

Primogeniture ^[1]

Primogeniture

by Donna J. Spindel, 2006

Primogeniture was the name for the English law that made the oldest son heir to a family estate if the head of the family died without a will or without providing for some disposition of his or her property. This practice was intended to preserve large estates in aristocratic England. For a number of reasons, including their greater desire to duplicate the English way of life, the southern American colonies adhered more closely to the practice of primogeniture than did the colonies in the North. As early as 1762, however, the North Carolina Assembly provided that, in cases of intestacy ^[2], a wife was to receive one-third of landed property with "all the rest by equal Portions, to and amongst the Childre^[3]." After the Revolution ^[4], the state legislature ^[5] also ended primogeniture with a bill in 1784 requiring that land be divided equally among all children in cases where no will existed. By the end of the eighteenth century, primogeniture had been abolished everywhere in the United States.

References:

Richard B. Morris, *Studies in the History of American Law*(1958).

Marylynn Salmon, *Women and the Law of Property in Early America*(1986).

Additional Resources:

"An Act appointing the Method of distributing Intestates Estates." *A complete revisal of all the acts of Assembly, of the province of North-Carolina, now in force and use: together with the titles of all such laws as are obsolete, expired, or repealed: with marginal notes and references, and an exact table to the whole.* New Bern [N.C.]: James Davis. 1773. p.343-344 <https://digital.ncdcr.gov/Documents/Detail/complete-revisal-of-all-the-acts-of-assembly-of-the-province-of-north-carolina-now-in-force-and-use-together-with-the-titles-of-all-such-laws-as-are-obsolete-expired-or-repealed-with-marginal-notes-and-references-and-an-exact-table-to-the-whole/1955563?item=2095089> ^[3] (accessed October 23, 2012).

"An Act Concerning Filial Portions, Legacies and Distributive Shares of Intestates' Estates." *The revised statutes of the State of North Carolina, passed by the General Assembly at the session of 1836-7.* Raleigh: Turner and Hughes. 1837. p.368-370. <https://digital.ncdcr.gov/Documents/Detail/revised-statutes-of-the-state-of-north-carolina-passed-by-the-general-assembly-at-the-session-of-1836-7-including-an-act-concerning-the-revised-statutes-and-other-public-acts-passed-at-the-same-session-v.1/2691254?item=2838040> ^[6] (accessed October 23, 2012).

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Subjects:

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From:

[Encyclopedia of North Carolina, University of North Carolina Press.](#)^[13]

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