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THE CLAUSE IN THE WILL.

THE AUTHOR OF "RATTLESNARE THE REEFER," &c
(Concluded.)

"Time enough, my boy—you shall try."

"And you—"

"Oh! I've tried—that is to say—I've tried there would be any use in my trying; but you know, Jack, mine are not qualities to be limited at first sight—to get sterling gold in a must dig for it."

"And the lady won't dig?"

"She won't hold spades—and because she has diamonds in one hand, she holds her single heart tightly in the other."

"A pretty metaphor—but why have you not dug for it?"

"Because, Jack, I have not wit enough to dig the sticks in—or myself either—the nearest stick of all—but you shall see Mary to-morrow."

"Positively?"

"Most positively—and assuredly. You shall see the love to her—she shall make love to you—you shall win her—you shall, indeed—and of myself, but Phineas's nose out of joint."

"You are more than ever mysterious."

"The canting fellow, takes some advantage benefit under his uncle's will—and he has some sort of condition from the lady's orphan—he has a kind of claim upon her, which many people allow—and he parades it daily."

"And she—I am deeply and foolishly interested."

"Hates him as much as I do, and the inquiry whether 'short cuts is riz, or returns is fell,' shall all meet to-night."

"Having a spare bed, it was arranged by Alderman that his friend should live with him."

"He sat, and that, at least they should sit at the same table."

"That very evening, dressed out, with the assistance of Henry's wardrobe, in the very height of the fashion, the mate of the merchant Thomas & Nancy, repaired with his friend to a brilliant party at Alderman Heavisdale's, situated in one of the streets adjoining to Bedford-square. This community of habitations a cockpitan practice, founded upon the most and universal of principles, necessity. There was no fastidiousness displayed on the part of Ward, at being thus rigged out under the colours, by his friend. The law of *meum et tuum*, in coats, waistcoats, and shirts, has very latitudinarian construction, according to the midshipman code.

Upon his first introduction to the party, John had made a sensation. He was, by far, the most admired man in the room. His only fault—that of being over-dressed, was a recommendation to the circle in which he found himself. There was nothing good or bad, high or low, in the name of Ward; and when Harry introduced him as a travelled gentleman, just returned from foreign parts, every one pronounced the stranger as decidedly aristocratical. Alderman was impressive in his welcome, Mrs. Heavisdale, his respectable lady, gazed on the exaltation of her happiness in making his acquaintance.

Mr. Phineas Macfarlane was not yet authorized to make one of this distinguished party, being still a shopkeeper, and carrying on his business by retail. But he had his hopes, and they were sanguine ones. His cousin, decidedly the finest specimen of humanity of the age, or three hundred present, was in the midst of her circle in the full blaze of her beauty, magnificence of appearance and faultlessness of form, no other male or female approached her, with the exception of John Ward. This was felt by all present, and the young man unconsciously and simultaneously made for him, as, accompanied by his friend, was introduced to her.

Henry Haldrum was received with a banter-familiarity, and John with a slight blush, a tribute of surprise to the exceeding elegance and comeliness of his appearance. He had the freshness of the healthful sea upon him, and was the native rose among the exotics. He was superior to, and unlike every other man

present. Mary was struck, but it was not with love.

After the bore of introduction, and its few murmured and unintelligible words had passed, John Ward fell diffident, back, and was soon snapped up by one of the accomplished belles of the room. Any thing like a country-dance, or a threesome or a foursome reel, the mate of the merchantman could have mastered, but he knew nothing about the figures of the quadrilles; so, with the natural suavity of the born, not the made gentleman, he preferred conversation.

The alderman's lady was in tortures lest she had not the newest and most fashionable figures to display, in order to attract his attention; to gain his approbation, she despaired.

Henry Haldrum put in practice one of those disagreeable things called hoaxes, upon Miss Macfarlane. We never could discover in what a hoax differed from a lie, excepting that, to the heifer of mendacity it adds the extreme of folly.

However, in whatever light Henry might have regarded it, he gravely told the lady that his friend was not only a man of fashion, nearly allied to many members of the peerage, but that he was a person of an immense fortune also, and that his expectations were still greater; he mentioned a sum allotted to him as a yearly income during his minority, that actually started Miss Macfarlane, and caused several very prudent members to edge forward towards the mate of the merchant-ship.

John Ward was overwhelmed with introductions, and nearly died the death of a fly in a phial of honey water; being almost poisoned by the sweets of civility and salutation. More than once the words, "Who am I?" trembled upon his incredulous lips, as one being uncertain of his identity.

"It is very pleasant, however," thought he, "and I will enjoy it so long as it may last."

Full of this wise resolution he made his way to where existed the greatest attraction, near the side of Mary Macfarlane, and the two very soon forgot that a ball room was not a solitary grove, and that well-dressed ladies and gentlemen were better provided with organs of observation than tall trees and flower-bearing shrubs.

We will, just now, say no more, than that Miss Macfarlane being of age, and in the supposed full enjoyment of her fortune, was provided with a discreet yet poor aunt, who by a secret sympathy with her niece—for not a word was spoken on the subject—invited John Ward to call upon her the following day, in order to benefit by his opinion of the exact genus to which a certain ugly manacoe of hers belonged.

The two friends are at breakfast together on the following morn—both of them, at first, in high spirits. Those of Hal rose gradually as he clinked over the successful hoax that he conceived he had played on the previous night; whilst poor Ward's fell, in the same proportion, as he began to reflect that he had been permitted to contemplate a transient, yet strongly coveted happiness that was wholly beyond his attainment.

"You certainly will call, happy and thrice happy Jack. Here have I been dangling in her train for nearly two years, and have never yet had my calling upon her connived at."

"Connived at!" said Ward, astonished that anything like artifice should be imputed to one whom he considered so pure and perfect, "I am firmly resolved. I will not go."

"Yes, connived at. The thing is fully understood. But don't be too proud, Jack, your sails draw beautifully from the royals to the courses; and I furnished you with the wind that sends ahead at this spanking rate."

"You!"

"Yes, I; I owed her something; for if she have not quizzed me to my very face, me, who know a thing or two, may I be shrivelled up to a tobacco leaf, turned into a cigar, and be smoked into annihilation by a line-drafter's shopboy. I took my change out of her last night, and he then explained the deception."

"And you love—you loved her?"

"Yes, confoundedly."

"And me—"

"You, Jack—as a sailor loves his ship."

"Very well I will go to her now. Good morning."

At this very time, Miss Macfarlane was in private and deep consultation with her solicitor upon a copy of her father's will. Twice had Mr. Dobson, with a slow and sonorous voice, the lady looking over his shoulder in the mean time, read the following clause:

"And although by this instrument I intend that my dearly-beloved and dutiful daughter, Mary Macfarlane, shall be considered to be of age, when she shall have attained the birthday of her twenty and first year; and that then her guardians and her trustees shall account to her, or to her attorney, duly authorized, as to all money or goods, &c., &c."

"You may skip all that, Mr. Dobson."

"Very important," muttered the lawyer, reading about a page and a half of repetitions and technicalities, as a sort of private treat to himself, until he arrived at the principal proviso.

"Whereas, my daughter Mary may be, peradventure, led astray from the flock of the faithful, should she contract a marriage within the first year of her majority without the consent of my pious and beloved nephew, Phineas Macfarlane, she shall forfeit one whole and undivided moiety of the benefit that she, the said Mary Macfarlane, would otherwise take under this will. Moreover, should she contract a marriage within two years of her majority, she shall, in like manner, forfeit one third of the said, &c., &c., and if within four years, one fourth, &c., &c."

"Very arbitrary," sighed out Miss Macfarlane; "could not my dear father have trusted me?"

"Probably, madam, he thought you too young," sniffed out the attorney, who, taking a pinch of snuff, and drawing a long breath, lung with delight over the word "moreover," as he proceeded in his reading as follows:—

"Moreover, if at the age of twenty-five, she should still have remained single, she shall be considered as fully entitled to enjoy all the benefit bequeathed to her by this instrument, and the power of objection on the part of Phineas Macfarlane shall cease and determine; yet, should the said Phineas Macfarlane be fully assured, convinced, and made certain, that my daughter Mary shall have at any time backslided—"

"Backslided! good gracious me! Mr. Dobson, what does that mean?"

"Backslided—it is not a legal term—backslided—the said Phineas Macfarlane shall appropriate for godly and godly purposes, any portion of these my estates, real and personal, as may seem good unto him, always reserving for the use of my daughter such a provision as shall decently support her in the comforts, though not in the luxuries of life."

"Well, I am really confounded! I now see a clue to the insolence of my cousin. It would seem that he has been constituted as a complete spy over my actions. But what is backsliding?"

"As I said before, madam, backslide is not a legal term. In courts when there is a doubt upon the exact meaning of a word, and the bench and the bar cannot hit it, they have recourse to Dr. Johnson's dictionary."

"Then," said the lady with great animation, "let us follow the example of the bench and the bar."

"You cannot do better," said Mr. Dobson, very seriously and solemnly.

The folio was procured, and the word immediately found, when its meaning was thus expressed: "Backslide, v. n. from back and slide, to fall off, to apostatize, a word only used by divines."

"There," said Mr. Dobson, triumphantly; "it is not a legal word; therefore this is not a legal instrument. The lawyer who drew up this will should be struck off the rolls—I could drive a coach and horses through it—your cousin can take no benefit under this instrument."

"He begs your pardon," said Phineas Macfarlane, who had been at least two minutes in the room unnoticed. "Miss Macfarlane has already backslided; for the last three Sundays she has backslided, for she was seen praying at the steeple-house."

"Steeple-house! what's that? not legal?"

"He means the Church of England, Mr. Dobson."

"Why, Mr. Macfarlane, do you call that backsliding? really it is sliding back into the right way—into the way of the Church, as by law established—see the various acts of parliament on the subject. So you mean to attempt to act under this will?"

"I do, unless Miss Macfarlane assents to some proposition I have many months since made to her."

"Never, Phineas Macfarlane," said the young lady, with wonderful energy.

"Very well, madam; you will take the consequences."

"As this is a family dispute," said Mr. Dobson, rising, "I will take my departure. I will only state that this will is a most ridiculous document—a bad instrument—it is worth nothing but to make a good lawsuit. Mr. Macfarlane, as your friend, I tell you that you have not a shadow of right under it; but still, if you are inclined to go to law upon the subject, God forbid that I, as a professional man, should attempt to dissuade you from it."

Thus saying, Mr. Dobson took himself off with his blue bag, in the full satisfaction of his heart, of hav'g conscientiously done his duty, and with the consoling prospect of an everlastingly suit at law, that seemed destined to dance through all the courts, ecclesiastical as well as civil.

The interview between the relations was long and painful. The alternation offered by Phineas cannot be doubted. It was the right of naming her husband, or the vexatious lawsuit. He was no fool; he essayed every argument with which his position and his knowledge of the world furnished him.

He had even recourse to defiance, and ended his tirade by scornfully exclaiming, "And then, pray madam, what will you do?"

"What will I do, sir, cousin of mine, said the lady, roused to all the energy of a dignified resistance. This will I do, and that instantly: I will shame you from the society of good men.—You put me, at times, under a maidenly women might, perhaps ought, under other circumstances, to shrink from; I will discover some honourable, just man—I will betroth myself to him, sir, till I am five-and-twenty—you shall take no benefit by that—if he loves me, as I think that I deserve to be loved, he will gladly wait. Thus will I free myself from your detested set; his advice will strengthen me, his friends shall countenance me, his interest shall protect me."

"There is no such man!" said Phineas, with a smile, truly sardonic.

"There is, sir," said Mary, vehemently, carried away by her sense of injuries and her enthusiasm. "One young, beautiful, accomplished, talented, no petty, snuffing, shopkeeper, but one of nature's and of his country's aristocracy.—And though I ought not, had I not been plagued with a cousin guardian, to have heeded it, one blessed pre-eminently with fortune's gifts—in a word, one that no man could refuse to admire—no woman to love; because—sir, because—he is totally unlike you."

At this period of her burst of indignation, the servant announced Mr. John Ward. "Heaven is propitious! Pray beg him to walk up." Then turning to her cousin, when the servant had disappeared, she continued, "He is here; you shall see him, and tremble and despair."

The door opens, and never did three persons start with more unfeigned surprise. The lady first recovered herself, and advancing to Ward, took hold of both his hands, and exclaimed, "My dear sir, is this a masquerade?"

"Never, Madam," said John. "Was it more appropriate. I am mortified to tell you that Mr. Haldrum deceived you most unaccountably—I am neither more nor less than I seem, the first mate of the Thomas and Nancy West-Indiaman, and one of the poorest of my friends. I am here to apologise for my friend, if his conduct will admit of apology, to show myself in my true colours, and then to take my leave for ever of a presence I ought not to have intruded upon."

Phineas had been gradually nursing up his wrath, until at length it burst forth into a most discordant and triumphant laugh; which was