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Résumé de l'article

Cet article évoque le sort des familles agricoles d'une collectivité du sud du Manitoba pour illustrer l'évolution des coutumes concernant les successions au XIXe siècle, pendant la colonisation des prairies canadiennes. À Montcalm, des colons québécois partageaient leur nouvelle municipalité rurale avec des anglophones venus de l'Est ontarien. Alors que les parents avaient été jusque là déterminés à installer le plus grand nombre possible de leurs enfants, dans les années 1920, les propriétaires terriens avaient tendance à liquider leurs biens et à en répartir le fruit entre leurs enfants déjà adultes et indépendants. Il s'ensuivait que les biens étaient transférés en lots individuels en espèces, et que les héritiers choisissaient seuls la manière de gagner leur vie. Les parents vieillissants assuraient toujours l'avenir de leurs enfants, mais parce que leurs rapports avec l'économie de marché avaient changé, leurs rapports avec leurs enfants avaient aussi changé. Tout en simplifiant les rapports entre parents et enfants au sein de la famille agricole, l'évolution du marché modelait les liens familiaux selon des considérations économiques.

“En part égale”: Family, Inheritance, and Market Change in a Francophone Community on the Prairies, 1880-1940

KEN M. SYLVESTER

This paper uses the fates of farm families in a southern Manitoba community to shed light on how nineteenth-century inheritance practice evolved during the development of the Canadian Prairies. Settlers in the predominantly francophone community of Montcalm, Manitoba, came to the West in the 1870s and 1880s, largely from Quebec and New England, and shared their new rural municipality with anglophone settlers from eastern Ontario. The inheritance strategies of both groups followed a similar, broad design of providing a start in life for as many children as possible. The desire to restore personal autonomy and provide a new life for the next generation inspired the movement westward – a migration based on family units in mid-life with offspring approaching adulthood. Over time, as farm families relationship to the market economy changed, so too did their relationship to their children. Once committed to establishing their progeny firmly within the community, by the 1920s Montcalm's landholders increasingly delayed transfers of family wealth until their senior years. Where equality was closely observed, as in Quebec practice, succession evolved towards the even division of wealth among already independent middle-aged children in increasingly liquid form. In anglophone practice, where asymmetry was more accepted, extensive forms of obligation and dependence between parents and children persisted. In spite of these differences, particularly visible in women's rights in property, inheritance practices were placed on a more modern footing. Increasingly property was transferred in more portable and individual bundles, and decisions on how to construct economically viable farms were left to the inheriting generation.

The “modernity” that emerged from these changes did not eliminate strategies of multiple succession from the process of transmitting accumulated family

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wealth. It did, however, simplify the nature of the obligations that remained and increasingly expressed them in the values of the marketplace. Family practices shifted from *inter vivos* gifting of land, that obligated inheriting sons to provide for parents, towards a greater use of land sales or mortgage encumbrance, that provided a strictly monetary income for parents. Aging parents also avoided difficult choices regarding the partition of farmland until late in life. Whereas anglophones in Montcalm continued to limit their spouse's rights in property, francophones usually devised their estates to their widows, in whose hands, farm estates were divided on a more equal and gender-neutral basis. Over time, control of family wealth was retained by parents until much later in life and larger proportions of farm wealth were transferred in liquid assets. With a finite land base and an aging population, emigration from Montcalm was an increasing destiny for many of the young people.

The tendency for parents to convert productive property into moveable wealth increasingly limited family transmission of property in the rural economy. Land transfers within families reached their apex by the time of the First World War. Thereafter a growing proportion of farm property found its way onto the land market. Earlier, it was non-resident land ownership, and population turnover that had kept this market active. During the war decade (1910-1920), however, market transactions made significant intrusions into what had been a rather inelastic system of family transmission. Whereas in the first decade of the twentieth century only 8 percent of legators had sold real property to family or non-kin prior to their death, in both decades that followed the proportion of legators that sold part of their real property jumped to 27 percent.¹ The impact on the life choices of Montcalm *heritiers* was significant. Either they lost part of the family legacy or they had to assume mortgage debts to pay for their parents' land. In both cases, heirs were waiting well into mid-life before these decisions were made.

The separation of life chances and family wealth has been the focus of many recent studies of inheritance in rural nineteenth-century North America. This diminution of the entente between farm generations, in which children were given a start in life in return for their unpaid labour before marriage and care of parents after their retirement, was part of an extensive modernisation of rural life. In most regions, these changes were associated with the advent of commercial agriculture, when farm families oriented their production almost exclusively for the market. In some regions, this transition began in the early nineteenth century and was visible in the erosion of reciprocal and overlapping obligations in property. In her study of rural Connecticut, Toby Ditz concluded that the collapse of these overlapping rights in property occurred as early as the 1820s. This led to a more evenhanded approach in inheritance practice, where

¹ See sources in Tables 2 and 3 for estate population data.

property was “dispersed in individual, discrete bundles according to share-and-share alike principles.”² Although simplified, this “Yankee” pattern of inheritance was still characterised by considerable continuity of purpose. Heirs were seldom cut off from family land, and property still had to provide for parents in their senior years.

An egalitarian system of wealth transmission presents special challenges to landownership over several generations. As Martine Segalen has shown for nineteenth-century Brittany, an egalitarian inheritance regime is profoundly disruptive for continued family ownership in an environment where the land base is finite.³ In North America, as Gérard Bouchard reminds us, egalitarian strategies were the norm wherever freehold tenure and family organisation were the dominant forms of agricultural development.⁴ With new agricultural land bases available until the 1890s in the United States and the 1920s in Canada, egalitarian systems of transmission continued to flourish and difficult choices could be delayed.

Commercial pressures and values exerted more influence in family transmission in older rural communities, especially in close proximity to major urban markets. Although sales of land between family members were never the dominant means of transfer in Quebec before the twentieth century, sales were already a feature of inheritance practice near Montreal during the French regime. Prior to 1760, it was not uncommon in the Seigneurie of Laprairie for the home farm, or *vieux bien*, to be sold and the proceeds divided between heirs.⁵ On l'Île Jésus, surviving spouses often sold the *vieux bien* in the eighteenth century.⁶ And yet market pressures did not overwhelm family transmission in the nineteenth century because of the existence of new agricultural frontiers. As John I. Little's work on settlement in the Eastern Townships demonstrates, sales were only a tiny proportion of land transfers between

2 Toby L. Ditz, *Property and Kinship: Inheritance in Early Connecticut, 1750-1820* (Princeton, 1984), 161. For a broad survey of American practice, see Carole Shammas, Marylynn Salmon, and Michel Dahlin, *Inheritance in America: From Colonial Times to the Present* (New Brunswick, NJ, 1987).

3 Martine Segalen, “‘Avoir sa part’: sibling relations in separable inheritance Brittany,” in *Interest and Emotion: Essays on the Study of Family and Kinship*. Hans Medick and David Warren Sabean, eds. (Cambridge, UK, 1984), 129-44. See also Martine Segalen's *Love and Power in the Peasant Family: Rural France in the Nineteenth Century*, translated by Sarah Matthews, (Chicago, 1983).

4 Gérard Bouchard, “Family Reproduction in New Areas: Outline of a North American Model,” *Canadian Historical Review* 75 (1994): 475-510.

5 Louis Lavallée, “La transmission du patrimoine dans la seigneurie de Laprairie, 1667-1760,” dans *Evolution et éclatement du monde rural: Structure, fonctionnement et évolution différentielle des sociétés rurales françaises et québécoises, XVII^e-XX^e siècles*. Joseph Goy et Jean-Pierre Wallot, dir. (Paris and Montreal, 1986), 347.

6 Sylvie Dépatie, “La transmission des patrimoines dans les terroirs en expansion: un exemple canadien au XVIII^e siècle,” *Revue d'histoire de l'Amérique française* 44 (1990): 177.

fathers and sons.⁷ Only in the vicinity of industrialising Montreal was there evidence that sales were the dominant means of *inter vivos* transfer, where in one small parish in Verchères, sales accounted for 90 percent of land transfers registered after 1880.⁸

Because of access to new settlement frontiers, it has been difficult to isolate the impact of market change on inheritance practice in North America. In an environment where land was relatively abundant and inexpensive, most rural North Americans pursued a strategy of establishing sons as they approached marriage age. Bouchard emphasises the common elements of this process. Only at the end of a lifelong effort to acquire new land was the home farm transferred to an inheriting son (of varying age order) who was then obligated to care for his parents in their old age.⁹ Even in Ontario, where inseparable strategies were more common, Bruce Elliott informs us that similar dynamics guided the Protestant-Irish immigrants he studied in the Ottawa Valley. Three-fifths of sons got their start in life while their fathers were still alive in the Tipperary enclave of Richmond, Ontario, and the other two-fifths after the administration of their parents' estates.¹⁰

This culture of multiple establishment, or *pluriétablissement*, came under serious pressure when regional land bases were exhausted in eastern North America. In the Ottawa Valley, for instance, only one-fifth of Richmond's families could establish all their male line by the 1880s. The result, Elliot indicates, was a further migration of Tipperary Irish to the Canadian West, where they eventually settled in the Rock Lake district of southern Manitoba. In Montcalm, located along the Red River just north of the American border, similar motivations brought francophone settlers to the West. Most of the settlement generation in Montcalm were born in Quebec, and had already left their native parishes for industrial employment in New England. For them, the decision to migrate to the West in the late 1870s represented not only a return to rural life, but a means of providing for an improved start in life for the next generation.¹¹

7 John Irvine Little, *Crofters and Habitants: Settler Society, Economy and Culture in a Quebec Township, 1848-1881* (Montreal and Kingston, 1991), 114.

8 See Pauline Desjardins, "La Coutume de Paris et la transmission des terres: le range de la Beauce à Clixa-Lavallée de 1730 à 1975," *Revue d'histoire de l'Amérique française* 34 (1980): 335. Desjardins, as part of her masters in anthropology, looked at 15 chains of title over 245 years.

9 Gérard Bouchard, *Quelques Arpents d'Amérique: population, économie, famille au Saguenay, 1838-1971* (Montréal, 1996), 199-201.

10 Bruce Elliott, *Irish Migrants in the Canadas: A New Approach* (Montreal and Kingston, 1988), 213-14. Out of the 451 sons of the 141 families observed by Elliott, better than half got their start from their families. Some 231 sons had been established by 1881, 134 during their father's lifetime, 88 by inheritance, and 2 by both means.

11 For a more extensive examination of the migration, see the first chapter of my PhD dissertation, "Montcalm: The Transformation of Rural Life in a Prairie Community, 1870-1940," PhD thesis, York University, 1997.

The contrast between the modalities of inheritance in a peripheral agricultural economy, such as the Saguenay's, and one at the centre of the western wheat economy, like Montcalm's, brings the impact of commercial change into stronger relief. Changes in the Saguenay's farm economy had been underway since the arrival of rail service in the late 1880s, yet Bouchard indicates that the improvements brought by growing agroforestry and dairying led to only episodic contact with extra-regional markets.¹² Significant change in the means of succession was associated instead with the emergence of commercial agriculture after World War Two. Prior to 1940 parents used a variety of transmission practices including donation, which accounted for 30 percent of the cases examined, cession at the land office, another 30 percent, gifts of money, 18 percent, and sales at reduced prices, 12 percent. Nevertheless, sales between fathers and sons at full market value were a distinctly postwar phenomenon, attaining four-fifths of all transmissions only after 1965.¹³

In Montcalm, by contrast, sales at full market value were the norm by the 1920s. Moreover, the unique *conjoncture* in the West of egalitarian inheritance and an intense capitalisation of farm wealth in the 1910s and 1920s, produced a highly individualised, gender-neutral, even "hyper-modern," form of succession.¹⁴ Francophones were quicker to discard the complexity of prevailing practice than were their anglophone neighbours in Montcalm. This transferred the responsibility to fashion a larger sense of community, and to create viable farms, to siblings, who increasingly negotiated with each other, rather than parents, over the best use of accumulated family wealth in the new, more commercialised environment.

In Montcalm, the shift to sales represented a profound intrusion of market values into traditions that favoured maintaining social continuity. The incentives of the market were hard to resist. Distribution of family property using market valuations simplified the entente between aging parents and adult children. The use of sales reduced the ties of emotion and familial obligation that had earlier bound children to deliver a particular kind of care for their elderly parents. The monthly or annual requirements of the parents listed in carefully worded maintenance agreements, registered as a *rente viagère* against the gifted farm, could be replaced by simple monetary transactions which specified only the dollar amount necessary to satisfy the agreement for sale. Of course, if parents obtained cash for the sale of farmland to their children, they did not have to worry about whether children could keep up with payments. Yet it was more

12 Gérard Bouchard, *Quelques Arpents d'Amérique*, 60-62.

13 Ibid., 202.

14 Although French anthropologist, Marc Augé, would disagree that his concept of supermodernity, or "hyper-modernity," is valid for historical inquiry, the kind of anomie and spatial overabundance for which prairie communities are known is captured neatly by his notion of non-place. See *Non-Places: Introduction to an Anthropology of Supermodernity* (London, New York, 1995).

common by the 1920s for retiring parents to register a mortgage against land for which children had been unable to pay fully. These debts extended the social bargain between parents and children until the mortgages were discharged. They also implied that the parents recognised that the gifted farm could generate a sufficient income to make the payments and allow them to maintain themselves in a manner of their own choosing. Because mortgage payments were used as a form of income maintenance, and allowed "retired" parents to move into the village, sales and mortgages reduced the likelihood that the elderly lived in extended family households.

Higher levels of sales between fathers and sons in the 1910s and 1920s did not eliminate gifting from succession regimes. Nevertheless, *inter vivos* transfers of family wealth, whether gifted or sold, were increasingly reserved to the well-to-do in Montcalm. Over time, fewer families could provide for more than one heir, and a growing proportion of farm youth had to make its own start in life. This situation contributed to the growing emphasis on education that, as Chad Gaffield has demonstrated, embodied a more modern commitment to the transfer of social standing.¹⁵ In Montcalm, in spite of the commitment parents had to evenhanded divisions of property, increasingly only death allowed for strict equality. Growing disparities of wealth in Montcalm were evident in the very separate nature of *inter vivos* and postmortem transfers. Only eight out of 51 giftor parents also had a will probated or an estate administered in surrogate court. And evidence of gifting could be found for only eight of the 139 estates that were processed in surrogate court.¹⁶

Prior to the 1910s, it was rare for farm parents to be saddled with debts late in life. Many among the first generation of settlers in Montcalm managed to avoid the speculative land boom of the early 1880s and avoided wide use of mortgage credit. Only one Montcalm estate registered in surrogate court listed any encumbrances against it before 1911. From the beginning of the war decade until the beginning of the Depression only 17 of 87 estates listed any encumbrances in their inventories.¹⁷ Nevertheless, debts were being passed on to farm

15 Chad Gaffield, "Children, Schooling, and Family Reproduction in Nineteenth-Century Ontario," *Canadian Historical Review* 72 (1991): 157-91

16 Under the common law in Manitoba there was no mandatory process requiring deeds of gift to be notarised. The evidence presented of *inter vivos* transfer was found in land titles. This limits the view of what was given to real property. In Montcalm, 82 gifts of real estate made for one dollar, the legal minimum for a land transfer to be binding, were found. A somewhat wider view of the inheritance process comes from 139 estates probated or administered in provincial surrogate court. These documents provide the after-death inventories of property which historians have come to rely on to gauge changes in material life. See Winnipeg Land Titles Office (WLTO), *Abstracts*; Public Archives of Manitoba (PAM), Surrogate Court, Winnipeg, *Estate Files*, GR 170 and GR 393; and PAM, Surrogate Court, Saint-Boniface, *Estate Files*, GR 461.

17 PAM, *Estate Files*, GR 170 and GR 461.

successors during the parents' lifetime, and this was part of the process of generating retirement incomes for aging parents. The usual arrangement was for parents to sell or gift land in exchange for some kind of maintenance, typically an annuity or mortgage secured against the transferred property. Children had to be rewarded in some way for their years of unpaid labour and some provision made for the well being of retiring parents.

Vincent Barnabé was an example of a family patriarch in Montcalm who used debt to provide for retirement and also gifted property to reward other children for years of unpaid labour. All of Vincent's immovable wealth had been sold or transferred prior to death and no will was filed in surrogate court. At the turn of the century, the household of Vincent and his wife, Zoé, included seven maturing offspring. As the eldest sons, Wilfred, 21, and Camille, 18, approached marriage age,¹⁸ Vincent had acquired an 101-acre lot just south of his home lot along the Red River from a vendor named William Miller. The narrow lot, surveyed to give access to the river of one-eighth of a mile in width and extending back two miles in depth, sold for \$1,250 in May of 1901. Vincent made a down payment of only \$50 and guaranteed the balance by registering a mortgage in favour of the vendor for \$1,200. Vincent discharged this obligation in January of 1904, well before selling the lot to his eldest son in November of 1907, for \$2,000, shortly after Wilfred's 28th birthday.¹⁹ In the same month, Wilfred's younger brother, Camille, purchased two river lots from his aunt, Marie Proulx Bouchard. These 249 acres were part of the estate of Vincent's brother, Hercule, who had passed away in 1899. Vincent Barnabé may have arranged for the sale as part of his duties as executor of his brother's estate, with the consent of Camille's aunt, and even contributed towards the \$5,000 purchase price. A few years later, Camille sold the smaller of the two lots, 96 acres, to his older brother, Wilfred, for \$2,000.²⁰ One suspects that this sale was part of their father's original design.

By 1911, both Wilfred and Camille were owners of substantial farms, and their father retained only the *vieux bien*, an 153-acre river lot.²¹ Vincent took the final step in this process of *inter vivos* transfer as he reached his 62nd birthday. In the spring of 1912, he equally divided the river lot, first purchased after arriving in Manitoba in 1888, between Wilfred and Camille. In return, the sons each paid one dollar to their father, the minimum consideration necessary to make the transfer binding under common law. Vincent then registered encumbrances against each half interest in his river lot. The terms specified in these

18 Canada, *Census*, 1901 (T-6434).

19 WLTO, *Abstracts*, instrument nos. 20136, 20510, 23318, 27472.

20 Ibid., instrument nos. 27471 and 30332; and PAM, *Estate Files*, GR 170, Box G 460, File No. 2238, estate of Hercule Barnabé.

21 Rural Municipality of Montcalm (RMM), *Tax Assessment*, 1911. These volumes are stored at the municipal office in Letellier, Manitoba.

documents do not appear in land title abstracts, but ostensibly the sons were entitled to ownership in return for some kind of maintenance during Vincent and Zoé's lifetimes.²²

A short time later, Vincent and Zoé moved into the village of Letellier. Their willingness to pass on debt meant that they joined the growing number of elderly couples who were in a position to live apart from their children. Thirty years earlier, parents were more likely to remain in their children's homes. At the time of the 1891 census, only one person declared their occupation as retired ("*rentier*"). Seventy-seven-year-old Moise Marion was co-resident with his 32-year-old son, Ephrém, who took the *vieux bien* near the village of Saint-Jean-Baptiste. Yet by the turn of the century, the proportion of elderly parents who lived apart from their adult children was growing. Although half of the 18 self-declared *rentiers* were living with adult children or siblings, it was clear that more were moving out of the children's homes and maintaining a reasonable standard of living. Virtually all retirees who were heads of household lived in one of Montcalm's villages in 1901.²³ Interestingly, none declared an income in the 1901 census year, despite the evidence that those who retired from the farm were receiving some kind of maintenance, and usually had investment income or savings.

Over the next 20 years the proportion of retired farm folk who moved into Montcalm's villages remained roughly the same, at least according to the municipality's 1921 tax assessment. In that tax year, 16 self-declared "gentlemen" or "retired farmers" lived in Montcalm's villages and another 21 remained in the countryside.²⁴ Vincent and Zoé were among those "gentlefolk" who chose to make the village of Letellier their new home. In the process, they benefited from the growing security provided by improving farm incomes in the early twentieth century. This allowed their sons to cover safely the expense of maintenance or debt payments from the crops raised on the *vieux bien*.

Not all parents chose to simplify the bond between the generations using sales and mortgages. Even in Montcalm's increasingly commercial environment, there were several successions that consisted mainly of gifts of real property. Gifting remained a favoured practice because it embodied an evenhandedness between the generations. It almost always occurred as maturing sons reached marriage age and implied a very clear reward for years of unpaid labour for the parental household. As long as land was available, it was a practice with enduring appeal.

In Montcalm, a good example of a gifting regime was that of Auguste Nadeau, a Saint-Joseph area farmer and local school trustee. Nadeau entered

22 WLTO, *Abstracts*, instrument nos. 9809, and 32044-32047

23 Canada, *Census*, 1901 (Reel T-6434).

24 RMM, *Assessment*, 1921.

only one claim for public land shortly after arriving in Montcalm in 1880, with his spouse, Diana Jubinville, and their two children. The couple, who had married in 1874 in Fall River, Massachusetts, resided in Montcalm for most of their adult life. Both Auguste and Diana were in their early thirties when he made entry in March of 1881 for a homestead quarter section southwest of Saint-Joseph.²⁵ This remained the family's only farm property until the turn of the century. In 1899, Auguste began to prepare for succession as the eldest among four sons, Ildège, approached his 19th birthday. In that year, Auguste made an offer to purchase a quarter section just east of Saint-Joseph. The vendor, Edmond Smith, was asking \$2,000 for roughly 100 acres. Auguste then borrowed what was for him the uncharacteristically large amount of \$1,300 against the security of his original homestead. Another small loan of \$428 from area farmer, Joseph Parent, was necessary to meet the full purchase price.²⁶

It had been ten years since Auguste had sought a more modest \$600 mortgage loan from the Freehold Savings Company. Prior to this, a small loan of \$400 in 1884 from the same company was all that Auguste was prepared to borrow.²⁷ The pattern of caution was confirmed in a purchase of agricultural machinery in 1892. A \$600 note owing to the Haggart Brothers Manufacturing Company was secured not only against Auguste's homestead but those of his brothers-in-law, 36-year-old Raymond Jubinville, 31-year-old Joseph Jubinville, and 25-year-old Narcisse Jubinville.²⁸

With the new century, this conservatism began to change. In 1901, the 52-year-old farmer controlled two quarter sections. By 1908, Auguste had acquired a third quarter-section adjacent to the one purchased in 1899 from a local money lender, from whom he borrowed \$2,200 to make the purchase.²⁹ Throughout the decade, Auguste worked with his adult sons to generate enough farm revenues to pay down existing debts on these properties. Nevertheless, when the moment of division arrived in 1913, each of Auguste's three quarter-sections carried some mortgage debt.

A small farmer like Auguste could still fashion a separable inheritance, but land acquisition meant turning to outsiders and lending institutions. Increasingly, even though Nadeau rejected the notion of selling land to his sons, he did have to pass on some of the cost of acquiring more land. On 11 February

25 PAM, *Township General Register*, RG 17 D1, Vol. 3. Auguste received patent to sw 16-2-1 on the 5 June 1884.

26 WLTO, *Abstracts*, instrument nos. 18133, 18169, and 18170.

27 Ibid., instrument nos. 7286, 11359, and 11400.

28 Ibid., instrument no. 13099.

29 Ibid., instrument nos. 21705, 28408, and 31407. The third quarter-section was sw 23-2-1 (east of the principal meridian), which has been in Jacques Parent's possession since 1902, and Auguste's second quarter-section was the westerly 25 chains of se 23-2-1. Both were no more than a sixth of a mile east of the village of Saint-Joseph.

1913, Auguste Nadeau transferred each property he owned, including the homestead, to his three adult sons. These transfers were made for the consideration of, as it was styled in the deeds of the time, "love and affection and the sum of one dollar." To provide for himself and Diana in their retirement, Auguste registered an annuity of \$50 against each quarter section.³⁰ One minor son, 12-year-old Aimé, was excluded by virtue of age, and all of Auguste's daughters, by virtue of gender. It is not clear what kind of compensation was offered to the excluded heirs because no postmortem division was executed in surrogate court. There may have been other conditions attached to the annuities that do not appear in the land title abstracts.

In spite of Auguste's caution and determination, none of the Nadeau successors stayed long on these gifted properties. The eldest, Ildège, was 32 when his gift was made. He sold his quarter section at the end of the War to his father's former creditor, Alfred Brulé. Gilbert Nadeau was 26 when he took control of the *vieux bien*. By the end of 1919, he decided to sell to a purchaser named Joseph Chaussé.³¹ The youngest inheriting son, Emile, made the best go of things after being gifted his quarter-section at the age of 21. We know this because young Emile died five years later and the estate administration conducted by his widow, Agnes, showed how fortunate the timing of the Nadeau succession had been. A month after Emile's death in December of 1918, the total value of his estate was set at \$13,408. Roughly 60 percent of the estate's value was tied up in real property, including the original quarter-section gifted to Emile and another that had been added to the young family's assets. Agnes reported that the estate included \$1,235 in horses and cattle, \$1,200 in wheat, oats, barley, hay, and flax, \$2,148 cash in hand, and was free of debt.³² With three infant sons, Agnes decided to accept a \$5,000 offer for the farm land from Alfred Brulé, with \$3,000 up front and a mortgage in her favour for the remaining \$2,000.³³ In the end, in spite of Auguste's concern, it is evident that the Nadeau successors were drawn away from rural life during the war years.

The Nadeau succession was not typical in terms of the proportion of heirs who received real estate during the parents' lifetime. Gifting usually established less than half of the male heirs in households that observed the practice. Moreover, by the 1910s, parents were keeping their wealth until later in life. As the cases presented in Table 1 demonstrate, the average age of giftor parents increased significantly during the war decade and continued to rise into the

30 Ibid., instrument nos. 32341 and 32342.

31 Ibid., instrument nos. 36759 and 37191. Both sold their quarter-sections for \$4,000.

32 PAM, *Estate Files*, GR 170, Box R 72-102, File No. 10282, estate of Emile Narcisse Nadeau.

33 WLTO, *Abstracts*, instrument nos. 36679 and 36680, the latter being the mortgage, dated 18 February 1919.

1930s.³⁴ Instead of making transfers in their mid-to-late fifties, giftor parents put off the moment of transfer into their early sixties and even into their early seventies. The same phenomenon of delay was visible in the age of the children receiving free gifts of real estate. Their average age increased from the late twenties to early and then late thirties.

Table 1
Gifts of Land in Montcalm, by Decade, 1890-1939

| | Age of Giftor | | Acres Gifted | | Number of Male Heirs | | Number of Gifttees | | Age of Gifttee | | Acres Received | | Proportion of Heirs Gifted |
|-----------|---------------|----|--------------|----|----------------------|----|--------------------|----|----------------|----|----------------|----|----------------------------|
| | Mean | n | Mean | n | Mean | n | Mean | n | Mean | n | Mean | n | % |
| 1890s | 57.8 | 12 | 180 | 12 | 2.6 | 12 | 1.1 | 12 | 29.3 | 13 | 154 | 13 | 41.9 |
| 1900s | 55.3 | 11 | 174 | 11 | 4.4 | 11 | 1.2 | 11 | 28.9 | 14 | 137 | 14 | 27.1 |
| 1910s | 59.9 | 13 | 239 | 13 | 2.8 | 13 | 1.5 | 13 | 28.5 | 20 | 137 | 20 | 55.6 |
| 1920s | 61.5 | 10 | 243 | 10 | 2.6 | 10 | 1.4 | 10 | 32.7 | 13 | 182 | 13 | 53.8 |
| 1930s | 71.4 | 9 | 176 | 9 | 3 | 9 | 1.2 | 9 | 39.6 | 10 | 142 | 10 | 40 |
| 1890-1939 | 60.7 | 55 | 197 | 55 | 3.1 | 55 | 1.3 | 55 | 31.2 | 70 | 149 | 70 | 42.3 |

Winnipeg Land Titles Data; Canada, *Census (manuscript)*, 1891, 1901; RMM, *Tax Assessment*, 1911, 1921; PAM, Paroisse de Saint-Jean-Baptiste, *Registres de baptêmes, mariages, et sépultures*, 1877-1911, MG 7 D 14, M 371.

Ironically, the commercial success of the 1910s and 1920s was associated with more, not less, division. During decades in which market incentives certainly encouraged parents to preserve the unity of holdings, there was a slight increase in the proportion of successors who received gifts of real estate. In part this was due to the delay in transmission. Because parents were waiting longer to make transfers by the 1920s, there was generally more to divide. But growing inequality in agrarian life influenced the volume of gifts in a more direct way. The preceding examples emphasised how difficult it was for parents to prepare for equitable successions. By both the 1910s and 1920s, market pressures ensured that only families with commercial ambitions were in a position to make substantial gifts. Families that expanded farm output, took advantage of market-gardening, dairying, livestock, and alternative field crop opportunities were in a position to benefit from an expanding local market for farmland. Farms with strong revenues could underwrite the debt necessary to acquire farmland previously passed on within family succession. In this sense, Montcalm's succession experience was more like the pattern observed by

³⁴ The search of land titles was not comprehensive, and cases of gifting are under-represented in "Montcalm," Table 6.4. This under-representation increases over time. See Chapter 4, note 9, for a discussion of the land titles data base.

Sylvie Dépatie near Montreal, than the Saguenayan system described by Bouchard. Gifting in Montcalm increased after agricultural settlement ended. As in eighteenth-century Quebec, it was associated with a class of holders who had the additional land to boost the life chances of their offspring.³⁵ This association was not as strong in twentieth-century Montcalm. Parents who controlled large farms were not the only giftors. Nevertheless, the weight of increased use of credit and the change in scale of agriculture meant that by the 1920s only the wealthiest of farm parents could expect to make a living gift to more than one heir.

Gifting appears to have peaked during the war decade for many of these reasons. As parents postponed decisions about living bequests, succession shifted more into the realm of postmortem divisions after 1918. Egalitarian values were still part of the mix. In fact, Montcalm heirs were more likely to share equally in the division of estates in the 1920s than the 1890s. But the dividend children could expect from postmortem divisions was less related to the transmission of productive property than the transmission of moveable wealth. In this very real sense, the social entente, the link between family wealth and life chances, had been substantially severed since the settlement generation. Excluded heirs might find other means of acquiring productive property in the 1890s, or could expect some compensation after the death of their parents. But beginning a life in farming alone was a daunting prospect by the 1920s.

Under these circumstances, fathers were not eager to test the limits of the entente between the generations. How could fathers command the unpaid labour of adult sons when living dividends were a diminishing reality, and postmortem dividends did not depend on staying in Montcalm? Left to themselves, fathers delayed these decisions, waiting until the end of their productive lives to make living bequests. Even when faced with the decisions of how to structure postmortem divisions, many simply left these choices to the discretion of their widows. In Montcalm, this seriously delayed the improvement of successors' life chances. With the improved life expectancy of parents and growing pressures of the marketplace, many decided to look elsewhere to make a start in life. The only way to break the narrowing of opportunity by the 1920s was for heirs to convince parents to sell them productive property at an earlier point in the life cycle. With "bought" property offspring received a different kind of "head start" that did not obligate them to their parents to the same degree. Parents could expect to have sale prices paid in full, or be offered mortgages to pay off the debt over time. Beyond the life of these arrangements, the ties between the generations were more tenuous.

35 Sylvie Dépatie, "La transmission des patrimoines," 190-91.

The tension between a growing social inequality and the persistence of egalitarian values was especially visible in postmortem succession practices. Table 2 uses a simple classification scheme from the work of historian Jack Little on inheritance.³⁶ Dividing estate cases along a continuum of either impartible, semi-partible, or partible transmission presents a rough index of changing practices. What the scheme suggests is that postmortem division was designed to compensate heirs more and more by the 1920s. In the 1890s, impartible settlements were the norm. Estates were devised solely to one heir, either a son or spouse, and compensation was rather minimal. By the first decade of the new century, testators paid more attention to questions of compensation, particularly visible in the rise of semi-partible settlement where a single heir was asked to compensate non-inheriting heirs with cash, livestock, or other assets. By the 1920s, separable, share and share alike, settlements reached a new level. It seems this last kind of settlement was more likely during that decade because of the growth of moveable wealth. This made more equitable divisions more workable because estates often existed in more liquid form. Parents were relying on mortgage incomes, had securities, bank deposits, and other monetary assets. Generally, as living bequests became less likely, postmortem divisions assumed a more compensatory nature.

Table 2
Postmortem Transmission, Average Age of Deceased and Type of Estate Division, by Decade, 1890-1929

| | Average Age of Deceased | All Estates | | Partible Estates | | Semi- Partible Estates | | Impartible Estates (One Son) | | Impartible Estates (Spouse) | |
|-----------|-------------------------------|----------------|-----|---------------------|----|------------------------------|----|------------------------------------|----|-----------------------------------|----|
| | | n | % | n | % | n | % | n | % | n | % |
| 1890s | 49.7 | 17 | 100 | 1 | 6 | 2 | 12 | 5 | 29 | 9 | 53 |
| 1900s | 57.9 | 26 | 100 | 3 | 12 | 9 | 35 | 7 | 27 | 7 | 27 |
| 1910s | 61.0 | 49 | 100 | 13 | 27 | 13 | 27 | 7 | 14 | 16 | 33 |
| 1920s | 67.3 | 37 | 100 | 11 | 30 | 9 | 24 | 4 | 11 | 13 | 35 |
| 1890-1929 | 60.9 | 139 | 100 | 28 | 20 | 33 | 24 | 23 | 17 | 45 | 32 |

PAM, Surrogate Court, Winnipeg, *Estate Files*, GR 170 and GR 461.

The classification scheme also reveals that inseparable transfers to spouses were a constant feature of postmortem divisions. Jack Little has explained the tendency of French-Canadian testators to draft wills exclusively in favour of

³⁶ Jack Little explains the tendency of French Canadians to have wills drawn up solely in favour of spouses in terms of Quebec law. Intestate estates were divided among all family survivors and wills were a way of preventing fragmentation before a chosen son took over. See *Crofters and Habitants*, 116-17.

their wives in terms of defeating the separable intent of the civil law. Because intestate estates in Quebec were divided up among all family survivors, husbands generally preferred to designate their wives as sole heirs. This prevented the fragmentation of family property before a chosen son could inherit the home lot.³⁷ It has been argued here that, in a highly patriarchal system of property transmission, the failure to choose between heirs implied more. It was an indication that patriarchs sensed the loss of control over their children's life choices that a commercialised agriculture invited. Some aging patriarchs responded by offering more compensation. Others designed their wills to confer a level of authority, which they had known, on their widows. Increasingly, such wills attached no conditions on the future disposition of family property. Widows were not limited to a dower portion or instructed to return any portion of these estates upon remarriage. They simply assumed control of the estate with complete discretion to choose the manner of living or postmortem disposal.

In this respect, there was a very noticeable difference between francophone and anglophone succession practices. As the cases presented in Table 3 demonstrate, francophones were far more likely to devise their entire estate to their spouses. Anglophones were more likely to devise their estates in a semi-separable fashion, very similar to the "Canadian system" of inheritance identified by David Gagan.³⁸ This meant that anglophone testators were more likely to limit their spouses' rights in property.

An example of the latter might be the estate of John Fraser. A Catholic originally from Inverness, Scotland, John Fraser came to the West after several years residence in Glengarry County, Ontario. At the time of John's passing in 1887, his will directed that his sons should hold his 480 acres of farmland as tenants in common. William and his brother James were to care for their mother, Christina McDonald, for her natural life and to allow their minor siblings, Peter, Alexander, Isabella, and Margaret, to remain in the family home as long as they desired.³⁹ The sons were to discharge an existing mortgage on the land and if a surplus were to result afterward, this was to be divided equally among all surviving children. If the mortgage was disposed of without the sale of any land, William and James were enjoined to make payments to each of their siblings as compensation. John Fraser's will directed that his eldest sons have the option not to partition the existing farmland. Their mother, Christina's, share in the estate was entirely at their discretion.

³⁷ Ibid.

³⁸ See David Gagan's, "The Indivisibility of Land: A Microanalysis of the System of Inheritance in Nineteenth-Century Ontario," *Journal of Economic History* 36 (1976): 129-30; and, "Land, Population, and Social Change: The 'Critical Years' in Rural Canada West," *Canadian Historical Review* 59 (1978): 307.

³⁹ PAM, *Estate Files*, GR 170, Box G 445, File No. 740, estate of John Fraser, 27 March 1890.

Table 3
Postmortem Transmission, by Type of Estate Division and Language,
1879-1930

| | Francophone | | Anglophone | | Total | |
|------------------------------|-------------|------|------------|------|-------|------|
| | n | % | n | % | n | % |
| All Estates* | 113 | 100 | 21 | 100 | 139 | 100 |
| Partible Estates | 25 | 22.1 | 4 | 19 | 29 | 20.9 |
| Semi-Partible Estates | 24 | 21.2 | 11 | 52.4 | 36 | 25.9 |
| Impartible Estates (One Son) | 20 | 17.7 | 2 | 9.5 | 25 | 18 |
| Impartible Estates (Spouse) | 43 | 38.1 | 4 | 19 | 48 | 34.5 |
| Estates With Two or More | | | | | | |
| Male Heirs | 70 | 100 | 12 | 100 | 84 | 100 |
| Partible Estates | 16 | 22.9 | 3 | 25 | 19 | 22.6 |
| Semi-Partible Estates | 19 | 27.1 | 7 | 58.3 | 27 | 32.1 |
| Impartible Estates (One Son) | 4 | 5.7 | 0 | 0 | 5 | 6 |
| Impartible Estates (Spouse) | 31 | 44.3 | 2 | 16.7 | 33 | 39.3 |

PAM, Surrogate Court, Winnipeg, *Estate Files*, GR 170 and GR 461.

Entailment of widows' rights in property, such as this, was less common over time. But dower rights continued to shape the settlements envisioned in the wills of anglophone men. The one-third share, customary in most common-law jurisdictions, appeared repeatedly. Even as these settlements became more sophisticated in the 1920s, the shares envisioned did not stray far from dower privileges.⁴⁰ The probate of Andrew Irvine's estate not long after his death in February of 1921 set in motion a division of the more intangible wealth that characterised estates during and after the war decade.⁴¹ Of an estate that was eventually valued at \$22,000, Andrew Irvine's assets included, for instance, \$4,000 in victory bonds and \$5,400 in promissory notes. Andrew's will directed that his widow, Mary McFerran, was to be the beneficiary of two life insurance

40 On the question of dower rights in the West, see Catherine Cavanaugh, "The Limitations of the Pioneering Partnership: The Alberta Campaign for Homestead Dower," *Canadian Historical Review* 74 (1993): 203-204; Ditz, *Property and Kinship*, 118-37. Ditz notes in her chapter, "Patriarchy and Women" that widows in early Connecticut had protection against testaments that reduced the statutory guarantee of a one-third interest. Widows had to apply to the courts for restitution of a one-third share. In Manitoba, the depletion of estates prior to postmortem division became a matter for statutory remedy under the *Dower Act* of 1919. (*Statutes of Manitoba*, 8 George V, c. 28). Section 3 specified that any *inter vivos* disposition of a homestead required the wife's consent. Section 13 confirmed the widow's entitlement to a one-third interest in the value of her husband's net real and personal property, notwithstanding any testamentary freedoms specified in the *Manitoba Wills Act*.

41 PAM, *Estate Files*, GR 170, Box G 770, File No. 13540, estate of Andrew Irvine, 26 March 1921.

policies worth some \$3,000 from the Ancient Order of United Workmen and the Canadian Order of Foresters. Mary was also to receive \$2,000 out of the general proceeds of the estate. Most of the estate's value was to be realised through a sale to the eldest sons, Samuel McFerran Irvine and Thomas John Irvine, of its real property. The two quarter-sections of farmland were offered to the sons for the sum of \$8,000, or the full market value. A cash payment of \$500 down, followed by annual payments of \$500 at 5 percent interest were the terms set by the estate. If either son failed to discharge the balance due to the estate, any purchaser would be obligated to pay a rate of 7 percent interest on any balance due. If the sons exercised their option not to purchase the farm, they were entitled to the residual value of the estate, less their mother's share, and \$1,000 bequeathed to each of their sisters, Carrie Jane and Sarah May. Andrew also enjoined his sons, if they should purchase it, to care for their mother on the farm.⁴² Thus under the terms of her husband's will, Mary was entitled to somewhat less than one-quarter of her husband's estate.

By contrast, francophone widows were less restricted by the testamentary impositions of their husbands. As seen above in Table 3, two-fifths of francophone estates involved sole transfers to widows. A minority of these sole transfers, 13 of the 43 cases, resulted from applications for administration by widows due to intestacy. The lack of opposition to these applications conveys a wide acceptance of widow's rights in the francophone community. Even a remarried applicant like Hermine Plante (née Trépannier) faced no opposition in an application for administration for the property of her late husband's estate. As the mother of eight children, it seems no one questioned her right to apply for control of her late husband's livestock and quarter-section in July of 1901, five and a half years after Urgel Martel's death.⁴³ At the same time probate applications offered evidence of wills drafted in the simplest of terms. These documents briefly stated that the widow was named as the sole heir and executrix of the estate.

Very seldom would a widow be asked to do more than have masses said in memory of the deceased. The will of Hercule Barnabé, drafted on 8 May 1899, went the extra step of appointing his brother, Vincent Barnabé, as the executor, but directed that his estate be devised solely to his wife, Marie Leclair. Hercule charged his brother Vincent to ensure "qu'elle élève nos enfants, qu'elle garde à la maison mes deux neveux Joseph et Majorique Barnabé tous deux fils de mon défunt frère Cyrille Barnabé."⁴⁴ Most written testaments, however, were like Flavien Picard's. Drafted on 2 January 1894, it simply bequeathed his

42 Section 12 of the *Dower Act* (*Statutes of Manitoba*, 8 George V, c. 28) also confirmed a widow's entitlement to an estate in her husband's homestead for her natural life.

43 PAM, *Estate Files*, GR 170, Box G 466, File No. 2742, estate of Urgel Martel, 9 July 1901. Urgel date of death is given as 24 December 1895.

44 Ibid., GR 170, Box G 460, File No. 2238, estate of Hercule Barnabé, 1 June 1899.

estate to his wife and named her sole executrix.⁴⁵ There were notable exceptions in the francophone community, such as the estate of Eusèbe Cadieux, who borrowed from common-law practice to limit his wife, Azilda Robert's, share to a one-third interest.⁴⁶ Eusèbe's will, drafted on 23 July 1921, further specified that after her death, her one-third interest was to be divided equally among their sons Josephat, Origène, Alexandre, and Paul Emile. But the Cadieux estate was the exception rather than the rule.

Women

The generally unencumbered nature of spousal inheritances in the francophone community helps to explain why one-fifth of the parents who gifted property to their children were women (see Table 3). Women giftors were older because they usually controlled family property after having survived their husbands. These women often continued to observe their husband's line of succession, favouring sons with gifts of real property. But they had the power to determine the timing and the number of *héritiers*. Women who made gifts of real property and had to choose between multiple heirs were evenly split between those who gifted to only one son and those who gifted to several. As a group, women made slightly more living transfers to male heirs than men, or about half of the male heirs in their households.

At one end of the spectrum was Délima Dumontier. When her husband, Joseph Delorme, died on the 11 July 1902, his estate was valued at \$16,800.⁴⁷ Joseph's will, which had been drafted 12 years earlier in his home parish of Saint-Barthélemi, Quebec, was very explicit concerning the authority that he intended to confer on his widow:

Je donne & lègue en pleine & entière propriété, à mon épouse Rose Délima Dumontier, le total de tous mes biens meubles, que je délaisserai lors de mon décès, pour qu'elle en jouisse & dispose comme bon lui semblera à exclusion de tous autres héritiers présomptifs. Quand à mes immeubles, j'en donne la jouissance & usufruit précaire à ma dite épouse, sa vie durant & le propriété à mes enfants à celui ou ceux à qui ma dite épouse voudra la donner lui donnant à elle seule le droit de la partager comme bon lui semblera entre mes dits enfants, par part inégale si elle juge convenable, lui donnant le droit de donner tout à un seul, si elle juge à propos, pourvuque mes immeubles retournent à quelqu'un de mes dits enfants & non aux étrangers.⁴⁸

45 Ibid., Box G 451, File no. 1314, estate of Flavien Picard, 3 February 1894.

46 Ibid., GR 393, Box I-2-7-19, File No. 19001, estate of Eusèbe Cadieux, 29 January 1929.

47 Ibid., GR 170, Box G 470, File No. 3097, estate of Joseph Delorme, 11 August 1902.

48 Ibid.

Three years after Joseph's death, a 61-year-old Délima decided to divide a portion of the 1,199 acres devised to her. On the 28 February 1905, she gifted 160 acres each to her sons, 33-year-old Alfred, 31-year-old Barthelemy, 25-year-old Wilfrid, and 23-year-old Zenon.⁴⁹ When Délima herself passed away on 19 April 1923, she was careful to bequest \$1,000 to each of her excluded heirs. This included her other four sons, Joseph, Hormidas, Pierre, and Toussaint and her daughter, Elmire. She also directed that any residual of her estate, valued at \$6,200 was to be divided equally between all her children. The choice to effect a separable inheritance was clearly in Délima's hands.

Marie Leclair, widow of Hercule Barnabé, made an opposite choice. She and her late husband had no sons when he died and she inherited 410 acres in 1899.⁵⁰ With six young daughters to care for, it was not long before Marie remarried. In 1907, she chose to sell two river lots from Hercule's estate to his nephew, Camille, for which, as already mentioned, Marie received \$5,000. She then disposed of the rest of her late husband's real property in March of 1916.⁵¹ Rather than advantaging any of her second husband's three sons, 53-year-old Marie Leclair chose to gift her remaining quarter-section to her son-in-law, 23-year-old Zotique Granger. In return, Marie had an unspecified annuity registered against the security of this quarter-section.

In this way, not only did Marie provide an independent income for herself but followed her own line of succession. Marie was obliged by the conventions of the time, however, to advantage her son-in-law rather than gift the property directly to her daughter. Women rarely gifted real estate to their daughters. In the ten instances where women were in receipt of gifted real estate, only two were made to daughters as opposed to spouses. Both of these instances occurred very late in the observed period. One gift was made from father to daughter by 72-year-old Zacharie Robert, who gifted a quarter-section in February 1939 to his wife Marie and an estate in remainder to his 34-year-old daughter, Antoinette. Three years later, a 70-year-old Rosina Parent, the mother of five sons, gifted a 152-acre river lot to her 42-year-old daughter, Alice.⁵²

In postmortem divisions, women were far more even handed. Only three out of ten women legators from Montcalm did not provide for separable inheritances in their wills. Seventy-eight-year-old Aurelie Dupuis was one of the few female legators who bequeathed her estate mainly to one heir. At the time of her passing in October of 1902, she had been pre-deceased by her husband, Ludger. Her surviving children included her youngest son and executor, 38-year-old Adelard, daughter Virginie, and son Dosithé. Her will directed Adelard to pay

49 WLTO, *Abstracts*, instrument nos. 58730, 58731, 58732, and 58733.

50 PAM, *Estate Files*, estate of Hercule Barnabé.

51 WLTO, *Abstracts*, instrument nos. 27471 and 34716.

52 Ibid., instrument nos. 44459 and 226265.

his sister Virginie \$150 on her 25th birthday and his brother Dosithé \$100 three years after Aurelie's death. All the residual estate, valued at \$3,750, was bequeathed to Adelard, including a 117-acre river lot.⁵³ In this instance, Aurelie's intentions appear to have been to compensate her youngest son. The eldest son, Dosithé, was already 51 years of age and the married father of 11 children. Dosithé had received whatever start in life he expected from his parents long before their deaths. A bequest was less urgent in Dosithé's case because he had been able to enter for a homestead in April of 1880 when the family arrived in Manitoba.⁵⁴ Thus, the division set forth was designed to boost the fortunes of her youngest son.

On the whole, however, women favoured strict equality, tending to divide their remaining estates among all their children, irrespective of gender. For women like Josephine Leblanc, the decision was made easier because she had no male heirs. Yet, like Délima Dumontier above, Josephine exercised her testamentary freedom to make a separable division. Her will was probated shortly after her death in April of 1912. Earlier in that year she had sold one of the quarter-sections which was part of her late husband, Onesime's, estate, of which she had been designated as sole heir and executrix in October of 1911. Onesime made no conditions on her, specifying only "qu'elle le partage à sa mort de la manière qu'elle jugera à propos."⁵⁵ A quarter-section sale in January of 1912 to local farmer, Joseph Fontaine, fetched \$3,000 and was used to extinguish a mortgage which Josephine's late husband had been carrying since 1899.⁵⁶ When Josephine's will was probated in June of 1912 it directed her executor, Trefflé Daneault, to divide her remaining quarter-section in equal parts between her daughters Rosanna, Melvina, Emilia, and Clara.⁵⁷ Also to be shared equally among the sisters was a village lot in Saint-Joseph. The only property not included in the general division was Josephine's household effects, including furniture, beds, tables, chairs, a harmonium, and a cow, which she gave to her youngest daughter, Clara. The farmland, however, was not divided according to Josephine's bequest. A subdivision plan would have to be submitted before deviating from the Dominion Government Survey. Apparently the sisters opted not to pursue this costly exercise. Instead, in September of 1912, the sisters agreed to sell their shares to Trefflé Daneault.

53 PAM, *Estate Files*, GR 170, Box G 471, File No. 3212, estate of Aurelie Dupuis, 4 November 1902.

54 PAM, *Township General Register*, RG 17 D1, Vol. 3, entry no. 8973, ne 14-3-1.

55 PAM, *Estate Files*, GR 170, Box R72, 60, File No. 6454, estate of Onesime Leblanc, 27 October 1911.

56 WLTO, *Abstracts*, instrument nos. 18294, 31079, and 31319.

57 PAM, *Estate Files*, GR 170, Box R72, 60, File No. 6804, estate of Josephine Leblanc, 21 June 1912.

Women's decisions were part of the general process by which estate divisions became more even handed in the 1910s and 1920s. The aging of the population and the commercialisation of the farm economy in Montcalm both contributed to a state of affairs in which estates contained less productive property. Farm women were just as likely as their husbands to bequeath real estate exclusively to sons, but when their estates were increasingly composed of moveable wealth their daughters shared equally in its division. At an average age of 72 in the 1910s and 1920s, women testators designed their wills to reflect these life circumstances. With already independent children, no spouse to care for, and less immovable wealth, women were freer to alter gender relations.

Although women's decisions did not change the overwhelmingly patriarchal nature of inheritance, women were part of the larger trend whereby parents sought security by converting ownership in productive property to intangible forms of wealth. By the 1920s, parents were far less likely to restrict the rights in property of their successors because they had themselves altered the basis for their future care. The progression is illustrated by a rather lengthy testament submitted to the courts in 1907. The estate of Joseph Vermette was one of the last documents of its kind to make extensive restrictions on the future disposition of family property. Joseph's six-page handwritten will, drafted in French on the 26 March 1907, was representative of a more traditional pattern of binding together the life-chances of successors. Joseph Vermette began his last testament by stressing that his five sons use the revenues of his estate, valued at \$9,750, to support their mother, Sophie, and to fund bequests to their three sisters. In this purpose they were to share the burden "*à part égales*."⁵⁸ The main provisions of the will's 26 clauses were designed to ensure that Sophie receive the easternmost 15 acres of the river lot where the family home was situated, \$100 annually from the three youngest sons, and the residue of the estate including a \$2,000 life assurance policy. The remaining clauses spelled out the extent to which Joseph hoped the family would remain together. The youngest son, Philippe, who already controlled the remainder of the river lot, was to receive his mother's part of the lot upon her death provided he granted his sister, Pamela, use of half of the family home, together with use of his father's livestock, white horse, and carriages. Pamela was also to receive most of the household effects following her mother's death, including two beds, a bureau, sewing machine, six chairs, an *armoire*, table, and all the pictures. She was also to have a choice of one of her brother Philippe's cows. Another son, Henri, was to receive a nearby quarter-section, provided he paid the balance due on the land of \$300.

58 Ibid., Box R72, S10-35, 45B, File No. 4755, estate of Joseph Vermette, 4 May 1907.

Should he accept, Henri was required to pay \$150 to the executors on December 1 in the year following the reading of his father's testament, \$100 to his brother, Ménésep Vermette, the following December 1, and \$50 to his brother, Alberic, the following December 1. The brothers were asked to bear in equal parts the cost of repaying a \$900 mortgage on another river lot south of the family home. If Alberic decided to build a home on the lot, all four brothers were urged by their father to share in the costs of its construction, provided it was not more expensive than their own homes.⁵⁹ Joseph's threshing machine was bequeathed to all five sons, Wilfrid, Alberic, Henri, Ménésep, and Philippe, to be held in common. The timing of cash payments was left open, but the varying amounts were specified. Maria was to receive \$250, and Victoria, \$500. Pamela was to receive an additional \$600. Money was also devised to sons not receiving real property, including \$100 to Ménésep and \$400 to Wilfrid. All monies given to Victoria were to be held in trust by the executors, Sophie and Alberic, until she reached majority. Finally, to underscore the document's concern for her well being, Joseph charged his sons to provide equally for their mother's medical care and to provide a horse to take her to church on Sunday.

By the 1920s, this highly structured concern for security and unity of purpose was less visible. Over time, the growth of intangible and moveable wealth had reshaped the nature of most family inheritances. Even the relatively modest estate of an individual like 75-year-old Hyacinthe Sabourin was marked by the changes in the rural economy. Hyacinthe's will was not much of a departure in terms of who it designated as its beneficiary. Like so many before him, Hyacinthe devised his estate entirely to his wife, yet the nature of his property was quite different. A large part of the estate's value was still represented by its remaining farmland. The 120-acre river lot he held at his death was valued at \$7,000 in March of 1922. But Hyacinthe had also sold land to his children to provide for old age, rather than merely devising real property after death. Hyacinthe's executor declared in court that the estate was owed \$1,600 in promissory notes and \$2,000 from an agreement for sale.⁶⁰ These were among Hyacinthe's last actions, both gifting and selling property to his sons.

Another contemporary of Hyacinthe's, Gilbert Lanciault, was further down that road when he passed away in March of 1924. The 85-year-old Lanciault had owned as much as 550 acres of farmland 20 years earlier, but when he died his estate contained no real property in Montcalm.⁶¹ Among the assets declared by executor and grandson, Alfred Sarrasin, were \$8,725 owing in mortgages and \$3,466 in promissory notes, including principal and interest, \$8,102 invested in a guaranteed trust with National Trust Co., and \$8,310 in bank

⁵⁹ Ibid.

⁶⁰ Ibid., GR 461, Box I-1-6-18, File No. 1529, estate of Hyacinthe Sabourin, 16 March 1922.

⁶¹ RMM, *Assessment*, 1901.

deposits.⁶² None of Gilbert's children were among those who owed money to his estate. Mostly it was area farmers (Philippe Vermette, Madame Onesime Beaudoin, Narcisse Rémillard, Hormidas Baril, Gaspard Bérard, Hector Rajotte, and Auguste Beaubien) who had borrowed money from Gilbert. After his passing, all this moveable wealth passed on to Gilbert's widow, Henriette Chouinard, and following her death to their five surviving children in equal shares.

The growth of moveable wealth in estates from Montcalm was part of a wider transformation of the rural economy, a transition imperfectly understood in prairie historiography. In Montcalm, this change was mediated through the inheritance process in two ways. Over time the commercialisation of the farm economy reduced the proportion of estates held simply in real property and fueled a growing social inequality between farmers. The Lanciault succession is only one example of estates that had become significant creditors to the local farm community through its mortgages and short-term loans. During the war decade and after, this capitalisation of farm wealth became a growing and important part of how Montcalm's wealthiest farms earned their daily bread.

Table 4
Distribution of Postmortem Wealth, by Decade, 1880-1929

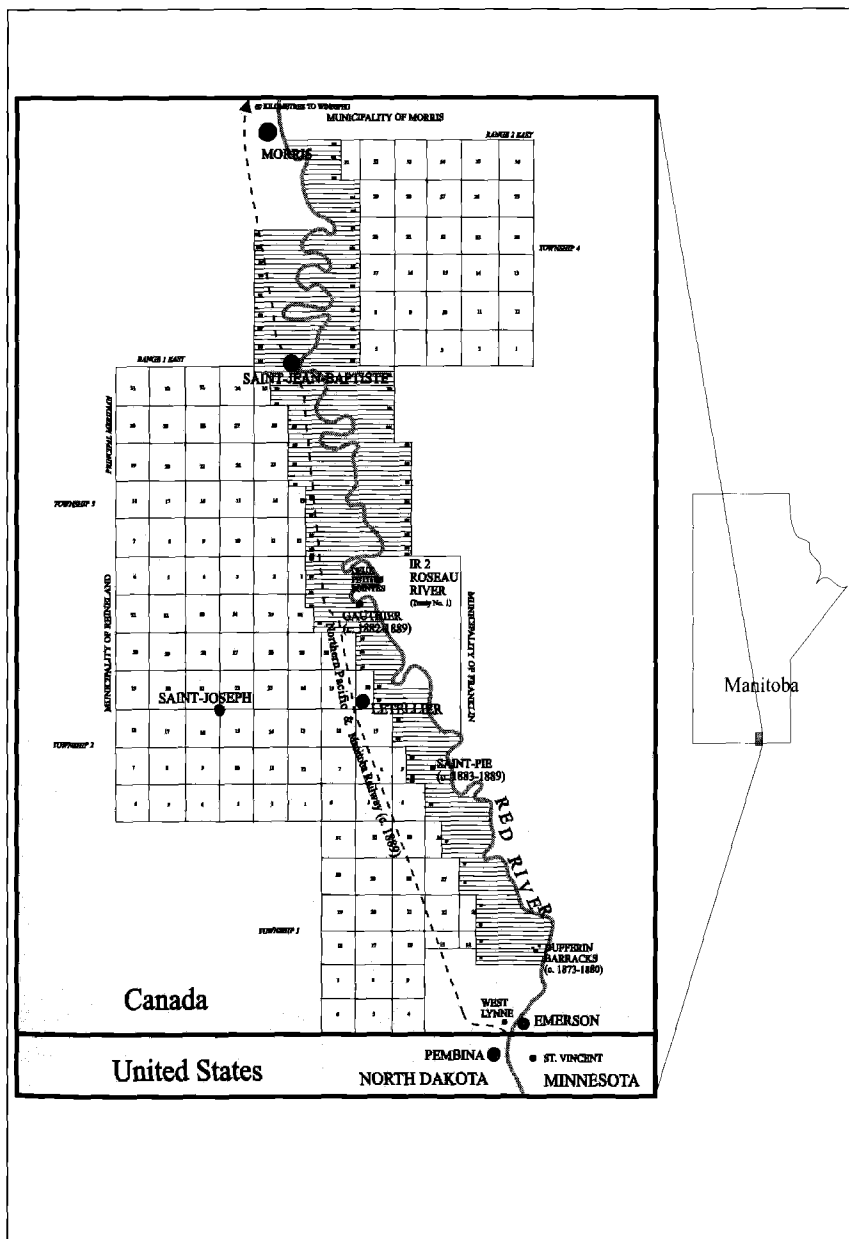
| | | \$ | \$ | Real | \$ | |
|-----------|---------|------------|-------------|--------------|--------------|-------------|
| | Number | Total | Total | Estate as | Estate Value | Proportion |
| | of | Value of | Value of | Proportion | Transferred | Transferred |
| | Estates | of Estates | Real Estate | Estate Value | by Highest | by Highest |
| | | | | | Third | Third |
| 1880s | 7 | 25,854 | 24,300 | 94 | 15,700 | 60.7 |
| 1890s | 17 | 25,592 | 15,650 | 61.2 | 15,191 | 59.4 |
| 1900s | 26 | 134,954 | 94,355 | 69.9 | 88,683 | 65.7 |
| 1910s | 49 | 768,377 | 336,428 | 43.8 | 644,697 | 83.9 |
| 1920s | 37 | 408,993 | 178,941 | 43.8 | 299,532 | 73.2 |
| 1880-1929 | 136 | 1,363,770 | 649,674 | 47.6 | 1,063,803 | 78 |

PAM, Surrogate Court, Winnipeg, *Estate Files*, GR 170 and GR 393; Surrogate Court, Saint-Boniface, *Estate Files*, GR 461; Canada, *Census (manuscript)*, 1891, 1901; RMM, *Assessment*, 1911, 1921; PAM, Paroisse de Saint-Jean-Baptiste, *Registres de baptêmes, mariages, et sépultures*, 1877-1911, MG 7 D 14, M 371.

The general trends are presented in Table 4. In contrast to the small estates of the 1880s, consisting almost entirely of real estate holdings, by the 1910s and 1920s only 44 percent of the value of postmortem transfers was made in real

62 PAM, *Estate Files*, GR 461, Box I-1-7-2, File No. 1795, estate of Gilbert Lanciault, 18 March 1924.

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property. This trend was matched by a less dramatic but steady change in the proportion of total estate values transmitted by the wealthiest one-third of the probate population in each decade. By the 1920s, then, the security that parents had tried to convey to their children, their hope to transfer occupational status to their children, was less palpable. Instead, parents of greater means began to prepare for their later years by converting productive property into moveable wealth. This made most divisions easier, more equitable, and gender-neutral, but meant that children were increasingly expected to make their own start in life.

Conclusion

The transition towards an inheritance system characterised by more equal divisions of moveable wealth was underwritten by the commercialisation of farming in Montcalm. Inheritance practices both contributed to these changes and served as a barometer of the underlying changes in the rural economy. If most farm families failed to draw the connection between education and the life chances of children, it was because *pluriétablissement* still exercised an important influence on the succession process. Over time, it was increasingly the most successful farm families, the ones that reoriented themselves to the imperatives of commercial agriculture, who were able to fulfill the ideal of establishing many heirs. The availability of western land had boosted the life chances of many of the farm families who migrated to Montcalm in the late 1870s. When the bloom of expansion wore off, however, the encroaching reality of the export market, the cost of acquiring new land, and the growing appetite for credit exercised a constraining influence on the traditional entente between farm generations.

The longer that parents held on to their growing family wealth, the more children had to strike out on their own to establish themselves. By not having to care for parents, who generally lived longer, excluded heirs were liberated from many traditional responsibilities. These children got their more portable inheritance later, and usually less of it, but were free of extended obligations to labour and to care. Even for the children who stayed behind in Montcalm and received transfers of productive property, the new financial obligations relieved them of daily aspects of caring for two aging parents. Nevertheless, the unrelenting capitalisation of farm wealth and the conversion of productive property into intangible assets by aging parents, placed new limits on the reproduction of occupational status. Although family obligations were clearer and more evenhanded, succession practices reduced the unity of purpose among heirs. In the process, the relationship of farm families to the land became more individual and modern.