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Many Things Forgotten: The Use of Probate Records in *Arming America*

Gloria L. Main

MICHAEL A. Bellesiles's *Arming America* contends that most people did not own guns before the middle of the nineteenth century because guns had been too expensive, unreliable, and not all that useful.¹ The advent of mass production and aggressive advertizing by domestic arms manufacturers, Bellesiles argues, boosted the levels of ownership, contributed to rising rates of interpersonal violence among white men, and created a national "gun culture" centered on the possession and display of firearms. Much of the book discusses the manufacture and tactical use of guns in wartime, the manifold shortcomings of state militia systems, and the perennial shortage of their equipment, but the heart of the matter is what proportion of the people possessed guns in early America.

Bellesiles replies, "Not many." His estimates, only 15 percent before 1790 and just 21 percent in 1830, run strongly counter to folk images of our pioneer past (Table 1, p. 445). Although he cites censuses of various kinds, it is the alleged absence of guns from probate records that provides his clincher. If arms of any kind are not mentioned in inventories or wills, he argues, the odds are high that they were not there at all. Probate inventories, he says, "scrupulously recorded every item in an estate . . . including those that had already been passed on as bequests before death" (p. 109, restated at length on p. 266). This is nonsense. Anyone at all familiar with inventories from the colonial period knows that they are maddeningly inconsistent in organization and detail. They almost always contain escape phrases such as "in small things forgotten" or "lumber," which could mean anything that happened not to interest the appraisers. Nor do inventories include "every item." Custom, not law, excluded pets—even prized hunting dogs—and children's toys (unless the children were deceased) and the widow's paraphernalia, a vague and contested term. Worse, appraisers often lumped things

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¹ Bellesiles, *Arming America: The Origins of a National Gun Culture* (New York, 2000). (References to the book are in parentheses in this article.)

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together under a generic category such as “tools” or “household linens.” How they went about compiling an inventory was up to them, and their methods varied from one probate district to another. Court-directed procedures also differed by jurisdiction. Debts owing to, or by, the deceased might not appear until the account of administration, due a year later, or in the final settlement of the estate, and that account or settlement might or might not have been copied into the running record of the court’s business. For Bellesiles to pretend that these lists ever formed an internally consistent body of “scrupulously” recorded data is, to use one of his favorite words, “incredible.”

As for the absence of guns from bequests in wills noted by Bellesiles, this is a true but meaningless observation. Most men’s wills that I have read from early New England and Maryland forbear itemizing any bequests beyond describing specific parcels of land, probably because they had to pay someone by the page to prepare the will for them. Very few wills mention horses or cows, for instance, yet these animals could be quite as valuable as a good gun. No one would claim that the absence of horses and cows from bequests meant the testator did not own them. Why then should the failure to stipulate a gun mean there was no gun to give? Nor was there anything in the law that required inventories to list personal possessions that had been given away by the deceased prior to his last illness so long as his estate covered his debts.

So, all right, he just went ahead and used what he could find, right? Yet that seems not to have been the case, either, for he says “it is a bit difficult to discover complete runs of these inventories and wills (which would record any items given up until that time) for the period prior to the 1760s” (p. 109). Here the author is excusing himself from doing anything like a balanced geographical sampling of earlier probate records on the grounds that he *could not find* sufficient numbers of “complete runs” before the 1760s. Readers are left to infer that he must have found them thereafter (pp. 109–10, 148, 266–67, 386, 445). I am uncertain what he means by “complete runs” but wonder at the idea that the rate of probate coverage *improved* with time since the rates actually declined in New England and Maryland. If by “complete” he means *only* those inventories accompanied by a will, he was by-passing something like two-thirds to three-quarters of all probated estates, and they are not “incomplete”—they simply pertain to the majority who chose *not* to make a will or didn’t get around to making one.

Nowhere in this book does Bellesiles tell us how he actually carried out the herculean task of locating and reading the “complete,” handwritten estate records of some forty counties for the time periods indicated in Table 1, nor does he even tell us how many he used from each

sample county. Did no one—editors or referees—ever ask that he supply this basic information? He says that it took him ten years to do this book, but ten years seem far too short a time for one person to have read all the other sources cited in the voluminous notes in addition to the probate records stored in each of forty courthouses scattered across the United States from Boston to Los Angeles. Perhaps he trained a corps of helpers? Did he or they read the original dockets or were bound volumes of clerks' copies universally available? Nor does he ever say whether he or possible helpers set aside or counted those inventories that could not be fully deciphered or that lumped goods together. Including unusable inventories in the base from which percentages are counted would result, obviously, in an underestimate of the true figure.

Bellesiles's failure to lay out his methods for critical perusal may have resulted from the same naivete that led him to dismiss the existing scholarly literature about the true nature of the records he was using. It seems to be the case that no editor or referee ever acted to set him straight. Are his results credible? Bellesiles bases his case against the presence of a "gun culture" in early white America on the very low percentages of guns in his sample of inventories, fewer than one out of five. Indeed, he found only 7 percent in Maryland with guns (p. 109). My own work in the probate records of six Maryland counties from the years 1650 to 1720, ignored by Bellesiles, shows an average of 76 percent of young fathers owning arms of some sort. Even the poorest of these men had them, although only half did so as compared to the richest, of whom 96 percent were gun owners.² "Arms" was my short-hand code for the presence in the inventory of any weapons or armor, but in practice it usually meant a firearm of some sort rather than a sword, which was quite rare, or a pike, which was rarer still. Even if not all inventories coded for "arms" in this study included a gun, the sheer contrast in scale of its findings with Bellesiles's—76 to 7—boggles the mind.

These Maryland figures are by no means unusual. Other studies of probate inventories also report rates far higher than Bellesiles's, and none falls below half.³ This striking absence of outside support for his

² Gloria L. Main, *Tobacco Colony: Life in Early Maryland, 1650–1720* (Princeton, 1982), 242. Because coverage of the estates of free adult male decedents by Maryland probate courts in this period was nearly universal, problems of biased representation can be dismissed. A discussion of probate records as a source for the study of material life in early Maryland is *ibid.*, App. C, 282–92.

³ See Randolph Roth, "Guns, Gun Culture, and Homicide: The Relationship between Firearms, the Uses of Firearms, and Interpersonal Violence," *infra*, pp. 223–40. Robert H. Churchill counted the guns mentioned in the 1774 sample of inventories compiled in Alice Hanson Jones, *American Colonial Wealth: Documents and Methods*, 2d ed., 3 vols. (New York, 1977), and found that guns were present in 41.6% of all northern inventories and 61.7% of southern inventories. "If one restricts

estimates, combined with his failure to provide elementary information about how he arrived at them, effectively shifts the burden of proof back to him. Meanwhile, his alleged rising curve of ownership in the nineteenth century necessarily vanishes if, in fact, a sizable majority of white adult male colonists owned weapons. To put the matter more precisely, male heads of households living above the poverty level in colonial America were highly likely to own a weapon. In Maryland, they were more likely to own arms than a brass kettle or a chair. This would be astonishing if guns had as little practical value as Bellesiles believes. He argues that they were lousy weapons—clumsy, heavy, unpredictable in aim, and quick to rust. I happen to be reading Bernal Diaz del Castillo's eyewitness account of the conquest of Mexico. In every expedition and battle described by Diaz, he is careful to report the exact number of harquebusiers, cross-bowmen, and horses deployed. On one painfully memorable occasion, Cortez's supply of gunpowder was almost gone, and he and his men had to retire as a consequence.⁴ Crude as were the muskets of that era, Cortez and his faithful soldier Diaz both regarded them as a crucial tactical weapon against the Mexica.

Bellesiles describes guns as so ineffectual that the reader has difficulty understanding why anybody, especially Indians, would have bothered with them. Bellesiles responds that Indians, unlike whites, regarded guns mainly as status items to shore up their warrior image, yet the role of guns in, say, King Philip's War appears to have been rather more substantial than symbolic. As Bellesiles himself points out, it was the short-

Jones's sample to male estates that are sufficiently detailed to determine the presence of a gun, the numbers rise to 48.9 percent in the North and 68.1 percent in the South"; Churchill, "Guns and the Politics of History," *Reviews in American History*, 29 (Sept. 2001), 334. Churchill also reports the counts of guns in the inventories of Providence, R. I., dating from 1680–1740 made by James Lindgren and Justin Lee Heather, who found 63% of all male inventories that listed personal property, in their "Counting Guns in Early America," *William and Mary Law Review* (forthcoming, 2002). This is a significantly higher proportion than Bellesiles reported for those same records, 90 out of 186 (48%), but he may have used every probated decedent in his denominator. See also the very interesting analysis of 221 inventories from Virginia's Southside made by Anna L. Hawley, "The Meaning of Absence: Household Inventories in Surry County, Virginia, 1690–1715," in Peter Benes and Jane Benes, eds., *Early American Probate Inventories* (Boston, 1989), 23, cited by Lindgren and Heather, which she opens with the question "What does it mean when something is missing from the appraisers' list?" Because Hawley found only 1/3 of the poorest 30% of estate inventories mention guns whereas 2/3 of the middle 60% and 3/4 of the richest decile have them, she seeks to explain why so few of the poorest inventories failed to list guns. She speculates that county appraisers "may have selectively omitted the guns of poor men . . . so that their heirs could meet their civic responsibility" to provide themselves with "arms, powder, and shot" (p. 27).

⁴ Diaz del Castillo, *The Discovery and Conquest of Mexico, 1517–1521*, intro. Hugh Thomas (New York, 1996).

age of gunpowder that led to the military collapse of the Wampanoag alliance. His view of Indians as irrational consumers contrasts sharply with the discriminating buyers discovered by Ann M. Carlos and Frank D. Lewis in the eighteenth-century records of the Hudson's Bay Company.⁵

Something is amiss here, and it isn't just Bellesiles's caricature of Native American males as human peacocks. Despite his debunking of hunting with guns as an inefficient use of grown men's time, it is hard to imagine why rural white families would not keep shotguns and fowling pieces for hunting small game, if only to employ the energies of young boys. And in the slave-holding South, the implicit threat of slave violence may have served as an additional spur to making suitable provision for the defense of oneself and one's family.⁶ Judging by the inventory studies cited above, the demand for guns was stable and high throughout the colonial period, particularly in the South.

Colonial demand for guns was not met by local craftsmen, as Bellesiles has fulsomely documented. Guns had to be imported from overseas into the colonies and their successor states despite the transportation costs and occasional disruptions of transoceanic trade due to wars. But consumers in America, native and newcomer alike, clearly wanted their guns, powder, and ammunition as much as they wanted any other imported article. They did not have to wait for domestic mass production to supply their demand, nor was aggressive advertizing necessary to create that demand. However one may choose to define the term "gun culture," inventories of men's estates show that its symptoms appeared early in British North America, and it did not give ground even as ordinary men living in the rural countryside began extending their purchases of imported goods in the middle decades of the eighteenth century to include household amenities.⁷ No "Market Revolution" was necessary

⁵ Arthur J. Ray, "Indians as Consumers in the Eighteenth Century," in Carol M. Judd and Ray, eds., *Old Trails and New Directions: Papers of the Third North American Fur Trade Conference* (Toronto, 1980), 255–71. For another discussion of native demand for higher quality using a somewhat different argument, see Carlos and Lewis, "Agents of Their Own Desires: Indian Consumers and the Hudson's Bay Company, 1700–1770," in *Discussion Papers in Economics* (Boulder, Colo., 2001). See also their "Trade, Consumption, and the Native Economy: Lessons from York Factory, Hudson Bay," *Journal of Economic History* (forthcoming).

⁶ See, for instance, Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry* (Chapel Hill, 1998), 330, 386–87.

⁷ Lois Green Carr and Lorena S. Walsh, "The Standard of Living in the Colonial Chesapeake," *William and Mary Quarterly*, 3d Ser., 45 (1988), 135–59; Gloria L. Main, "The Standard of Living in Southern New England, 1640–1773," *ibid.*, 124–34; Carole Shammas, *The Pre-Industrial Consumer in England and America* (London, 1988), and "Changes in English and Anglo-American Consumption from 1550 to 1800," in John Brewer and Roy Porter, eds., *Consumption and the World of*

to persuade Americans to buy such things. If historians want to pin our “gun culture” on capitalism, then capitalism itself came early to our shores. And if, as Carl Degler once wrote, “capitalism came in the first ships,” then with such passengers as Captain John Smith in Virginia and Captain Myles Standish in Plymouth, it came fully armed for the conflicts it stirred in the New World.⁸

Goods (London, 1993), 177–205. Please see the figures showing increasing ownership of consumer items like table forks and teaware among rural households of middling estates in 18th-century New England in Main, *Peoples of a Spacious Land: Families and Cultures in Colonial New England* (Cambridge, Mass., 2001), 223.

⁸ Degler, *Out of Our Past: The Forces That Shaped Modern America* (New York, 1959), 1.