

After his death, one of his children fell into a consumption. He was a minor and could not devise his share. His eldest brother had become a dissipated spendthrift, but the dying youth had the pain and mortification to foresee that his property would be squandered for vicious purposes as soon as he descended to the grave, without the power to avert such an evil. This anecdote proves the necessity of such a law as this bill, and the conformity, with the general feelings of the people, of its provision for an equal division among the children. If such a law had existed, the father would have been spared the trouble and expense of making a will, his wishes would have been carried more effectually into operation as would the wishes also of the younger son, and nothing would have been done to promote and accelerate the ruin of the elder brother. But, even where there is no legal disability, wills, in a majority, probably in a large majority of cases, are not made, although the property will descend, under the present law, in a mode that is not consistent either with justice or the choice of the intestate. I shall certainly say nothing in excuse of such culpable negligence, but shall simply state the fact, which is owing to different causes in different persons. Some persons are superstitious about making a will, and because the duty is often deferred until a dying hour, and they have, therefore, seen many cases where persons have died very soon after making their wills, they think that making a will is a precursor and omen of immediate death. A procrastinating temper and habit, which is unfortunately too common, is the cause why others defer and neglect making their wills. Some persons, from a want of decision of character, and perhaps from the real perplexity of the case which renders it difficult for them to determine in what mode to dispose of their property, postpone this duty, till a more convenient season, which never, however, arrives. An expectation of a change of domestic circumstances or of property is another cause of such unfortunate and fatal delay.