately, the disappointments of life, its ills and strifes are not the most frequent remembrances in wills; some of the sweetest and purest sentiments of the human heart are often contained in these legal monuments. Friendship and affection are often referred to and remembered substantially, and public charitable bequests yearly exceed business losses in the United States, and, it may be added, that only one will in 600 is successfully contested.

The fact often is, that men have a superstitious feeling that will-making is something akin to composing their epitaphs and selecting their burial places. Yet, no man ever died a day sooner for making his will; that is, if he kept the contents from murderously inclined beneficiaries.

Every man knows, or should know, that, whether he possesses little or much, he should as a matter of prudence, make his will. Accordingly, the prudent man makes one, and views the document with full complacency. He has provided for his family, has remembered his friends, and has "set his house in order."

The will of Lord St. Leonards occasioned the courts much concern. Yet, it was he who gave this sage advice:

"To put off making your will until the hand of death is upon you, evinces either cowardice or a shameful neglect of your temporal concerns."

VIRGIL, M. HARRIS.