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THE ESTATE
OF
GEORGE WASHINGTON
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A HISTORICAL AND LEGAL ACCOUNT OF HIS
LAST WILL AND TESTAMENT AND THE
ADMINISTRATION THEREOF, TO-
GETHER WITH DOCUMENTS AND
OTHER ILLUSTRATIONS

BY
EUGENE E. PRUSSING
OF THE CHICAGO BAR



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INTRODUCTION

The last will and testament of General George Washington, and the administration of his estate are subjects worthy of consideration and study, even at this date, not only by historians or lawyers, but by all laymen. Those interested in the disposition, management or ownership of considerable properties, and all others, will find there the example of a wise and capable citizen.

Washington was one of the ablest of administrators, blessed with long experience, ample knowledge, clear and sound judgment, very careful of details, firm in getting what was his due, while generous to others, so that his every act, especially in so solemn a matter as the final provision for his beloved wife, family and slaves, was performed under conditions most favorable to security and efficient execution.

What the substance of the will was, how it came to be made, by whom it was written, and when; who the executors were, (there were seven of them,) and why; of what the estate consisted, how long it took to administer it,

what, if any, disputes arose thereunder, what record there was made; and finally what was the history of the beneficiaries, purposes and property of the great Father of his Country, will not seem unimportant to the studious and patriotic mind.

Even the plan to publish an exact copy of the will and the schedule which accompanied it, with some explanatory notes, proposed and carried out by Mr. A. Jackson, of Washington, D. C., in 1868, received from Chief Justice Chase the approving words, "You will do a good work. . . . His character cannot be too profoundly studied or his example too closely followed by his countrymen," and from Charles Sumner, the comment: "The will of Washington is a remarkable document exhibiting his character as proprietor and *paterfamilias* and also revealing his best sentiments. Here will be found the emancipation of his slaves and that other testimony, when bequeathing his swords he enjoined that they should 'never be drawn except for self defence, or in defence of country or its rights.' "

The familiar words of Colonel Henry Lee's eulogy—"First in war, first in peace, and first in the hearts of his Countrymen, he was second to none in the humble and endearing scenes of private life. Pious, just, humane, temperate and sincere; uniform, dignified and commanding, his example was as edifying to all around him as were the effects of that example lasting"—afford suf-

ficient explanation for the attempt here made and the only apology needed is for the want of ability displayed.

The purpose of the book is primarily to embody in convenient and attractive form the historical material relating to this important phase of Washington's life and character, which has thus far not received special attention, and in this way, help in satisfying in a measure a just public interest and curiosity concerning it.

A short sketch of Washington's family and his business affairs will be given, to place before the reader the conditions calling for his care, the objects of his bounty and the nature of the widespread fortune to which they were to succeed, which was of unusual magnitude, for Washington was reputed the first millionaire of the United States.

A review of the general plan and the various provisions of the will, together with the schedule and valuation of his property and the explanatory notes which Washington appended, and which are here reproduced, will be followed by an account of the probate records and the Executors' sales and accounts which have fortunately been preserved in the County Court of Fairfax County, Virginia, and the original ledger kept for the Executors by Lawrence Lewis, Washington's nephew.

Some information has been gathered concerning the chief items of the estate, which consisted largely of vast tracts of land in Virginia, New York and Ohio. This

and some further relevant matters have been added to round out the tale.

There are some peculiarities in Washington's will which distinguish it from the common run and entitle it to especial study. In it he emphasized his sense of the new *Nationality* which had just been founded in the creation of the United States of America, in the opening paragraph he describes himself as "of Mount Vernon, a citizen of the United States and lately President thereof"—no mention is made of Fairfax County, or of the State of Virginia.

Despite his modest statement concerning the will, "In the construction of which it will readily be perceived that no professional character has been consulted, or has had any agency," neither record nor legend of any disputed litigation under it exists.

Perhaps one reason for this may be because he evidenced in it also his faith in *arbitration* as a method of settling differences.

He required all possible controversies relating to his estate should be submitted to "three impartial and intelligent men, known for their probity and good understanding," who "shall unfettered by Law or legal construction declare their sense of the Testator's intention"; which is the fundamental rule of the law of wills, though perhaps he knew it not. To make assurance doubly sure, he added, "and such decision is, to all intents

and purposes to be as binding on the parties as if it had been given in the Supreme Court of the United States."

Washington anticipated the modern *Trust Company* by over fifty years, in appointing a group of seven persons, namely, Mrs. Washington and his six nephews, as executors of his will. The administration required over thirty-three years because the last beneficiary survived so long, yet not a single purpose dependent on the executors failed of fulfillment.

The wisdom of co-operative effort and judgment was signally demonstrated.

These are but examples of the suggestions the careful reader will receive from this truly monumental document and the history it made.

The most serious difficulty encountered in the present work was to keep from straying into the alluring by-paths constantly encountered in pursuit of the main course of the story.



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