

HUMOROUS PHASES OF THE LAW.

for this course, replied: "Well, I haint got nothing again the gal partikler, only she's a schoolmarm." "Well, what of that?" "Why, she don't know nothing about housekeeping!" It was evident that it might have been beneficial to the old man if he had fallen in with a schoolmarm in his young days. What a world this would be, now, if children were compelled to marry as their parents should dictate! How much it would add to conjugal fidelity and happiness! Look at France, where such marriages are substantially the rule. It would become necessary to erect a divorce court at once, with a large number of judges, to relieve each other. Another frequent excuse for disherison, is moral misconduct of a child, especially of a daughter. Fathers ought to be extremely deliberate in such a decision. If Christ could pardon Magdalen, a father may pardon his erring daughter. Especially when he cannot say that her straying is not the result of inherited passions or of defective moral teaching. "Let him that is without sin among you cast the first stone." How humiliated ought such a father to feel, when perhaps he is in the habit of sinning, under the promptings of his passions, every month of his life! During the prevalence of negro slavery in this country, I noticed that the men who were the most fearful of the consequences of "amalgamation" and loudest in their denunciations of it, were usually those who held the closest associations with females of African descent. So, I believe, the men who are the most "sensitive" about the honor of their wives and daughters, and most apt to go temporarily crazy, and shoot people, are those who practically have least regard for the honor of other men's wives and daughters.

Even when a man has no claims of family upon him, he can hardly be content with making good gifts in secret; he must proclaim them. An amusing instance of a man's pride and piety living after him may be found in *Downing v. Marshall*, 23 New York, 336. This was an action to obtain a construction of a will. The testator, an excellent and pious man, was a manufacturer of cotton goods, on whose adventures the Lord had smiled, and whose wealth consequently loomed up in large proportions. Being one of the earliest and most extensive manufacturers in the country, and justly proud of his material success, and being also childless and without kin on this side of the ocean, he resolved at once to perpetuate his name and commemorate that liberality toward charitable and religious objects for which he had always been remarkable. So, with the help of an attorney, he concocted and left behind him, as a beneficial fund for half a score of lawyers, one of the most singular wills that it ever entered into the heart of man to conceive. His scheme was, in a word, to have his executors carry on his manufacturing business for the benefit of religious and charitable corporations! He left his manufacturing establishment to his executors in trust to carry on the

same and divide the profits in certain proportions between the American Tract Society, the American Home Missionary Society, the American Bible Society, and the Marshall Infirmary, the latter being a hospital which he had founded. But the architects of this remarkable scheme had heard that it was against our laws to tie up property for more than two lives, and so they provided that the trusts were to continue during the lives of two young men named in the will, and on their death the property was to be sold, and the proceeds were to be divided in the like proportion among the same beneficiaries. The court held the trust void, and that the estate descended to the next of kin, subject to the direction to sell and divide on the falling of the two lives. The court in effect decided that the business of the religious societies was the printing of tracts and Bibles, and not of cotton cloths; even religious pocket handkerchiefs, calculated for the meridian and intelligence of heathendom, would not answer. The Home Missionary Society, being unincorporated, did not participate in the benefits of the will in any degree. It took eight years and cost \$50,000 to establish the legal meaning of the will, which was a very different meaning from what the testator intended. Perhaps the result was designed by Providence as a rebuke, for the scheme which the testator had contrived to minister to his vanity, by carrying on his manufacturing establishment as long as legally possible after his death, was frustrated, while the purely benevolent objects alone were effected. His trust in Providence was approved; his trust in man was held void under the statute.

If there is not now, there some time will be, a special department in lunatic asylums for the treatment of lawyers who have become insane in the investigation of the law of charitable trusts and religious uses, and especially in the endeavor to ascertain what is at present the rule on these subjects in this state. I have too much regard for my own reason and that of my readers to attempt any analysis of the legal situation of these questions, but will offer a few suggestions upon them in a moral point of view, or rather a legal-moral point of view, for law and morals are so bound together that it is difficult to separate them.

Some philosophers teach that every human action, even if it have the semblance of charity, springs from selfishness. Thus, if I give a beggar a sixpence, it is not on account of the beggar, but because it confers pleasure on myself. This is a hard view of human nature, but has some plausibility. It could hardly be on this theory alone that a rich man impoverishes his family by giving his estate to found a church or an hospital. Some other influence must enter into the operation, such as fear. The church men have always had such powers of persuasion, that it has been found necessary to check them by legal restrictions. Poverty was inculcated to certain