

# About wills and probate inventories

BY DAVID WALBERT

A person's *will* is a legal document that determines who gets a person's property when he or she dies. Before that property can be divided up among the heirs, though, the will must be *probated* — proved in court. Probate ensures that the property is distributed as specified in the will. It also provides an opportunity for people with claims against the deceased to come forward and collect money that may be owed to them. Today, special courts called *probate courts* oversee this process.

A will usually names an *executor*, a person whose job it is to carry out the will's instructions. (In the eighteenth century, the term *executrix* referred to a female executor.) The executor is typically someone who will receive a portion of the *estate* (the deceased's property).

In colonial America, when the head of a household died, court-appointed appraisers made a list of all of the deceased's personal property, called a *probate inventory*. A probate inventory listed *everything* in the estate — from slaves to cattle to spoons and bedsheets. Making a probate inventory ensured that all property to be inherited was accounted for.

A probate inventory could also be used if the deceased owed money that his cash assets wouldn't cover. In that case, some of his property would be sold to cover his debts before his heirs could inherit what was left. For that purpose, the appraisers typically listed values for each piece of personal property.

## Using probate inventories today

Because probate inventories were so thorough and because they listed not only every piece of personal property in a household but what it was worth, they are incredibly useful tools in understanding how people lived in colonial America. We don't have photographs from that time, of course, and people didn't write detailed descriptions of their houses or what they owned. A will or probate inventories are often the only records we have of a person's life!

A probate inventory, though, can tell us how big a person's house was, what he owned, how his family lived, what he did for a living, how he worked, and how people valued their possessions. A will, meanwhile, can tell us about family relations, differences in the lives

and needs of men and women, how households were organized, and who or what the author of the will valued.

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## About the author

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