

Securing inheritance: Probate proceedings in the Nordic countries, 1600–1800

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The mechanism of inheritance can be quite simple. On the death of a woman or man who own property, their legal heirs—as defined in law or custom—inherit and divide the property among themselves. The process of inheritance is easy when the surviving spouse and common children were the only heirs and there was not much property. Often, however, there are complications, such as children from an earlier marriage, illegitimate children, or no children at all. If the deceased was never married, parents, siblings or distant relatives can be appointed the legal heirs. The deceased's property also requires attention. It has to be identified, evaluated, and assessed, otherwise the heirs could be misled or might later disagree. Whatever the children might have received earlier on their marriage or as gifts have to be considered, as do debts owed by the deceased. There might be unsettled inheritance from earlier marriages and often there is a contract of marriage or even a will favouring one heir, sometimes to the exclusion of the others. The division of inheritance as an event—in other words, the probate proceedings—consists in the definition and allocation of fair shares, and not just the amount but also the quality of, say, landed property. If there are minors among the heirs, whether young children or, in the past, unmarried women, it has to be decided who will be their guardian, and also whether a widow or widower can keep the estate undivided until any subsequent remarriage. All of this implies a series of decisions that will have consequences for decades to come. How are they to be remembered, documented, and preserved for later use, in case of doubts or disputes?

Legislators have tackled all of these questions from time immemorial, defining everything from the order of heirs by gender, age, and relationship to the partition of the property between those heirs. This article concentrates on the latter aspect, and I propose to describe and analyse the development of probate proceedings in the Nordic countries in the seventeenth and eighteenth centuries. The Danish and Norwegian law codes of 1683–1687 stipulated that an inventory of property

should be prepared only when the heirs were minors, absent, or not the direct descendants of the deceased; otherwise, they could divide the inheritance among themselves. The Swedish Law Code of 1734, on the other hand, allowed for no exceptions to the making of inventories, which were to be kept at local courts, whereas there was no requirement for an officially attested, permanent record of a formal deed of partition. I hope to explain these differences by showing how medieval rules, based on oral attestation, were superseded by written measures which were introduced in the sixteenth century because of administrative needs that led to the codification of current practices in the course of revising legislation in each of the two realms. These legal rules are essential for understanding this important group of sources, as they conditioned their creation and preservation until late in the nineteenth century. Little research has been done on the contents and quality of probate records in the Nordic countries, and those issues require detailed local as well as comparative studies that are way beyond the scope of this study. Instead, in the second part of the article, I venture an assessment of the number of probate records extant in Nordic archives, available for use by historians and other scholars. To my knowledge, such an overview has not been attempted before.

Medieval legislation

Medieval Nordic laws contain detailed provisions on inheritance, mostly about who were the legal heirs. Little was said about how the property of the deceased was to be assessed, but there were provisions for how it should be divided and how later disagreements were to be resolved. For instance, the Law of Jutland from 1241 required that heirs who accepted their inheritance should pay all debts, and claims should be made within a month (part I, articles 23, 26). When sons reached majority at the age of 15, they had the right to receive their inheritance from their deceased mother, but not from their father. Unmarried daughters were under the guardianship of their father or other close male relatives, but at 18 they had the right to marry (I, 7). A guardian took care of the property of fatherless children, even if they remained with their mother or if she married again (I, 29). Whatever the children received at their own marriage was to be subtracted from their inheritance (I, 15). In case of disagreement, twelve relatives were to be called on to bear witness on the division. No written documents are mentioned (I, 16), neither the registration of property nor a letter of partition.¹ In Norway and Iceland, the law codes of 1274 and 1281 set down that property should be appraised by six men and kept at the deceased's home until the heirs or their

representatives arrived, who then were to summon the creditors to come on the seventh day ‘and let each have his debt paid to which witnesses attest’. If there was not enough property, all debts were to be reduced proportionally. The heirs were obliged to be present at the division of the inherited assets, but were to receive the part allotted to them even if they were not present, and any disagreements were to be brought to court. In the case of minors, the closest male heir was to be the guardian and guarantee that they would receive their inheritance in due time, taking into consideration what had already been spent on their maintenance.²

The Swedish Law of the Land of c.1350 stipulated that when brothers and sisters wanted to divide their inheritance according to law, two relatives should be present (*Ærfþabalken* 11). In the case of disagreement, twelve close relatives were to confirm the result or make corrections, but not divide the property again (12). Debts were to be paid before the division of the property took place but the heirs were not held responsible for them if there was not enough money (20). A widow took care of her children’s inheritance (*barnagoz*) with the advice of her closest relatives, as long as she stayed unmarried (*Giftobalken* 15). If she remarried, her late husband’s inheritance was to be divided and the children were to receive two-thirds of it (16); the same applied if a widower remarried, although he was to get two-thirds and the children one-third (17). If both father and mother died, the closest relatives took care of the children’s inheritance (21).³ The Town Law of 1354 had more detailed provisions about the partition. Six relatives were to be present, along with the mayor and other officials, in the town hall. The results were to be set down in an official letter and sealed so that nobody could dispute the division. In case of disagreement, two members of the council were to reconsider the inheritance lots, with the same six relatives, and another letter was to be drawn up (*Ærfþabalken* 10). A widow retained her *morgongáfa* (morning gift) and some other items, but only if there was no child. Otherwise she only got these other items and the rest was divided between her and the children. A widower, on the other hand, got half of all the property plus his children’s half, or the other heirs’ if there was no child (*Giftobalken* 9). If a widow remarried the estate was to be divided equally between her and the children (12).⁴

Across the Nordic countries during the Middle Ages inheritances were indeed divided up, and letters containing lists of assets and their detailed division were drawn up. However, the burden of proof was oral and in case of disputes those who had been present at the partition were called upon. Only the Swedish Town Law explicitly referred to written documentation, but it can be assumed that in the fourteenth and fifteenth centuries such letters were being increasingly produced in other regions too and kept by the families involved for future use. In

Norway, to take an example, only a dozen of these documents have been preserved from the period 1305–1487, including an inheritance settlement after the death of Mildrid, wife of Arnfinn Eilivsson, in 1325, with a list of clothes and jewellery, and another concluded in 1365 concerning the property of Ingeborg Símonsdóttir and a certain Viljalm.⁵ In Iceland, a handful of documents pertaining to some wealthy families survive, such as the division of farms belonging to the royal governor Björn Þorleifsson on 23 October 1467, the will of judge Páll Vigfússon of 1540, and a list of bishop Gissur Einarsson's movables made on 26 March 1548.⁶

Denmark and Norway

Danish towns were pioneers in producing and preserving probate proceedings. The purpose of such records was to protect the inheritance of young children, although creditors' interests were often an additional factor. In Malmø (now Swedish Malmö), the first letter of partition was copied into the council records (*rådstueprotokol*) in 1537, and from the 1546 onwards the city maintained a special series of probate documents. A good example is the division of Oluf Sværdfjejer and his wife Mette's property in Malmø on 23 March 1546. Their property was listed in great detail and the value assessed by seven men and four women in the presence of nine officials: beddings and beds, kitchen utensils and clothes, coming to more than 150 items. The belongings were then divided equally between four sons, one daughter and a deceased daughter's daughter. More commonly, though, only the letter of partition is preserved, not the inventory, as in the case of Niels Bager's inheritance, also in 1546, in which five of his children from two marriages were given their shares.⁷ In Helsingør from 1571 onwards, these documents are less ordered in the sense that the registration and division of property and payment of debts are intermingled, although the emphasis is on any children's interest. This is exemplified in the division of Anders Møller's late wife's belongings on 5 December 1581. She had three children from an earlier marriage and first their inheritance from the father was defined, then what they inherited from her, and at the end everything was distributed.⁸ Other towns also began keeping documentation of this kind: Randers began in 1536, Kalundborg in 1541, Odense in 1556, Ribe in 1562, Vordingborg in 1574, Køge in 1596, Nakskov in 1598 and Ysted (now Swedish Ystad) in 1611.⁹ In Norway, a unique booklet is preserved from the parish of Strandvik, close to Bergen, which gives the apportioning of inheritance to minors from the years 1599–1602, the old-

est of its kind.¹⁰ There must have been many more of those, but they have not survived.

The Norwegian Law Code published by King Christian IV in 1604 introduced fundamental changes to the order of heirs, which consisted of an adaptation of the Law of Jutland, although the paragraph on proceedings was a translation of the national Law Code of 1274.¹¹ In Denmark, the first steps towards the legal formalisation of probate proceedings were taken on 6 September 1604, when Christian IV published an open letter based on discussions held by the Council of the Realm. He had heard that when noblemen, merchants, and others died, leaving children of their own, their widows were able to assume the responsibility for the property before any a decision was made about the division of the inheritance. As there was neither registration nor assessment of the inherited assets, a fair division between the widow and their children was not possible. In order to avoid this situation, the king declared, a widow was not to be allowed to manage any of her late husband's property until at least two of the children's closest relatives had assisted her in dividing the property and recording the division; she was free to take over her children's property thereafter. This resolution was included in the General Law of 1615 and was valid for all widows.¹² It seems that when the mother died, the father was thought to automatically qualify to take over the property on behalf of his young children and no inventory was needed.

These decrees did not mention any official involvement or documentation. However, on 16 January 1605, Christian IV prohibited the division of inheritance in Helsingør without the presence of town officials, who had complained that people did this privately and even took their shares abroad.¹³ Moreover, in a detailed decree about town administration of 7 April 1619, it was decided that two 'distinguished citizens' were to oversee all guardians of all minors, whether young, insane, or otherwise legally disabled. If these men resigned, they were to hand over a list of people under their guardianship.¹⁴ On 1 July 1623 a decree on the debts of the nobility ruled that when a nobleman died, his property had to be registered and assessed within a fortnight by close relatives or, in their absence, by the royal sheriff (*foged*). Creditors, it seems, were to be paid before anyone else.¹⁵ Towns and the nobility were thus covered, and evidently the countryside followed suit, although no specific regulations were published. For example, it is clear from the authorization written by the royal official (*lensmanden*) in the first probate record for the district of Copenhagen from 1630–1637 that the sheriff and a scribe were supposed to be present at all inheritance divisions.¹⁶ This soon became the standard practice in Danish towns, and according to the contemporary legal scholar Christen Osterssøn Weylle it gradually became common everywhere, for

the protection of poor widows and fatherless, young children. Deeds of partition, he explained, were necessary so that guardians, creditors, and others could obtain the relevant information; it was also useful, although not a legal requirement, that officials kept a probate register (*skiftebog*).¹⁷

The decrees of 1604 and 1623 became part of the General Law in 27 February 1643 and also applied in Norway.¹⁸ In fact, on 2 January 1629, the Diet (*berredag*) had answered a request from Norwegian court officials (*sorenskrivere*) by resolving that no widower or widow could marry again unless the inheritance had been divided, and in the presence of such a court official if a child was involved. In 1654 the king asked for rules to be drawn up for the division of inheritance in Norway, in order to avoid irregularities. The oldest surviving probate records were begun in Aker and Namdal in 1656, followed by Toten in 1657, Gudbrandsdal in 1658, Hadeland in 1659, Hedemark in 1662, Bamble in 1665, and a year later in Larvik, Skien, Lister, Ryfylke, Jæren, and Indre Sogn.¹⁹

On 20 April 1664, after three years of discussions, the proposed new Danish Law Code was ready. It contain detailed provisions about inheritance, and more on the division of inheritance than any earlier legislation. Immediately after the burial, and if the deceased had no children or the heirs were their own siblings or other relations, the estate was to be sealed, except for what was needed for the household. Everything was to be registered.²⁰ If the couple had children, the widow or widower did not have to seal the estate. Just as in 1604, a widow could not manage any property that her children would receive until the division had taken place. In case of dispute, any heir could go to court. If all the heirs were of age (*myndige*), however, they could divide the inheritance among themselves, otherwise the division was to be done by twelve of the deceased's relatives. If the adult heirs and the guardians of any minors agreed, only four or even two relatives could be called upon to divide the property as equally as they could and have the outcome registered. The presence of officials was optional, but if minors were involved a copy of the letter of partition should be sent to local authorities.²¹

The Law Code was issued in 1683, with only minor changes that had been proposed in 1669–1672 by the legal scholar Rasmus Vinding. The first paragraph on probate proceedings was inspired by the decree on the debts of the nobility of 1623, making it apply to all of the king's subjects. The greatest novelty was the definition of three types of heirs for whom a public division and registration of property was made obligatory: minors (*umyndige*), absentees (*fraværende, udlandiske*), and no direct descendants (*arvinger*). In those cases, property had to be registered and assessed within thirty days, including the debts.²² When the outstanding debts had been paid the inheritance could be divided, with the detailed

registration (*klare lodsedler*) of what each of the heirs had received. This was to be documented in a letter of partition in which all relevant information should be included, signed and sealed by the heirs, their relatives, or guardians, while the authorities were to guarantee that everything went according to law. Whoever had the right to make such divisions of property would be obliged to keep a register containing the deeds of partition (*skiftebreve*).²³

The guiding principle in 1664 had been that if all the heirs had come of age they would be allowed to divide the inheritance between themselves, without official interference. This was not included in Vinding's proposals, but the idea reappeared in the margin of a draft proposal in 1675 and found its way into a draft of the chapter on inheritance that resulted from the discussions held from 20 July 1680 to 10 February 1681.²⁴ The Danish Legal Code was ready at the end of 1681 and the king allowed its publication on 3 January 1682. In Norway, a commission had been appointed in the summer of 1680 with the task of writing a new law code on the basis of what had already been done in Denmark. A draft was ready on 30 December 1682 and the project was finalized in 1687.²⁵ The paragraphs on the division of inheritance are the same in the Danish Law Code of 1683 and the Norwegian Law Code of 1687. Only when the heirs were minors, absent, or not the direct descendants of the deceased was an inventory to be made (bk. 5 ch. 2 art. 1). If the heirs were of age and present, officials should only interfere if they were asked to do so (bk. 5 ch. 2 art. 16). The general rule was that male heirs reached majority at the age of 18, but until 25 a guardian or someone appointed by the authorities should take care of their property (bk. 3 ch. 2 art. 34). A father could not withhold from his sons their inheritance from their mother after they had turned 18, whereas 'a daughter shall not be free from the tutelage of her father, until he gives her up to another lawful guardian, or gives her in marriage' (bk. 3 ch. 2 art. 38). An inventory had to be made within thirty days in the presence of the heirs, guardians, and relatives, and all the belongings were to be assessed by someone who had no vested interest (bk. 5 ch. 2 art. 3). Details followed on what to do if the heirs did not comply with these rules or needed more time, on payment of debts, on the right of a surviving spouse or other heirs to keep the property undivided for some time, and on items of property that could be sold or given away. When the debts had been paid the inheritance could be divided 'so that what and how much, belongs to every one be clearly marked down, and that the whole state of the partition, the inventory, valuation, debts, active and passive, the residue of the inheritance, and portions assigned to each, be fairly drawn up'. The heirs, their relatives and guardians, and the officials were then to sign and seal the deed of partition (bk. 5 ch. 2 art. 15). Last but not least,

officials were to keep track of these documents, with the governor (*amtmand*) or the landowner (*busbonden*) in rural areas, the mayor and council in towns, and the provost and two priests for clergy instructed that 'Every administrator of a partition shall have a register, in which shall be entered every deed of partition executed under them' (5 ch. 2 art. 90).²⁶

Danish and Norwegian legislation thus stipulated that an inventory of property should only be made when the heirs were minors, absent, or not directly descended from the deceased, and that in all other cases they could agree on the partition of the inheritance among themselves, without official interference. When required, the inventory became the basis for a letter of partition, where all necessary information had to be included. A copy had to be kept by the relevant authorities in an official register. These rules were immediately applied in the Faroe Islands, but only from 1769 onwards in Iceland. No changes were made to probate administration as such during the eighteenth century, although a decree for Norway of 21 April 1731 contained detailed requirements for probate registers and ordered officials responsible for the partition of inheritance to provide annual abstracts of all such records, with a list of guardians of minors. Similar instructions for Denmark were issued on 9 April 1783, and on 12 September 1792 a royal decree established a 4 per cent tax on legacies received by others than direct descendants if the value of the estate was more than 100 rigsdaler. A week later the king indicated that this also applied to Iceland and the Faroes.²⁷

Sweden and Finland

King Carl IX of Sweden proposed a new inheritance law in the autumn of 1603, but in fact it was only a translation of the rules on probate proceedings from the medieval Law of the Land.²⁸ These laws were by then considered to be insufficient and the Old Swedish in which they were written was understood by only a handful of legal specialists, hence the solution to issue printed translations in modern Swedish, the Law of the Land in 1608 and the Town Law ten years later. The oldest extant series of probate records in Sweden are from the City Court (*rådhusrätt*) in Stockholm, beginning in 1598. Only a few dozen records survive from subsequent decades, consisting mostly of schedules of each estate's assets and debts (*bouppteckningar*), but also a few deeds of partition.²⁹ Other towns, and later regions, began keeping these records: Enköping in 1600, Linköping in 1622, Västerås in 1630, Uppsala in 1632, Örebro in 1635, Torshälla in 1639, Norra Gotland in 1644, Vadstena in 1650, Arboga and Köping in 1652, Uleåborg in

1653, Gävle in 1655, Raumo in 1656, Visby in 1657, Torneå in 1666, and Helsinki in 1679.³⁰

A commission was appointed on 3 November 1642 to draft a new Swedish law code, and its proposal was ready on 17 March the following year. It suggested that when property belonging to young children (*'barnagodz'*) was involved, 'decent men' should make a detailed inventory—to be registered at the local court when it next assembled—in order to ensure it was properly taken care of and the relevant information was available if needed, thus avoiding disputes.³¹ On 9 March 1666, the Swedish Council of the Realm asked Johan Olofsson Stiernhöök to translate and revise the old laws. He finished the part about inheritance two years later, proposing its overhaul to reflect current practice and explaining most of his proposals in detail. An inventory of the deceased's property should always be made, so that creditors would get their due and in order to avoid litigation. Although this was not stated in the then legislation it was so in practice, he claimed. The inventory should cover everything that the deceased had owned, movable and fixed assets, as well as debts, with no exceptions. Even if there was only a single heir, this was safer, he explained, since only after knowing what property there was, and the number of debts, could the heir be certain whether to accept the inheritance. Stiernhöök's paragraphs on the division of inheritance, on the other hand, were lifted straight from the Law of the Land and he does not mention any documentation. The division was to be done as soon as possible, either by a friendly agreement, signed by everyone present, or with a formal definition and description of the lots. He preferred the latter solution, in case of later disputes.³²

A new law commission was appointed by royal order on 6 December 1686, led by Erik Lindschiöld. Its published minutes show that inheritance was discussed on 24 July 1688, when opinion was divided on the issue of documentation. Lindschiöld proposed that inventories should always be made, whereas Erik Lovisin thought that this would not be necessary if all the heirs agreed, especially if no minor was involved. Lindschiöld replied that debt disputes were commonest in cases where no inventory had been made.³³ On 20 March 1690, the commissioners discussed when such an inventory should be made, and the relevant clause of the new Danish Code of Law was read out loud, where the time limit was one month. Lindschiöld proposed a general rule of six weeks. The next day it was decided that several copies of any inventory were needed, one of them to be kept in the local archive (*'bäradzkijstan'*) and a note made of it in the register, where it should be mentioned whether children's interests were at stake. On 29 August 1690, Lovisin insisted yet again that inventories were only necessary if there were minor children among the heirs.³⁴

The subsequent proposal required that the surviving spouse, or the children, their guardians, or the closest heirs, should prepare an inventory of all property, including debts, and whatever the heirs had previously received. In the countryside, the governor (*'bäradzhöfdingen'*) or his representative should do this, although no official presence was necessary if it were a poor farmer's estate; in towns, the mayor and council were to appoint two or more men to do this. The limit was put at six weeks, and at the next assembly the heir should have the inventory registered and deliver a copy to the court for safekeeping. As for the division of property, it was to be done by the heirs in the presence of a judge or at least two 'decent men'. Detailed rules were given for the division, including how to account for earlier gifts, but there was no mention of partition deeds being registered or placed in the custody of the court. It was thought sufficient to avoid future disagreements for the inventory to be lodged with the court. Claims of an unjust division were to be presented to a judge within three months.³⁵

On 18 November 1690, the king asked the Svea Court of Appeal (the highest court in Sweden) for its opinion on these proposals. Concerning the idea that courts should hold the inventories, only a single judge agreed with the proposal as it was, while the others thought that in some cases it could be damaging, especially to merchants' families, whose financial state would be open to general scrutiny. These judges thought it sufficient to register the inventory with the local assembly, and that it was not necessary to preserve it. Yet others argued that in case of dispute, a sealed copy, not open to everyone, could be kept in the local court. This could be important if the heirs were absent or minors and so unable to protect their interests; a copy could be kept by those who made the inventory, another by the heirs, and a third, sealed copy, be lodged with the court.³⁶ This discussion was taken into consideration in the proposal drawn up by the commission in 1691, which suggested that inventories be sealed before being sent to court and kept in this way. There were no provisions for deeds of partition.³⁷

A royal decree of 20 January 1693 on the jurisdiction of the Stockholm Court of Guardianship (*förmyndarecammar*) contained a preliminary decision that inventories had to be completed within three months. This would remain in force until the Law Code then in preparation was complete.³⁸ At a meeting of the Law Commission on 28 February 1699, a letter from the City Court of Stockholm (*'stadz magistraten'*) to the king, referring to this decree, was read that raised the issue of whether there should be probate inventories for all estates in the city, even when all the heirs were of age. The earlier disagreement about inventories reappeared, as some commissioners insisted that they were necessary for the protection of minors, while others claimed that this also applied to others. After reading the draft

of the inheritance law and reconsidering all previous discussions, the commission concluded that the obligation to make an inventory should apply to everyone, even when the heirs were of age. A letter to the king was tabled on 14 March and eight days later he approved this decision.³⁹

The Great Nordic War of 1699–1720 interfered with the revision of the law: the next draft was not ready until 1713 and contained slight changes in wording for the sake of clarity. Inventories could be sent under seal to the court and held there, sealed. Proposed revisions made in 1717, 1722, and 1723 had only insignificant changes, and in 1726 the paragraphs on inheritance were just as they would appear in the Law Code itself, authorised and published in 1734.⁴⁰ There were to be no exceptions to the making of inventories—and presumably this applied to adults only, not children, although no age limit is mentioned. If there was a surviving spouse, he or she should have all the property, which was to be meticulously registered in the presence of any other heirs or their guardians. If there was no spouse, any other heirs or those who had taken over the property could do this (Ärfdabalken 9–1). In rural areas, some ‘good and decent men’ were to be present and had to countersign the inventory. In towns, the mayor and council would appoint two or more men, whereas the heirs of priests could call on whomever they wanted. The inventory had to be complete within three months of the death, and any exceptions to this had to be granted by a judge. A copy of the inventory was to be sent to a judge within a month or to a local court before the next assembly, either open or sealed. If any of the heirs were minors or lived abroad, it should be stated how much of the inheritance belonged to them (9–4).⁴¹

The commissioners had long been aware that absent heirs and minors needed more protection than others. Nevertheless, they did not find it necessary for the deeds of partition to also be held by the court (Ärfdabalken 12–1). The division should be arranged in the presence of reliable and trustworthy men, just like the inventories (12–2), and the inheritance divided into fair shares according to law. This was obligatory if the heirs were minors, otherwise the inheritance could be divided without a detailed description of who got what (12–4). Minors, according to the law, were males who had not reached the age of 21 and all unmarried women; a widow was mistress of her own affairs and property (19–3). After a series of provisions about the division of land and parents’ past gifts to their children or spending on their education or marriage, there is a remarkably brief sentence on the formalisation of these proceedings. The partition was to be signed by the heirs or their guardians, as well as the ‘good men’ present, but that was it (12–11). Nothing was said about the official safekeeping of these documents. Swedish law had thus decided that when someone died an inventory of all their

belongings should always be drawn up. It was to be lodged with the local court, whereas the division of property was a private document to kept by the heirs.

Surviving records

The independent development of probate administrative practices in the two realms thus saw the design of divergent rules. As the new laws came into force, the difference between the two texts was to have important consequences for the production and preservation of documents. In Sweden and Finland, one would expect an overwhelming number of inventories of all kinds of people's belongings, but few deeds of partition of inheritance. In Denmark and Norway, on the other hand one would expect a great number of probate registers containing the partition of inheritance as such, with details of the portions allotted to each of the heirs and even the inventories, depending on how meticulous the scribes and other officials were. The probate population should be more limited and the age distribution different, as there were important exemptions to the making of inventories. In that context the historian might perhaps find it fortunate that women were considered minors until they married. This is an issue that needs to be studied on a local level by going through hundreds or thousands of bundles of documents and registers.

If one takes the law texts of 1683/1687 and 1734 literally, one would thus expect that Swedish and Finnish probate records mainly consisted of inventories of the belongings of all deceased adults, but not the partition of property. This would make the study of inheritance as such rather difficult. The Danish, Norwegian, Faroese, and Icelandic documents, on the other hand, would mostly be probate registers, hopefully containing all the relevant documents—the inventory as well as the division of property. The probate population will have been more restricted, as inheritors who were of age were allowed, if they so wished, to divide the inheritance in private. As to the survival of these documents, there is reason to be optimistic, although there will be great variety according to location and

TABLE 1 *Probate records for some regions of Sweden and an estimate for the whole country, 1651–1800.*

Date	Norrbottnen	Västernorrland	Jämtland	Gävleborg	Uppsala	Västmanland	
1651–1700	50	0	6	117	230	727	
1701–1750	553	197	109	1,673	1,359	2,520	
1751–1800	5,339	4,180	6,784	18,128	14,589	14,895	
Total	5,942	4,377	6,899	19,918	16,178	18,142	

decade. Current national borders determine the nature of any such investigation, of course, because that is how archives are ordered and kept. In Finland, it indeed appears that in the late 1750s officials increasingly preserved partition deeds with the inventories.⁴² A quick look at Swedish documents indicates that this was also the case in most regions—for instance, on the island of Gotland only the inventories were kept, although not without exceptions. In Norway, it seems that most early probate registers also included the inventories; this is true of Oppdal in Orkdal, close to Trondheim, in the period 1689–1744, for example.⁴³ Otherwise, at least the partition deeds are included in the Norwegian registers, with details on what each of the heirs and debtors received. This means that the inventory can be reconstructed, at least in part. In some cases, the inventories are preserved in their original form too.⁴⁴ In Denmark, most probate registers include inventories, for instance the probate register of 1762–1797 from the Christianssæde estate in Maribo. A majority of Faroese registers contain inventories, albeit not very detailed.⁴⁵ In Iceland, by my own count, of the surviving records for 1,958 individuals (see Table 5) only the partition is preserved in 223 cases and a partition with details of the division of property in 173 cases; in 1,072 cases an inventory is also preserved, and in 490 cases the inventory alone. We thus have a total of 1,468 partitions and information on the belongings of 1,735 individuals.

The issue of how representative the surviving records are is even harder to assess. Do we have information on all social groups? As a first indication, the percentage of women in the records from Gotland is as low as 30 per cent in the eighteenth century, 35 per cent in Iceland, 36 per cent in the Faroes and the Baltic island of Bornholm, and 38 per cent in Finnmark and Troms. This means that many more women than men were not accounted for, so to speak, when they died (see the discussion of Tables 1, 3 and 5 below). Tiina Hemminki has shown that in 1803–1815, probate inventories were made in only a small proportion of cases, children included, specifically 14 per cent in the parish of Nordmaling in northern Sweden (215 inventories) and 12 per cent in the parish of Ilmola in Finland (536 inventories), or some 40 per cent of all adults who died in that period. No inventories of very poor people are to be found, whereas inventories were

Södermanland	Gotland	Östergötland	Jönköping	Total	%	Sweden (est.)
99	153	27	6	1,415	1	4245
930	1,291	1,332	941	10,905	8	32,715
11,761	6,726	24,155	12,169	118,726	91	356,178
12,790	8,170	25,514	13,116	131,046	100	393,138

made for as many as 70 per cent of wealthy farmers and their wives.⁴⁶ In a study of the town of Mandal in the eighteenth century, Finn-Einar Eliassen found that probate records were drawn up for almost one out of every three adults who died and to a greater extent for rich people, such as merchants, than others.⁴⁷ Similar results appear in a study of 473 probate records from the years 1794–1802 in Nordland in Norway, and Alan Hutchinson pessimistically concludes that there was a great discrepancy between the probate population and the inhabitants in general, as the documentation is so much better for the well-off than any other group. The probate records therefore do not provide a representative picture of material conditions and income in the area.⁴⁸ My conclusions for Iceland, however, are that although there are more records available for farmers who were above average in terms of the size of their farms and quantity of cattle, poorer people are present in sufficient numbers that these sources, if carefully interpreted, can be taken to be representative of society as a whole.⁴⁹

As a step towards understanding these issues—and in the hope of encouraging further research—I have ventured a tentative statistical survey of extant probate records in Nordic archives in the seventeenth and eighteenth centuries, thus providing a preliminary answer to a couple of simple questions: how many probate records are there, and what is their chronological and geographical distribution? Indeed, Camilla Luise Dahl and Piia Lempiäinen have asserted that the number of ‘preserved probates per inhabitant is low in Scandinavia as compared to elsewhere in Europe’. Unfortunately they provide no numbers and cite no studies.⁵⁰ To my knowledge, such calculations have not been attempted. However, reliable numbers are available from some regions that can be used to calculate probable numbers from other regions.

Sweden has the most extensive available information, as the National Archives in Stockholm have produced a database of inventories for approximately one-third of the country, and this is complete for the regions of Norrbotten, Västernorrland, Jämtland, Gävleborg, Uppsala, Västmanland, Södermanland, Östergötland, and Jönköping.⁵¹ The numbers for Gotland are based on lists provided by the Regional State Archives in Visby, after duplicates have been removed (Table 1).⁵²

The number of inventories before 1700 was negligible—only 1,415 from the ten regions. As might be expected, the law of 1734 made a huge difference, although the production (or perhaps rather the retention) of inventories did not really take off until the 1760s. The database shows a total of 131,046 inventories for these regions, with a population of 791,257 (of a national population of 2,412,772) in 1805, or 33 per cent.⁵³ This means that one could expect there to have been a total of 393,138 inventories for the country as a whole for the

period 1651–1800. Another method is to calculate the ratio of inventories to population in these regions—which being 131,046 to 791,257 gives a ratio of 0.17, or an estimated total of 410,171 inventories nationally. While inexact, such estimates do give a broad indication of what to expect, and it seems reasonable to claim that there should be some 400,000 extant probate inventories for the period up to 1800.

Finland has no accessible database of probate records, but detailed lists from four towns have been published and offer some help in understanding how much of the public records is preserved.⁵⁴ Henrik Grönroos and Ann-Charlotte Nyman provide lists of inventories that cover registers from these towns and thirteen smaller ones (the latter being clumped together, see Table 2).⁵⁵ The Provincial Archives of Åland have a database of 24,034 inventories from the period 1706–1915, but it is only searchable on name and place, not year, and is therefore useless in this context.⁵⁶ The drawback is that these are figures for such a small part of Finland that there is little to be gained by extrapolating from them for the country as a whole, as can be done for Sweden. However, it can be noted that the population of Finland in 1800 was 833,000,⁵⁷ and if we use the Swedish ratio of 0.17 we get an estimate of 141,610 probate records for Finland as a whole.

The Digital Archives of the National Archives of Norway have databases of probate records from a few regions, but their searchability is limited to say the least, as they are designed for genealogists looking for individuals and farms, not historians after data on multiple parishes and specific time periods. The best databases, such as those for Drammen and Kongsberg in Buskerud, distinguish between ‘acts’ and ‘persons’, showing, in the case of Drammen 2,094 acts and 12,009 persons in the probate records from 1679–1819. In other cases, images of card catalogues (*skifte-kort*) are available that can be used in order to assess the total number of probate records in the period up to 1800.⁵⁸ By these means, a fairly reliable estimate can be made for the regions of Buskerud, Telemark, and Vestfold in the southern part of the country. The numbers for the two northernmost regions, Finnmark and Troms,

TABLE 2 *Probate records for some towns of Finland and an estimate for the whole country, 1651–1800.*

Date	Oulu (Uleå- borg)	Porvoo (Borgå- stad)	Kokkola (Gamla- karleby)	Helsinki	Taken from Grönroos and Nyman	Total	%	Finland est.
1651–1700	102	0	1	17	13	133	3	4,248
1701–1750	315	7	166	138	81	707	13	18,409
1751–1800	997	416	692	890	1,543	4,538	84	118,953
Total	1,439	423	860	1,052	1,642	5,416	100	141,610

TABLE 3 Probate records for some regions of Norway relative to the population, 1801.

Region	Pop. in 1801	No. of records	Ratio
Buskerud	63,658	10,658	0.17
Vestfold	39,947	5,355	0.13
Telemark	47,447	6,688	0.14
Troms	19,288	3,893	0.20
Finnmark	7,707	3,588	0.47
Summa	178,047	30,192	0.17

TABLE 4 Probate records for some regions of Norway and an estimate for the whole country, 1651–1800.

Date	Troms	Finnmark	Sunnmøre	Total	%	Norway (est.)
1651–1700	63	216	405	684	4	6,008
1701–1750	520	1,101	2,877	4,498	23	34,544
1751–1800	3,315	2,271	8,581	14,167	73	109,641
Total	3,898	3,588	11,863	19,349	100	150,193

were calculated from lists provided by Professor Lars Ivar Hansen of the University in Tromsø, whereas the numbers for Sunnmøre are taken from Jostein Fet's study of reading habits and book ownership.⁵⁹ Interestingly, the ratio of records to population in these regions turns out to be the same as in Sweden—0.17 (Table 3).⁶⁰ The population of Norway in 1801 was 883,038. That would mean there ought to be some 150,000 extant probate records for the country as a whole. The distribution can only be seen in three of these regions, but this too can be used to estimate the national picture (Table 4).

The Danish archives as yet have no databases for individual records, and unlike the other Nordic countries the situation is further complicated by the fact that many large landowners (*godsejere*) were responsible for probate proceedings, not only public officials as elsewhere. Three quite atypical parts of Denmark will have to suffice for now, all of them islands on the periphery (Table 5). An industrious genealogist has published a list of records from Bornholm, which is useful once the great many duplicates have been discounted.⁶¹ The numbers for the Faroes are based on lists provided by archivists at the National Archives of the Faroe Islands in Tórshavn, although again there are numerous duplicate entries. The numbers for Iceland are based on my own database, a project in progress in collaboration with the National Archives of Iceland.⁶² The population in Denmark in 1801, excluding Schleswig and Holstein but including Iceland and the Faroes, was 976,000.⁶³ Applying the usual ratio of 0.17 this would mean 165,920 probate records.

TABLE 5 *Probate records for Bornholm, the Faroe Islands, and Iceland, 1651–1800.*

Date	Bornholm	Faroes	Iceland	Total	%	Denmark (est.)
1651–1700	1,057	9	2	1,068	7	11,614
1701–1750	4,545	899	91	5,534	35	58,072
1751–1800	6,637	520	1,865	9,022	58	96,234
Total	12,239	1,427	1,958	15,624	100	165,920

TABLE 6 *Estimated number of probate records for the Nordic countries in per cent, 1651–1800.*

Date	Sweden	Finland	Norway	Denmark	Total
1651–1700	1	3	4	7	3
1701–1750	8	13	23	35	17
1751–1800	91	84	73	58	80
	100	100	100	100	100

TABLE 7 *Estimated number of probate records for the Nordic countries, 1651–1800.*

Date	Sweden	Finland	Norway	Denmark	Total
1651–1700	4,245	4,248	6,008	11,614	26,554
1701–1750	32,715	18,409	34,544	58,072	145,593
1751–1800	356,178	118,953	109,641	96,234	694,694
Total	393,138	141,610	150,193	165,920	866,841

The whole exercise is not particularly robust, of course, at least in a statistical sense, but nonetheless it provides a hypothetical overview of the numbers and development of probate records in the Nordic countries. For the sake of clarity, the percentages (Table 6) and resultant figures (Table 7) show that probate records should survive for an estimated 866,841 individuals, the vast majority in the latter half of the eighteenth century, and especially in Sweden and Finland. It should be mentioned that an even greater number of probate records survive from the nineteenth century. The Swedish database, which contains 114,228 entries for 1751–1800, has a staggering 315,781 for the period 1801–1850, which probably means a million inventories for the whole country. In Iceland, the numbers are lower but the increase was even more dramatic—rising sevenfold from 1,865 records in the second half of the eighteenth century to 13,170 in the first half of the nineteenth century.

Concluding remarks

Probate documents have for some decades been used with impressive results by historians and other scholars working on living standards and consumption patterns,

the transmission of property, debt, and material culture, in particular the ownership of books, clothes, and luxury items such as coffee and spices.⁶⁴ Knowing the rules of the game as defined by the law will hopefully facilitate further work. Scholars who wish to study material culture and inheritance, or other issues where probate records are relevant, can now better assess and appreciate the context and quality of these invaluable sources, thus avoiding unwarranted generalisations when interpreting their contents and meaning. The production of these documents was not the result of chance, nor is their survival free from bias. How complete and exact the information they contain about the belongings of the deceased and the partition of their inheritance is an equally moot point, and one not touched upon in this article. Their quality is perhaps even more important than their quantity, but this is a question that can only be answered within the framework of what could be called the conditions of existence of these remarkable sources, hardly ever put to use in their own time, but invaluable now for our understanding of the past.

Notes

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1. *Danmarks gamle Landskabslove* ii, ed. Johannes Brøndum-Nielsen et al. (Copenhagen: Det danske Sprog- og Litteraturselskab, 1933), 35–52, 59–75; *Danmarks gamle Love paa Nutidsdansk* ii, trans. Erik Kroman and Stig Iuul (Copenhagen: Gad 1945), 140, 143–9. The Old Danish text with a Danish translation is available at <http://middelaldertekster.dk/jyske-lov/1/10>.

2. *Jónsbók: The Laws of Later Iceland*, ed. and trans. Jana Schulman (Saarbrücken: AQ-Verlag, 2010), 117, 124–9; *Norges gamle love* ii, ed. Rudolv Kayser et al. (Oslo: Grøndahl, 1848), 85–6, 89; *Magnus Lagabøters Landslov*, trans. Absalon Taranger (Oslo & Bergen: Universitetsforlaget, 1970), 87–8, 92.

3. *Samling af Sveriges Gamla Lagar* x, eds. Carl Johan Schlyter and Hans Samuel Collin (Stockholm: Norstedt, 1862), 65–69, 83–86, 89–90; *Magnus Erikssons landslag i nusvensk tolkning*, trans. Åke Holmbäck and Elias Wessén (Lund: Institutet för rättshistorisk forskning 1962), 44–6, 61–2. The Old Swedish text is available at [http://project2.sol.lu.se/fornsvenska/s.v.Äldre_fornsvenska_\(1225-1374\),_Magnus_Erikssons_Landslag](http://project2.sol.lu.se/fornsvenska/s.v.Äldre_fornsvenska_(1225-1374),_Magnus_Erikssons_Landslag).

4. *Samling af Sveriges Gamla Lagar* xi, eds. Carl Johan Schlyter and Hans Samuel Collin (Stockholm: Norstedt, 1865), 66–8, 86–9; *Magnus Erikssons stadslag i nusvensk tolkning*,

trans. Åke Holmbäck and Elias Wessén (Lund: Institutet för rätthistorisk forskning 1966), 42–4, 59.

5. Lars Ivar Hansen, 'The Field of Property Devolution in Norway during the Late Middle Ages: Inheritance Settlements, Marriage Contracts and Legal Disputes', in Kim Esmark, Lars Hermanson, Hans Jacob Orning and Helle Vogt (eds.), *Disputing Strategies in Medieval Scandinavia* (Leiden: Brill, 2013), 259, 264–5, 267–8. DOI: http://dx.doi.org/10.1163/9789004221598_011; see also Kathrine Græsdal, 'Joint Ownership in Medieval Norway', in Lars Ivar Hansen (ed.), *Family, Marriage and Property Devolution in the Middle Ages* (Tromsø: Department of History, 2000), 83–6, 93–5.

6. *Diplomatarium Islandicum*, 16 vols (Copenhagen: Hið íslenska bókmenntafélag, 1857–1972), v. 497–503, x. 595–8, xi. 613–25; see also Agnes Arnórsdóttir, *Property and Virginity: The Christianization of Marriage in Medieval Iceland 1200–1600* (Aarhus: AUP, 2010), 323–33, 366–373, 417.

7. *Malmø rådstueprotokol 1503–1548*, eds. Erik Kroman, Leif Ljungberg and Einar Bager (Copenhagen: Selskabet for udgivelse af kilder til dansk historie, 1965), 125; *Malmø skifter*, i: *Bofortegnelse 1546–1559*, ed. Einar Bager (Copenhagen: Selskabet for udgivelse af kilder til dansk historie, 1977), 1–6, 12–33.

8. *Helsingør skifteprotokol 1571–1582*, ed. Michael Dupont (Copenhagen: Selskabet for udgivelse af kilder til dansk historie, 2014), 218; Michael Dupont, 'Arv og skifte. Arve- og skiftepraksis i Helsingør i 1570erne', *Personalthistorisk tidsskrift*, 1 (2007), 63–88.

9. *Skifter fra Køge 1597–1655*, ed. Gerd Neubert (Copenhagen: Selskabet for udgivelse af kilder til dansk historie, 1992); Hans H. Fussing, 'Skiftevesnet på sjællandske lovs område og bobrud og førlov på Møn i 1600-tallet', *Historisk Tidsskrift*, 3/11 (1950), 213–16. For the other towns, see Camilla Luise Dahl, 'Vordingborg byfoged skifteprotokol 1574–1632: Register og skifteuddrag' (2009), http://www.svoo.dk/wp-content/uploads/2011/10/skifter_vordingborg.pdf; and ead., 'Extracts of Probate Records from Danish Towns' (2009), http://ctr.hum.ku.dk/other_research_projects/earlymodern/postdocproject/extracts/.

10. Statsarkivet i Bergen (Regional State Archives in Bergen), dokumentsamlingen B164, *Strandvik skipreides arveskiftebok*, ed. Jo Rune Ugulen, available at <http://digitalarkivet.no/miniutstilling/arvdok.htm> (introduction) and digitalarkivet.no/miniutstilling/arvtransp.htm (text).

11. *Kong Christian den Fjerdes Norske Lovbog*, eds. Frederik Hallager and Frederik Peter Brandt (Christiania: Feilberg & Landmark, 1855), 91.

12. *Forordninger, recesser og andre kongelige breve Danmarks lovgivning vedkommende 1558–1660*, ed. Valdimar Adolf Secher, 6 vols (Copenhagen: Selskabet for udgivelse af kilder til dansk historie, 1887–1918), iii. 169–171, 442.

13. *Forordninger, recesser og andre kongelige breve*, iii. 178–179.

14. *Ibid.* iii. 364–5; Fussing 1950, 215.

15. *Forordninger, recesser og andre kongelige breve*, iv. 84–5.

16. Fussing 1950, 213.
17. Christen Osterssøn Weylle, *Glossarium Juridicum Danico-Norvegicum. Det er: Alle gamle danske og norske Glosers rette Forklaring* (3rd edn.; Copenhagen, 1665), 54–5; Fussing, ‘Skifteværnet’, 211.
18. *Forordninger, recesser og andre kongelige breve*, v. 299–304, 312.
19. Harald Winge, ‘Lovgivningen om offentlig skifte’, in Liv Martinsen (ed.), *Skiftene som kilde: En artikkelsamling* (Oslo: Norsk lokalhistorisk Institutt, 1996), 7–8. A list of these volumes are available at Digitalarkivet, s.v. ‘Skannet skiftemateriale’, at http://www.arkivverket.no/URN:sk_read.
20. *Forarbejderne til Kong Kristian Vs Danske lov*, eds. Valdimar Adolf Secher and Christian Støchel, 2 vols (Copenhagen: Selskabet for udgivelse af kilder til dansk historie, 1891–1894), i. 1–3, 237.
21. *Forarbejderne til Kong Kristian Vs Danske lov*, i. 240–242.
22. *Ibid.* ii. 99–100.
23. *Ibid.* ii. 103, 123.
24. *Ibid.* ii. 367, 549–50.
25. *Forarbejderne til Kong Kristian Vs Norske lov*, eds. Nikolai Prebensen and Hjalmar Smith (Oslo: Det norske historiske Kildeskriftfond, 1887), xiii–xx, xxv–xxxii, 394–8.
26. *The Danish Laws: or, the Code of Christian the Fifth* (London: N. Gibson, 1761), 190–192, 266–273, quote at 300 (the Danish text is ‘Og skal bemælte skiftis forvaltere have een bog, hvorudj copie af alle skiftebreve, som de udstæde, skal indskrivis’); see *Kong Christian den Femtes Danske Lov*, ed. Stig Iuul (Copenhagen: G.E.C. Gads forlag, 1949), 175, 215–18, 231 available at <http://bjoerna.dk/DanskeLov>; *Kong Christian den Femtis Norske Lov* (Copenhagen, 1687), 574–6, 706–18, 758 available at <http://www.hf.uio.no/iakh/forskning/prosjekter/tingbok/kilder/chr5web>.
27. Winge, ‘Lovgivningen om offentlig skifte’, 20; Már Jónsson, ‘Skiptabækur og dánarbú 1740–1900: Lagalegar forsendur og varðveisla’, *Saga* 50/1 (2012), 93–6; id., ‘Probate Proceedings and Inheritance in Eighteenth-Century Iceland’, in Auður Magnúsdóttir, Marianne Holdgaard and Bodil Selmer (eds.), *Space of Action and Legal Strategies: The workings of Nordic Inheritance Law through the Ages*, forthcoming.
28. *Lagförslag i Carl den niondes tid*, ed. A. Dahlgren (Stockholm: P.A. Norstedt, 1864), xxiii–xxiii, 136; Elsa Trolle Önnersfors, *Justitia et prudential: Rättsbildning genom rättslämpning: Svea hovrätt och testamentsmålen 1640–1690* (Stockholm: Institutet för rättshistorisk forskning, 2014), 207.
29. Stockholms stadsarkiv (Stockholm City Archives) (SSA), Justitiekollegium FIA/I, Bouppteckningar och arvskiften 1598–1649, 1641 starting on fol. 289; also SSA, DIA/I-5, Bouppteckningsregister 1598–1700; images at ArkivDigital, <http://www.arkivdigital.se/online> (subscription needed). For these documents, see Eva I. Andersson, ‘Foreign Seductions: Sumptuary laws, consumption and national identity in early modern Sweden’, in Tove Engelhardt Mathiasen, Marie-Louise Nosch, Maj Ringgaard, Kirsten Toftegaard

and Mikkel Venborg Pedersen (eds.), *Fashionable Encounters: Perspectives and Trends in Textile and Dress in the Early Modern Nordic World* (Oxford: Oxbow Books, 2014), 19.

30. For the Swedish records, see ArkivDigital, <http://www.arkivdigital.se/online>; for the Finnish dates, see Henrik Grönroos and Ann-Charlotte Nyman, *Boken i Finland: Bokbeståndet hos borgerskap, hantverkare och lägre sociala grupper i Finlands städer enligt städernas bouppteckningar 1656–1809* (Helsingfors: Svenska litteratursällskapet i Finland, 1996).

31. *Handlingar rörande 1642 års lagkommission, dess förutsättningar och verksamhet*, ed. Jan Eric Almqvist (Lund: C.W.K. Gleerup, 1937), 142.

32. *Förarbeten till Sveriges rikets lag 1666–1686*, ed. Jan Eric Almqvist (Uppsala: Almqvist & Wiksell, 1933), 4–6, 68, 79, 84–5.

33. *Förarbetena till Sveriges rikets lag 1683–1736*, ed. Wilhelm Sjögren, 8 vols (Uppsala: Almqvist & Wiksell, 1900–1909), i, 37.

34. *Ibid.* i, 204–207, 314.

35. *Ibid.* iv, 94–6, 99–100, 102.

36. *Ibid.* vii, 34, 55.

37. *Ibid.* iv, 137–8, 141, 170–1, 174.

38. *Kongliga Stadgar, Förordningar, Bref och Resolutionar från Åhr 1528 in til 1701 angående Justitia Executions-Åbrende* (Stockholm, 1706), 1335.

39. *Förarbetena till Sveriges rikets lag 1683–1736*, ii, 105–107, 110–14, 117–18.

40. *Ibid.* v, 41–3, 70–2, 75, 102; *ibid.* vi, 60–3, 81–4, 99–100.

41. *Sveriges rikets lag gillad och antagen på Riksdagen år 1734*, ed. Stig Jägerskiöld (Stockholm: Institutet för rättshistorisk forskning, 1984), 28–9, 31–3, 39 available at <http://sv.wikisource.org/wiki/Ärvdabalken>.

42. Seja Johnson, 'Nya, ärvda och testamenterade kläder i bouppteckningar: Hur bondekvinnans klädegedom utökades under 1700-talet', *Historisk Tidskrift för Finland*, 97/3 (2012), 336.

43. For Gotland, see ArkivDigital, <http://www.arkivdigital.se>; transcripts of records from Oppdal are available at <http://www.arkivverket.no/Digitalarkivet/Om-Digitalarkivet/Omkjeldene/Fulltekstavskrifter/Skifter>.

44. Statsarkivet i Tromsø (Regional State Archives in Tromsø), Finnmark sorenskriverembete til 1816, nr. 72–87, Skiftedokumenter 1757–1817.

45. Family Search, at <https://familysearch.org>, s.v. 'Danmark Estate Records, Maribo, Christianssæde grevskab gods'; for the Faroes, see Føroya Landsskjallasavn (National Archives of the Faroe Islands), <http://history.fo>.

46. Tiina Hemminki, 'Finska krigets inverkan på det materiella välståndet: Böndernas förmögenhet i Nordmaling och Ilmola', *Historisk Tidskrift för Finland*, 95/3 (2010), 384–5.

47. Finn-Einar Eliassen, 'Korn og kram, kapital og kreditt: Handelsvirksomhet i og omkring byer belyst ved skiftemateriale', in Martinsen, *Skiftene som kilde*, 67–9.

48. Ian Hutchinson, 'Skifter: kildekritiske synspunkter', in Martinsen, *Skiftene som kilde*, 32–4, 42.

49. Már Jónsson, 'Probate Proceedings and Inheritance in Eighteenth-Century Iceland'.
50. Camilla Luise Dahl and Piia Lempiäinen, 'The World of Foreign Goods and Imported Luxuries: Merchant and shop inventories in late 17th-century Denmark-Norway', in Engelhardt Mathiassen et al., *Fashionable Encounters*, 2.
51. Riksarkivet, Stockholm (Swedish National Archives) (RA), SVAR Digital Research Room, available at <http://sok.riksarkivet.se/bouppteckningar>. Riksarkivet have informed me that some of the regions are not complete, such as Östergötland and Jönköping, but the numbers are high enough to be included, whereas too much is lacking from the region of Kopparberg—only 3,165 inventories in 1671–1800 for a population of 124,816 in around 1800. The regions that have yet to be included in the database are Västerbotten, Örebro, Värmland, Stockholm, Västra Götaland, Gotland, Kalmar, Blekinge, Kronoberg, Skåne, and Halland.
52. I would like to thank the archivists Kjell Swebilius and Anders Bergkvist for sending me these lists.
53. *Historisk statistik för Sverige 1720–1967*, i: *Befolkning* (Stockholm: Statistiska Centralbyrån, 1969), 49. The figures for 1800 have the regions in a different order and therefore cannot be used here.
54. *Bouppteckningar i Borgå stad 1740–1800*, ed. Birger Åkerman (Helsinki: Genealogiska samfundet, 1934); *Bouppteckningar i Gamlakarleby stad 1697–1800*, ed. Hjalmar Björkman (Helsinki: Genealogiska samfundet, 1935); *Bouppteckningar i Helsingfors stad 1679–1808*, ed. Birger Åkerman (Helsinki: Genealogiska samfundet, 1937); *Bouppteckningar i Uleåborgs stad 1653–1800*, ed. Alf Brenner (Tampere: Genealogiska Samfundet, 1963–1965). I wish to thank Karen Danbolt, librarian at the Collection of Legal History at the University of Oslo, for procuring these somewhat rare books.
55. Grönroos and Nyman, *Boken i Finland*, 9.
56. Information provided by the archivist Karin Mansén; see www.arkivet.aland.fi, s.v. 'Register, Sök i bouppteckningar'.
57. *International Historical Statistics: Europe 1750–2005*, ed. B. R. Mitchell (6th edn.; New York: Palgrave Macmillan, 2007), 4.
58. See arkivverket.no/Digitalarkivet, s.v. 'Skiftemateriale, Skannet skiftemateriale, Buskerud etc.' for images of all Norwegian probate registers. In an email, the archivist Kjell Kleivane at the Regional State Archives in Kongsberg explained that detailed calculations could not be provided as they were too time-consuming.
59. Jostein Fet, *Lesande bønder: Litterær kultur i norske allmugesamfunn før 1840* (Oslo: Universitetsforlaget, 1998), 75 (Table 12) for findings at twenty-years intervals for 1690–1809; here the periods 1690–1709 and 1790–1809 are divided in two.
60. For population numbers, see Registreringsentral for historiske data, Hjemmehørende folkemengde 1801–1960, available at <http://www.rhd.uit.no/dok/nos.html>; see also *Historisk statistikk 1994* (Oslo: Statistisk Sentralbyrå, 1995), 63.

61. Extracts, lists and images from Bornholm before 1845 are available at Bornholmske Skifter før 1845 (2016), <http://www.skifteuddrag-bornholm.dk>. Images of a number of Danish probate registers are available at Rigsarkivet, Copenhagen (National Archives of Denmark), Arkivalieronline, <https://www.sa.dk/brug-arkivet/arkivalieronline>, s.v. 'Skifter'. The oldest Danish probate records are available at ArkivDigital, <http://www.arkivdigital.se>. Handwritten and typewritten catalogues of probate records abound in the reading rooms of Danish archives, for example at Rigsarkivet one finds the two-volume 'Københavns Amtstue: Navneregistre til Skifteprotokollerne 1650–1836', the two-volume 'Register til Frederiksborgs Rytterdistrikts Skifteprotokoller 1724–1816', the two-volume 'Registre til Skifteprotokollerne i Godsarkiverne på Sjælland med Samsø og Møn', and the five-volume 'Registre til Skifteprotokollerne i Godsarkiverne: Lolland'.

62. I would like to thank Sámal Tróndur Johansen and Lena Nølsøe of the National Archives of the Faroe Islands for these lists. For Faroese probate registers, see <http://history.fo>, s.v. 'Skiftiprotokollir'. For Iceland, see my forthcoming article 'Probate Records and Inheritance in Eighteenth-Century Iceland'; and also Már Jónsson, 'Skiptabækur og dánarbú 1740–1900', 78–103; *Hvítur jökull, snauðir men: Eftirlátnar eigur alþýðu í efstu byggðum Borgarfjarðar á öðrum fjórðungi 19. aldar*, ed. Már Jónsson (Reykholt: Snorrastofa, 2014); and *Sterbúsins fémunir framtöldust þessir: Eftirlátnar eigur 96 Íslendinga sem létust á tímabilinu 1722–1820*, ed. Már Jónsson (Reykjavík: Háskólaútgáfan, 2015).

63. *International Historical Statistics: Europe 1750–2005*, 3, 5.

64. Cf. Christina Folke Ax, *De uregerlige. Den islandske almue og øvrighedens reformforsøg 1700–1870*. Doctoral dissertation, University of Copenhagen, 2003; Bente Hartviksen, *Fiskerbøndenes arv. Gjeldsforhold i Nordland 1780–1865 vesentlig belyst ved skiftemateriale* (Oslo: Acta Humaniora, 2007); Per Hallén, *Överflöd eller livets nödort. Materiell levnadsstandard i Sverige 1750–1900 i jämförelse med Frankrike, Kanada och Storbritannien*. Göteborg: Ekonomisk-historiska institutionen, 2009; Christina Folke Ax 2002; Ragnhild Hutchison, 'Bites, Nibbles, Sips and Puffs. New exotic goods in Norway in the 18th and the first half of the 19th century', *Scandinavian Journal of History* 36:2 (2011), 156–185. DOI: <http://dx.doi.org/10.1080/03468755.2011.564501>; ead., *In the Doorway to Development. An inquiry into market oriented structural changes in Norway ca. 1750–1830* (Leiden: Brill, 2012); Ingebjørg Hage, 'The Probate Records as Source of the Clergy's Material Conditions after the Reformation', in *The Protracted Reformation in Northern Norway. Introductory Studies*, eds. Lars Ivar Hansen, Rognald Heiseldal Bergesen and Ingebjørg Hage (Stamsund: Orkana Akademisk, 2014), 147–163. Fairly recent works of particular interest on other parts of the world are Colette Establet and Jean-Paul Pascual, *Ultime voyage pour La Mecque. Les inventaires après décès de pèlerins morts à Damas vers 1700* (Damas: Institut français de Damas, 1998); Paul G.E. Clemens, 'The Consumer Culture of the Middle Atlantic, 1760–1820', *The William and Mary Quarterly*. Third Series 62:4 (2005), 577–624. DOI: <http://dx.doi.org/10.2307/3491442>; Anne McCants, 'After-Death Inventories as a Source for the Study of Material Culture, Economic Well-Being, and Household Formation among the Poor of Eighteenth-Century Amsterdam', *Historical Methods* 39:1 (2006), 10–23.

DOI: <http://dx.doi.org/10.3200/hmts.39.1.10-23>; ead., 'Poor consumers as global consumers: the diffusion of tea and coffee drinking in the eighteenth century', *Economic History Review* 61:1 (2008), 172–200. DOI: <http://dx.doi.org/10.1111/j.1468-0289.2008.00429.x>; Sheilagh Ogilvie, Markus Küpker and Janine Maegraith, 'Household Debt in Early Modern Germany: Evidence from Personal Inventories', *Journal of Economic History* 72:1 (2012), 134–167. DOI: <http://dx.doi.org/10.1017/s0022050711002464>.

Summary:

Securing inheritance: Probate proceedings in the Nordic countries, 1600–1800

Probate documents, inventories of property, and deeds of partition between heirs have for some decades been used with impressive results by historians and other scholars working on topics such as living standards, patterns of consumption, and material culture. The aim of this article is to explain divergent rules on the partition of inheritance that determined the production of these documents, as they came to be defined by legislators in the two Nordic realms in the late seventeenth and early eighteenth centuries. The Danish and Norwegian law codes of 1683–1687 stipulated that an inventory of property was only required when the heirs were minors, absent, or not the direct descendants of the deceased, whereas the Swedish Law Code of 1734 allowed for no exceptions and ordered that all inventories be held by the local courts. It did not require an officially attested deed of partition, which had been made obligatory in the Danish and Norwegian codes, valid also in Iceland and the Faroe Islands. This legislation was applied with only minor changes until late in the nineteenth century. A preliminary estimate of documentation from the seventeenth and eighteenth centuries in Nordic archives is presented in the latter part of the article, and indicates that probate records concerning almost a million individuals are preserved, the great majority from the last decades of that period. There will be great variety in the preservation of records according to place and date, but in Sweden and Finland the documentation will mainly consist of inventories of the belongings of all kinds of people, with few deeds of partition of inheritance. In Denmark and Norway one can expect a large number of probate records containing a partition of inheritance, most of them with details of the portion allotted to each of the heirs, and even the inventories, while the probate population will be more limited than in Sweden and Finland and the age distribution will be different, due to exemptions from the requirement to draw up inventories.

Keywords: inheritance; probate proceedings; legislation; legal history; Danske lov 1683; Norske lov 1687; Sveriges rikes lag 1734