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FARM TRANSMISSION AND THE COMMERCIALIZATION OF AGRICULTURE IN NORTHERN MAINE IN THE SECOND HALF OF THE NINETEENTH CENTURY.

1- INTRODUCTION

The “transition to capitalism” has been one of the most discussed issues in the historiography of 18th and 19th century rural United States. The discussion of this “market revolution” usually contrasts two diametrically opposed types of farmers: the adepts of the “household economy” who sought family and community security and therefore refrained from entangling themselves with the market any more than they absolutely had to; and individualistic, profit seeking “market producers”, who saw in the expanding markets a fount of opportunities. This typology, and the “market revolution” construed upon it are problematic however. For a start, no one agrees with the timing of the said revolution, which occurred at any time between the landing at Plymouth Rock and World War I! And as C. Clark (Clark, 1990) and M. Merrill (Merrill, 1995) pointed out, the household economy was compatible with extensive market exchanges, and could use them to grow and develop without necessarily turning into something else, like for instance, a capitalist one. This led R. Bushman (Bushman 1998) to conclude that the dichotomy market-adverse household economist/market-oriented individualist was confusing the issue. He proposed to introduce into the typology a third type, which would have been the prevalent one from the seventeenth to the nineteenth, and even the early twentieth century and which he calls the “composite farm”. Composite farms produced for on site-consumption *and* for markets. Production for subsistence provided security in times of adverse market conditions; production for markets was a source of cash, and cash was needed to acquire property upon which to establish the children. Bushman concluded that

“ Composite farms...proceeded under the double mandate of providing first for daily living, and then for cash to buy the next generation's land.” (Bushman 1998: 367)

This second mandate was very important because property transmission was at the heart of family and social relations in rural America. Without land, one could not be a farmer (tenancy was always an option, but not one that 18th and 19th century rural families embraced readily). Unless a landless person could establish himself successfully as a village merchant or craftsman, he stood a high risk of falling into the ranks of the poor and marginal seasonal labourers. Social

reproduction required that most farmers' sons acquire land (and daughters be given the appropriate dowries in stock and household equipment to match their husband's portions). There was more at stake in property transmission than social reproduction however. Farmers needed labourers and in the colonial North east and even later, labour was scarce and expensive. Farmers then relied on the unpaid labour of their children, who expected their father to establish them as a compensation. When fathers could clearly not be expected to do so, they could not hold on their sons (Vickers, 1994). Farmers also had to provide for their, and their wife's old age, when they would no longer be able to perform the hard physical labour farming entailed. The farmstead then became an old age pension fund, and could be exchanged for support for the parents until they died.

Market participation soon became necessary for successful social reproduction because land supply was inelastic and within a few generation of settlement, the only way to acquire a near by farm for one's children was to buy one. "Composite farmers" were then by necessity simultaneously family and market oriented. They used the market to fulfil family goals - not to become rich individuals. The logic of the market did not shape human relationships within the family. Therefore the social and familial impact of the "transition to capitalism" should have been muted. Rather, family and social relations shaped the relationship to market. Commercialisation, ironically came to the rescue of a non-capitalist social system. This use of new commercial opportunities to shore up traditional forms of rural social reproduction was not unique to the US. In the 1940s, sociologist Everett Hughes had argued that the French Canadian farmers' moral obligation to provide for their large families had been one of the forces compelling them to adopt modern farm technology and commercial farming (Hughes, 1963). More recently, Gerard Bouchard, whose research focuses on the Saguenay region of Quebec, developed a similar model, which he called "co-integration". Farmers used the resources of the global capitalist economy to pursue goals which were outside of it: the perpetuation of a given local social order and social hierarchy (*la reproduction à l'identique*) (Bouchard, 1983; 1996; Bouchard and Thibeault, 1985).

The reliance on market participation to sustain traditional forms of rural reproduction may thus have been widespread. How long did this equilibrium last? Did at some point the "logic of the market" and incipient capitalism overrode family goals. Although property transmission in colonial America has been well investigated, one cannot say the same about its avatars in the nineteenth century US. The only study that specifically addresses this issue is Toby Ditz's investigation of property transmission in Wethersfield in the Connecticut valley to 1820 (Ditz, 1986). It contrasts a soon to be commercial lowland community and a subsistence oriented upland one. In the colonial period, families relied on the "favoured heir plus burden" system to

provide for all their children, ensure their old age security, and avoid fragmenting the farm into unviable units. One child was thus given the farm, but had to support parents in old age and compensate his siblings with money and/or moveable property. If the family had succeeded in acquiring additional property, this one was also distributed among the "non inheriting" children—the ones who did not receive the family farm. The system efficiently reconciled what seemed at first glance irreconcilable goals.

Until the 1820s, landownership, except in commercial ports, was the necessary prerequisite to economic security, status and political rights. The growth of trade, and the beginnings of industrialisation and urbanisation altered the relationship between land and life chances. More and more, wealth took the form of moveable rather than real estate. The biggest fortunes in antebellum America did not consist in real estate, but in stock, bonds and inventories. Settling sons on a farm remained a common way to ensure their future, but the importance of this strategy declined; alternatives became more numerous than in the past, as the professions, trade and manufacturing expanded. Farming itself changed: it became more commercialised, more capitalised, and more profit oriented. In short, it became a business.

Land had been the support of a way of life, a means to make a living, and a pension fund. It became a tool, and a form of capital. Inheritance laws did not change, but property transmission practices did. According to Toby Ditz two new strategies emerged in Wethersfield in the 1820s and soon became the dominant ones. Either, farms were passed intact to one child AND unencumbered with payments to co-heirs: the goal was to preserve the integrity of the farm as a profitable business. Fathers possibly provided for the other children out of the increased profit of their farm. Or the farm was sold, and the proceeds, less the widow's dower, equally shared among the heirs. Here, the farm was treated as a form of liquid assets. Ditz concluded that families were no longer preoccupied with setting up farm households. They were more preoccupied with the needs of the parent couple. The attitude of the Wethersfield farmers had eighteenth century antecedents. Farmers in Germantown, on the edge of Philadelphia, normally sold their parents' land after their death and shared the proceeds.[Wolf, 1976]. Both areas shared one common characteristic: their agriculture was market-oriented. In region where it was not the case, farmers clung to older patterns of land transmission as did the inhabitants of Chelsea, Vermont (Barron, 1984). But even in the Connecticut valley, upland farmers, who were poorly integrated in the market, preserved old forms of property transmission

The commodification of land and the increased importance of personalty as a component of an individual's wealth also led to better treatments of daughters and widows. As Toby Ditz stated, when land ceased to matter, women were given increased access to it. In Connecticut, testate fathers increasingly treated sons and daughters equally, even as far as land was concerned. In Chester county, Pennsylvania, men increasingly left all their estate to their wives.[Wilson,1987, 1992]. In New England and in the Middle colonies, marriage settlements,

which kept a woman's real and personal property separate from her husband, and often allowed her to manage it herself became more common. By the middle of the nineteenth century, marriage settlements became common in the northern states (and Texas). Married Women's Property Acts enshrined in statute law the principle of a married woman's control over her property (Chused, 1983; Shamma et al., 1987; Weisberg, 1982). There is practically no work done on the impact of those Acts upon the ownership of family farms, and upon patterns of property transmission however.

Nineteenth century property transmission is better documented for eastern Canada however. In Eastern Canada, the pioneer stage lasted well into the nineteenth century (and even beyond if one did not object to try and farm the thin soil of the Canadian shield, or pockets of good land in northern parts of Ontario and Quebec. Till the middle of the century, the forms of property transmissions common in colonial New England prevailed here as well. Families acquired additional land, or sold their holdings in settled region to move with their grown sons where land prices were low. Giving the farmstead to one of the younger sons in exchange of support in old age was common among French Canadian, and the French legal systems had provisos covering such an arrangement, known as "*donation entre vifs*" (Bouchard, 1983, 1987, 1996; Bouchard and Thibeaut 1985; Lavallée, 1986; Depatie 1990; Michel 1986). The common law did not know conditional deeds, but English Canadian found a way around this omission: the gift of land secured by a mortgage or performance bond; or a lease to son, assorted by a proviso in their will bequeathing the said plot to him (Gagan 1976, 1978, 1981; Gagan and May 1980). The various strategies were successful. In the first half of the century, in Peel County (Ontario), families succeeded in settling an average of four sons on the land; Three quarter of the sons of Saguenay farmers who married before 1860 likewise became farmers. Even late in the century the system still functioned in peripheral regions. In the Ottawa valley in the 1880s, according to Bruce Elliott, three-quarter of the sons were able to secure farms in the area: half of them received their land from their father or grand father (Elliott, 1988).

By the last third of the century however, Eastern Canadian farmers not settling land on the periphery of the provinces of Ontario and Quebec were facing the same challenges and opportunities as their colleagues in the north east of the US half a century earlier: lack of settling land, rising real estate prices, but also the opening of the West, the commercialisation of agriculture, the spread of public education and the growing availability of non farming occupations. Malthusian pressure incited at least some Ontario parent to alter their property transmission strategies and their demographic behaviour. Peel county parents shifted to the "favoured heir plus burden" system. "Inheriting" sons started life heavily indebted to their siblings. Difficulties in getting a farm resulted in later marriage and consequently smaller

families. But there are also indications that Ontarians started to deliberately have fewer children; the average age at which women had their last child dropped from the early 40s to the late 30s (Gagan, 1981: 87-88).

Migrations also became strategies of heirship. Children who did not receive land from their parents left. In Peel county, 60% of the heads of families listed in the 1851-52 census were gone by 1861, and 2/3 of those listed in 1861 were no longer there in 1871 (Gagan, 1981: 95). In Quebec, out-migration was not as important, but still significant: St Damase, a parish south of Montreal lost 32% of its households to out migration between 1852 and 1861 (Maisonneuve 1985). A lot of French Canadian chose to migrate to urban-industrial centres, especially in New England, intending to earn the capital that would allow them to buy a farm back home. Most never came back (Roby, 1990).

The commercialisation of eastern Canadian agriculture was a drawn out process that started at the beginning of the nineteenth century in the St Lawrence- Great Lakes axis, as well as in a few peripheral pocket. It was not fully completed until the 1960s in the outlying parts of Quebec, Ontario and the Maritimes. As in the US, commercial agriculture meant that a larger, well stocked and well equipped farm was increasingly necessary for success. This had the same impact on family strategies in Canada as in the US. Turning over the farm to a son in exchange of support for elderly parents and start up capital for the other children would have imposed a crippling burden upon him. Consequently, farmers started transferring their farms to one son without any other encumbrance than the obligation to support the parents. This shift occurred as early as the 1830s in the Richelieu valley, a region involved in the wheat trade (Greer, 1985). In the Saguenay, where commercialisation came late, it did not take place until after WWI. Agricultural commercialisation however did not stop farms from being sources of support in old age. Deeds of maintenance remained frequent in French Canada until after WWII. Parents viewed their farm as their pension fund: they had been unable to save money during their prime working years because they had had large families to raise. Consequently, they felt justified in using the farm to provide for their old age, and this right extended to the widow. In St Justin de Maskinongé near Trois Rivières, people were quite explicit in describing this behaviour:

The people interviewed agree to state that when the father dies, his wife is often his heir and the son cannot take any decision without her agreement. in all the case mentioned, the people stated that the farm belongs to its owner who can dispose of it as he sees fit. (Garigue, 1968: 137)

In Ontario, the practice of transferring farms (and in urban areas, real estate) in exchange for maintenance or an annuity continued but could cause difficulties. Recipient of the property sometimes did not live up to the terms of the agreement, or did not use the property as the elderly

had intended. More and more elderly people turned to the courts to ensure that maintenance agreements were respected. Or they turned their assets to the local government in exchange for support- and of course after the death of the parents, the farm was no longer in the family. This practice had been permitted by an act of the provincial legislature in 1912, which remained in force until the 1950s (Snell 1992)

Canadian and US historiography thus present us with a linear model where Malthusian forces (rising population and inelastic land supply), and agricultural commercialisation, sometimes on their own, sometimes in concert, forced parents to rethink their property transmission strategies. Westwards, and rural -urban migrations offered ways out that made it easier to pass the farm to one child, unencumbered by compensation to the siblings. The other children, and English speaking Ontario started limiting their numbers as well, were given a dowry, an education or, in the worse cases, left to fend for themselves.

The evolutionary process may have been less tidy and less linear than this model suggests however. A case in point is Northern Maine in the nineteenth century. There, a settlement of Acadian and French Canadian embraced every market opportunities that came their way with alacrity. Their property transmission practices resembled the ones of the Weathersfield farmers in the 1820s, or of English and French Canadian farmers engaged in thoroughly commercialised agriculture. And yet, “the logic of the market” may not have been the determining factor for this situation. Not all local farmers were equally involved with the market, and the behaviour of most market oriented farmers was not significantly different from the ones operating closer to subsistence levels. The change in short may not have been dictated by external and impersonal forces which would have compelled the most commercial farmers to act like businessmen rather than like benevolent patriarchs.

I. THE COMMUNITY AND ITS ECONOMY.

The Upper St John Valley is now the boundary between northern Maine and north west New Brunswick (see figure I). It was opened to settlement in 1785 by a group of New Brunswick Acadians, and for the next century and a quarter, attracted a relatively modest, but steady flow of French speaking immigrants from the Lower St Lawrence valley. By 1850, the St John Valley boasted 6 167 inhabitants, and close to 15 000 by 1870. The settlement, which was immediately referred to as "Madawaska settlement" was (and still is) about 75 miles long, extending from the mouth of the St Francis river to the West and the Grand Falls to the east. It extended but a few miles away from the river, except where tributaries made penetration of the interior easy. It was (and still is) surrounded on all side by unpopulated timberland stretching for many miles.

Settlement was continuous only below the Grand Falls, where Irish and other British settlements succeeded the French ones above the fall. Jurisdiction over the area was in dispute, and the issue was not resolved until the signature of the Webster Ashburton treaty, which granted the south bank of the river to the Americans and the north bank to the British- who incorporated it into the Province of New Brunswick . The terms of the 1842 treaty, which guaranteed free navigation of

forest and agricultural products on the St John river were designed to minimise disruptions of the local economy. No one locally really paid much attention to the boundary anyway: the river had been the local highway, and remained so. People crossed it back and forth to visit relatives, shop, find spouses- or buy land.

Until the 1820s, the local economy rested almost exclusively on agriculture , although there had been some fur trading activities in the eighteenth century. Lumbering began officially during the 1823-1824 season. The boundary dispute soon put an end to legal lumbering operations. The industry continued unabated all the same. Lumbering (and its spin-off, pulp and paper production) and agriculture have remained the mainstay of the valley's economy to this day (Wynn, 1981; Judd, 1989). The Madawaska residents took part directly as producers, and indirectly, as suppliers, transporters and labourers in the timber trade. This made them part of the world capitalist economy, and downturns in the market in Liverpool could ripple all the way to the gates of their farm: when priced collapsed in England in 1848, and timber was left to rot in St John, the price of oats in the St John valley fell from 2 shillings 6 pence in 1846 to 1 shilling 8 pence - a 30% drop (Dufour ledger, 1844-1848). The Madawaska settlers' participation in the world capitalist economy may have predated the arrival of the timber trade though. From the last years of the eighteenth century onwards, a growing proportion of local farmers had displayed a strong inclination to step up production to respond to the demands of whatever market was accessible and profitable. First, they grew wheat, which was shipped downriver; then shanty supplies; and finally, after the railroads came in the 1870s, they switched to potatoes. And all the while, they grew a wide range of surplus foodstuff for the local market. This local market was composed mostly of shanty workers and new settlers who had not finished clearing a land for a farm. The latter category remained numerically important till the end of the century; as late as 1870 for instance, 1/3 of the farms were less than ten years old. Nonetheless, agricultural production was not heavily specialised. Local people grew market crops in addition to subsistence ones, not instead of them, with the exception of wheat. Production for home consumption and production for sale were complementary (Craig, 1988, 1992, 1993, 1995). By 1860, Madawaska farmers compared favourably with the ones in Ontario, the province which is always taken as the epitome of nineteenth century commercial farming, and outperformed the New England ones Attack and Bateman included in their sample (Craig 1992). But they did lag

behind Mid-Western ones.

The local economy was not only commercialised and tied to long distance trading network through the timber and lumber industry, but was also well on its way to become a cash one before the civil war. In 1853, half of the payment made at the Emmerson general store, in the central part of the valley (NB side) were in cash. Emmerson himself was paying his suppliers in cash : he remitted \$ 5700 to a single one in Quebec city in the second quarter of 1853, and almost \$14000 between July and November 1856; simultaneously, he was sending huge amount of notes, bills, checks, and drafts to a counting house in St John for exchange with gold: \$22 000 in 1863 for instance (Craig 1996, 1998; Emmerson Ledgers 1851-1867).

How was land transferred in a commercial and increasingly monetarized economy? Did large landowners pursue strategies different from the ones of the smaller landowners- in short was the acquisition of land linked with an attempt to establish as many sons as possible near by? Or were they already treating their farm as a business - not a long running source of start up capital for a succession of sons. And was there a relationship between a farmer's degree of market imbeddedness and his property transfer strategies? Or in other word, did highly commercial farmers behave significantly differently than those operating closer to subsistence levels?

3-METHODOLOGY

This study is based on several types of sources (the primary sources are listed under this heading in the bibliography). These include Probate Court records from Maine and New Brunswick. Court records contain scanty information; this population left 23 wills for the period 1800-1870, and a lesser number of intestate successions were supervised by the courts. There are several possible reasons for the phenomenon. Distance was one; the widespread use of inter vivo transfer was another .

Because of their meagerness, court records were only used as an ancillary source. Tax records are non existent; these people were not taxed before 1869. One must therefore rely entirely on land records. The New Brunswick government granted 74 lots, located on both sides of the river, and averaging 200 acres each, in 1790 and 1794. No more land was granted afterwards, on account of the boundary dispute. This did not stop people from immigrating to the area. Them, and the children of the charter families took land and improved it; they occupied 520 lots in 1831; they exchanged them, sold them, left them to their children as if they owned them. Most of those transactions went unrecorded. Even the transactions affecting the British grants were incompletely recorded, in large part because the county registry office was too remote before 1850.

The 1842 treaty stipulated that bona fide settlers should be quieted in their possession. This was done between 1845 and 1848; 563 deeds were issued on the American side, and 505 on the British one. Subsequent would be settlers were expected to buy the land they wished to improve, but extensive squatting continued on the U.S. side, after the state of Maine sold or gave huge acreage to lumber entrepreneurs and to the European and North American railroad Company . Squatters did not escape official scrutiny however: a very thorough 1873 land agent report list them all, with their wife's maiden names, and the name(s) of previous occupiers of the land. A local Registry of the Deeds opened on the American side in 1845; A local County Registry Office was established on the New Brunswick side in 1850 (Registries of the Deeds and County Registry Offices performed exactly the same functions). American residents bought land in New Brunswick, and vice versa; or American residents moved to New Brunswick, and subsequently bought land and vice-versa.

The 3477 real estate transactions relating to the Upper St John registered in New Brunswick or Maine between 1790 and 1870 have been collected (only 280 related to the pre-treaty period). Those figures underestimate the actual number of transactions, even for the post treaty period for two reasons. First, buyers and sellers were in no hurry to register their transactions. The average delay was three years, but it could extent to 20 years and more. Only after 1875 did most people register their transactions promptly. Often a buyer would register his deed only when he was ready to sell the lot. Purchase and sale were then registered at the same time. To minimise this problem of late recording of deeds, the registry books were examined up until the year 1890.

The second problem is more serious: Even after 1845, an undetermined proportion of transactions were never registered. Some people seem to sell land they had never officially acquired. After 1860, it became common to include the chain of titles in the deed; one then notices that some of the transactions had escaped official scrutiny, and were never registered . They did not seem to be numerous, at least not numerous enough to make the records unusable, but they introduce an element of uncertainty in the analysis.

The methodology used is very simple. The various acts have been transcribed on landholding cards bearing the name of the persons involved¹. Each act is therefore transcribed twice, once on the grantor's card, and once on the grantee's card. The cards also identify the land granted under the 1842 treaty. Transactions normally refer to lots or portion of lots identified with reference to the 1845 or 1848, or subsequent land grants. Acreages are not systematically indicated. Mid century lots, and subsequent state or provincial lots were relatively uniform in

¹ I could not think of a way to computerize the data that would not have been twice as time consuming as an old fashioned pen and paper system. The greatest difficulty was the non-standardized manner in which lots were identified.

size however (mid century lot were about 130-150 acres). Because it is not possible to measure the size of the holdings of all individuals in acres, I measured it in “lots”, using mid-century lots as the standard unit. Significantly smaller or larger properties are counted as fractions or multiples of lots. The “northern half of lot 234” is counted as half a lot if it is bounded by the “southern half of lot 243”, and as one third if it bounded by the “middle part” of the same lot for instance. Once all the acts were regrouped in this fashion, the landholding cards were linked with the family reconstitution cards which had been established for this community for the purpose of a previous study; the family reconstitution cards cover the period 1792-1855, and the data was supplemented by death records till 1890. It was also supplemented with census data.

All these cards are not equally useful for our purpose; the property cards of people who married after the middle of the century for instance are not complete, because the period of observation is too short. To go around the problem, I selected two subpopulations. The first one includes all the families whose head died before 1870 . They are identified from the information contained in the family reconstitution cards, and from records of deaths in the registers of the local parishes. Unfortunately, only the group of families whose head died between 1845 and 1870 can be systematically used. Three quarter of the others either do not have a property card, or the card is too incomplete. We are left with a small group of 180 families, 118 of whom have a property card to their name.

This subpopulation is really small and makes more detailed analysis fragile. As the majority of the men seem to have disposed of their land during their life time, I decided to cast my net wider, and to select additional subpopulations. This second group is constituted by those families whose heads were most likely to have disposed of their land between 1845, when the land registries become reasonably complete and 1865, when my data is still reasonably reliable. This cohort includes the men who were born (locally or outside) between 1785 and 1805, and who therefore reached the age of 60 between 1845 and 1865. (Unfortunately- for me at least- they lived very long lives, and most were still alive in 1870). When an individual's birth date was not known (from either the parish register, or the census), it was estimated from his date of marriage: locally born men married on the average at 25, and the others at 30. Immigrants who left before 1845 have been excluded, as we do not have enough information about them. A family who ceased to appear in the parish registers, who is not enumerated in the census and who has not been granted any land between 1845 and 1848 falls into this category.

This cohort is obviously not representative of the whole population, as it is almost entirely made of residentially persistent families. But it seems logical to focus on this subpopulation for the purpose of our study. Residentially persistent people are far more likely to own land and to develop land transmission strategies than transient ones and than emigrants. This cohort includes 306 heads of family, 25 of whom died before 1845. Thirty of the remainder are

never mentioned in the land records, but appear in the census. They were probably landless journeymen or tenant farmers; they account for 10% of the cohort.

The third cohort was selected quite differently, starting with the 1860 US agricultural census. Using the method elaborated by Frank Lewis and Marvin McNinnis (Mc Innis, 1984; Lewis and McNinnis 1984), one can use the data in the agricultural census to estimate the value of a farm surplus's production (production in excess of food, feed and seed needs). Linking the census data with the property cards allows us to establish whether very commercial farmers (that is the ones with large surpluses) disposed of their property differently from subsistence ones. The census lists 224 farmers aged at least 45 (and therefore likely to dispose of their property before the end of the century). Only 121 can be linked with the property cards, and only 87 officially owned any land in 1860. Some of the unlinked farmers could have been tenants, or unrecorded squatters. Some very likely had land that had escaped registration. The biggest reason behind the poor linkage rate however is the creative spelling of an English speaking census taker obviously unfamiliar with French names, and who compounded the problem of mangled last name by substituting English Christian names for French ones he could not grasp. (Linking the census with the family reconstitution cards is equally frustrating, and for the same reasons).

4-PROPERTY TRANSMISSION STRATEGIES AND SOCIAL REPRODUCTION

Few individuals accumulated significant amounts of property during their life time; only 20% of the three cohorts ever owned more than three farm lots. At most 10% ever owned more than 5. (see table I). The different cohorts do not differ much from each other in terms of land ownership. For all practical purposes, cohort I and II are identical; Cohort III was slightly better

Table I						
Number of lots held during lifetime						
	Cohort I (died 1845-1870)		Cohort II (born 1785-1805)		Cohort III (listed in 1860 US agricultural census and born before 1815)	
N	180		283		224	
	N	%	N	%	N	%
Unuseable cards	8	4.4	13	4.6	0	0.0
Not linked	54	30.0	53	18.7	103	46.0
Linked	118	65.6	217	76.7	121	54.0
		% of linked		% of linked		% of linked
One lot	52	44.1	95	43.8	42	34.7
1.5 to 3 lots	43	36.4	80	36.9	49	40.5
3.5 to 5 lots	14	11.9	24	11.1	18	14.9
6.5 to 10 lots	7	5.9	14	6.5	12	9.9
10.5 to 16 lots	2	1.7	4	1.8	0	0.0

off, but its distribution parallels very closely the one of the first two cohorts. They probably did not own enough land to establish all the sons. Before 1850, the average completed family numbered 11 children; the households in cohort III averaged 7 people. Most St John valley farmers had only enough land to establish one or two of their sons, but doing so did not even seem to be a preoccupation of theirs.

The majority of households that could be linked owned more than one piece of land. But the process of expansion of holdings until maturity, followed by diminution as land was handed over to offspring which is supposed to characterise strategies to establish children on the land did not occur here. Disposition did not follow acquisition, but overlapped with it. And some lots could be sold to finance the purchase of another. Disposition was also independent of the family life cycle, and did not coincide with the marriage of children, or even their coming of age. It was related to the age of the head however (see table II). Landownership declined after 54, and the late 50s were the age when most farmers who were going to exchange some or all of their property for maintenance did so. The relationship was not linear however. Older men, the ones born in the previous century, had been better positioned on the property market, and still were.

Table II Number of lots, according to age of male head Cohort III					
Age	# of cases	Average # of lots in life time	# with lots in 1860	% with lots in 1860	Average # of lots in 1860
45-49	33	2.5	25	75.8	1.7
50-54	41	2.6	31	75.6	1.9
55-59	17	2.9	11	64.7	1.9
60-64	12	2.8	6	50.0	2.5
65-69	11	3.5	8	72.7	1.9
70 and more	7	2.0	6	85.7	1.3

In addition, the land thus alienated of did not necessarily go to a child (see table III); when it did, it was rarely as a gift (less than one per cent of the properties were given away). Parents sold the land to the children at what was, as far as one can judge, market price. Or they transferred it to them conditionally, against maintenance. Performance bonds to secure the deeds of maintenance also seem to have reflected the broad value of the land.

Alienation outside the conjugal family was therefore significant. Only a minority of families transferred land only to their offspring. Most transferred to family and non family members alike. Cohort III was the least family oriented; 1/3 of its members did not transfer any property to their children, and 2/3 alienated property outside the family; only 10% transferred all

Table III						
<i>Inter vivo</i> disposition of property						
(Number of households involved per type of transaction)						
N	Cohort I		Cohort II		Cohort III	
	118		217		121	
	N	%	N	%	N	%
Transferred to at least one child	60	50.8	124	57.1	50	41.3
Transferred outside the conjugal family	55	46.6	47	21.7	85	70.2
Transferred only to children	37	31.4	63	29.0	12	9.9
Transferred only outside conjugal family	32	27.1	63	29.0	47	38.8
No <i>inter vivo</i> transfer	24	20.3	38	17.5	24	19.8

their property exclusively to their children. In addition, the more land a family ever owned, the more it was likely to sell some of it outside the immediate family. (table IV-V-VI). The more land a family held, the less likely it was not to transfer any to a child- but also the less likely it was not to transfer property outside the family. Larger landholders in short alienated property outside the family and transferred some to their children. The image of the provident father who patiently accumulated property over his lifetime to establish his children obviously does not apply to this population.

If helping children to become farmers was not the primary goals behind property transmission, what was it? Most likely, it was old age security. About half of the households who alienated any property during their life time granted a conditional deed for at least some of their property. The piece of land in question could be a long held one, or could have been bought very recently. It was not necessarily a couple's last piece of property either. Some “retirees” clung to part of their land till their death. In that case the conditional deed was likely to be one element of a varied strategy for security: sales to get cash, conditional deed to get on-going support, and keeping some land as insurance.

Conditional deeds did not necessarily go to sons; sons in law could receive them to, or even married daughters. They did not necessarily go to children, even if the old couple had some around. The conditional deed was not the equivalent of the “favored heir plus burden” strategy discussed by Ditz either. As mentioned earlier, conditional deeds did not provide for payment to children, only for the support of those still at home and for their being given a dowry. Until the 1860s, support was in kind (usually itemised in great details). Afterwards it took more and more the form of an annuity in cash and store credit, reflecting the commercialisation and

monetarisation of the economy.

Table IV										
Type of property transmission according to the number of lots even held										
Cohort I										
Number of lots	1 lot		2-3 lots		4-5 lots		6 lots and more		Total	
Number	52		43		14		9		118	
	N	%	N	%	N	%	N	%	N	%
1) No <i>inter vivo</i> transfer	10	19.2	10	23.3	2	14.3	2	22.2	24	20.3
2) transfer only to children	23	44.2	12	27.9	2	14.3	0	0.0	37	31.4
3) No transfer to children	15	28.8	12	27.9	2	14.3	3	33.3	32	27.1
4) transfer to children and to outsiders	4	7.7	9	20.9	8	57.1	4	44.4	25	21.2
Conditional deeds	22	42.3	9	20.9	8	57.1	3	33.3	42	35.6

Table V										
Type of property transmission according to the number of lots even held										
Cohort II										
Number of lots	1 lot		2-3 lots		4-5 lots		6 lots and more		Total	
Number	95		80		24		18		217	
	N	%	N	%	N	%	N	%	N	%
1) No <i>inter vivo</i> transfer	28	29.5	8	10.0	1	4.2	1	5.6	38	17.5
2) transfer only to children	31	32.6	25	31.3	4	16.7	3	16.7	63	29.0
3) No transfer to children	22	23.2	19	23.8	5	20.8	1	5.6	47	21.7
4) transfer to children and to outsiders	14	14.7	28	35.0	14	58.3	13	72.2	69	31.8
Conditional deeds	32	33.7	32	40.0	18	75.0	11	75.0	93	42.9

Table VI										
Type of property transmission according to the number of lots even held										
Cohort III										
Number of lots	1 lot		2-3 lots		4-5 lots		6 lots and more		Total	
Number	42		49		18		12		121	
	N	%	N	%	N	%	N	%	N	%
1) No <i>inter vivo</i> transfer	12	28.6	10	20.4	1	5.6	1	5.6	24	19.8
2) transfer only to children	6	14.3	4	8.2	2	11.1	0	11.1	12	9.9
3) No transfer to children	20	47.6	17	34.7	6	33.3	4	33.3	47	38.8
4) transfer to children and to outsiders	4	9.5	18	36.7	9	50.0	7	50.0	38	31.4

Conditional deeds	9	21.4	19	38.8	9	50.0	6	50.0	43	35.5
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Conditional deeds were also increasingly fraught with tensions. In this respect, the situation in the St John valley anticipated the one in late nineteenth and early twentieth century Ontario. More and more deeds were cancelled, replaced by another one with a second, and sometimes even third recipient. Or the grantee sold the land (and the old people) to a third party; not surprisingly, clauses forbidding the sale or the mortgaging of the land without the grantors' permission became more and more common. From the 1860s on, conditional deeds were also likely to be converted into outright sales. A new option may have become available at the end of the century: deeds to the Church. In 1862, 50 year old Urbain Martin and his wife had given a conditional deeds to two half lots to their only daughter (she was married). Twelve years later, Urbain and his wife gave again one of those two lots conditionally- to the Convent of St Basile, across the river in New Brunswick. The Convent was to provide them with room, board, clothing, the use of a horse and cart once or twice a week, a first class funeral, and twenty five low masses for the rest of their souls. The deed also provided for the support until 21, and the education of two grandchildren, George (12) and Marie Ange (11) Sirois, suggesting at least one of the parents may have been dead. George was to be educated at the Seminary or at the Jesuit college in Montreal, and Marie Ange at the Convent- “in all branches taught in their institution”.(The Convent included a girls' school which prepared teenagers for teaching position).

Conditional deeds were less a strategy to provide for the children than to support the parents. They suited parents fine: they guaranteed them support till their death and even afterwards in the shape of masses for their souls (100 masses were not unheard of) . They suited children less and less, probably not because of the cost involved, but because it restricted their use of the property. Children could not mortgage it to raise capital; they could not sell it, either to purchase a better one, or to emigrate, without the parent's permission. Conditional deeds in short stood in the way of the commodification of land. In the long run, parental security lost; commodification won. Elderly people went through several support providers, who may have viewed the arrangement like some open ended lease rather than a commitment till the death of the old people.

A few families resorted to transferring property not from parents to children but from husband to wife. Wills were uncommon in this region (a grand total of 23 for the period 1845-1870!). 40% left some landed property to the wife (and 1/4 left all the property to the wife); 17%

left her an usufruct in the husband's land. Personal estate was distributed exactly like real one-wives who got a share of real estate got exactly the same share of the deceased's personal estate. The few men who left a will then tended to privilege wife over children.

On the US side, men also took advantage of the *Married women's property act*, passed in 1844, which allowed married women to own property in their own name. Twenty four men put all or part of their property in their wife's name. The reason varied greatly- men remarried to a much younger wife ensured by so doing she would have a mean of supporting herself and her children when she inevitably became a widow; some men gave all their property to their wives, provided the latter pay their debts and support them. One gave half his land to his wife to get rid of her. In other cases, the reason is not obvious, besides insuring the wife had some goods of her own. The married Women's Property Act was then used to face uncommon situations, or as a form of insurance. The common thread seems to have been to protect the economic position of the household, and improve the one of widows over what the law would have granted them (The Common Law granted widows a Dower consisting in 1/3 of their husband's personal estate, and the usufruct of 1/3 of his personal estate). Although not common, wills and transfer under the Married women's property act uniformly improved the economic position of the wife or widow, at the expense of the heirs, and at the expense of the husband's patriarchal control over his wife and his property.. When this population deliberately deviated from the ordinary prescription of the law, it did not curtail women's access to property, but enlarged it. One cannot however conclude that it was because land had ceased to matter, as was the case elsewhere in the US; it was, on the contrary, because it mattered a lot.

Property transmission practices in this region then do not parallel the ones of the "composite farms" described by Bushman, of the colonial farmers analysed by Ditz or Vickers, or the one of Canadian frontier farmers. On the other hand, they very much resemble the ones that emerged in the US and Canada when agriculture commercialised

Was farm commercialisation however the immediate cause? To answer this question, we can turn again to cohort III, and distribute it, not according to the size of their holding, but according to the value of their surplus in 1860. Danhoff classified farms selling 60% or more of their production as commercial (Danhoff 1979). This correspond to a surplus of 150% of needs. The farmers in cohort III have been distributed in the following categories: deficit farmers (their needs exceeded their production); surplus worth 0-75% of needs; surplus worth 75 to 150% (both non commercial, but able to cover their needs); 150-299% (moderately commercial) and more than 300% (high commercial). (table VII).

It is difficult to identify clear trends from those figures, except that very commercial farms were *more* likely than the rest to transfer all their property to their children. The numbers are however very tiny and not conclusive. Deficit farmers were much more likely than the others to transfer all their property to outsiders. Deficit farmers are the ones who stand out from the rest:

the behaviour of all the surplus farmers, whether commercial or not, was not very different from each other. The data in short does not support the view that farmers who were keen on turning their farm into a money making business adopted property transmission practices which were markedly different from the others.

Table VII
Type of property transmission according to size of farm surplus
Cohort III

farm surplus as % of farm production	Negative		0-74%		75-149%		150-299%		300% and more	
	35		27		21		20		18	
Number	N	%	N	%	N	%	N	%	N	%
1) No <i>inter vivo</i> transfer	4	11.4	6	22.2	6	28.6	3	15.0	5	27.8
2) transfer only to children	3	8.6	2	7.4	2	9.5	2	10.0	3	16.7
3) No transfer to children	21	60.0	9	33.3	8	38.1	3	15.0	6	33.3
4) transfer to children and to outsiders	7	20.0	10	37.0	5	23.8	12	60.0	4	22.2
Conditional deeds	9	25.7	8	29.6	11	52.4	9	45.0	6	33.3
Average number of lots ever held	2.07		2.4		3.09		3.07		3.47	
Average number of lots in 1860	1.57		1.63		1.94		1.94		2.33	
Number owning land in 1860 (linked)	21	60.0	18.00	66.7	17.00	81.0	19.00	95.0	12.00	66.7

CONCLUSION

Our data does not document a shift in property transmission practice. Individualism, not intra-family solidarity was the order of the day through the entire period under observation. This could stem from the fact that as early as the 1830s, the St John valley engaged in commercial agriculture (it was then a producer of wheat). And before the 1830s, there was really no need to have strategies in place, because there was plenty of land for the taking.

However, some authors (Kulikoff 1989; Clark 1979) have suggested that “market penetration” , or more prosaically, the intensification of market exchanges drove a wedge between different categories of farmers. Those best positioned to do so became fully commercial farmers, and relied on the market to cover the needs of their families; the others, too poor, too old, not benefitting from any comparative advantages, or too attached to the old ways retreated from the market and into a household economy. Toby Ditz’s work suggests that farmers who were not market oriented continued the older forms of property transmissions and continued to view the farm as a continuous source of capital with which to establish the children, and eventually support the old couple.

Madawaska farmers were not an homogeneous lot. Their capacity to generate surpluses varied enormously. Yet, this capacity to generate surpluses seem to have had remarkably little impact on their property transmission practices. Deficit farmers were extremely likely to sell the land outside the family; this, however, was unlikely to result from any “strategy”. More likely, the farmers had no choice, because they could not make ends meet. Among surplus generating farmers, it was the ones with the greatest surpluses, and consequently the ones who were the most commercial, who may have been the most likely to pass land to their children. Was it because all those remote frontier farmers were poor, and only the top category could afford to do so? No. In 1860, the top category of farmers generated a surplus worth on the average \$ 650. The average value of the farm owned by men aged 45 or more was \$ 680. Those people could have bought a farm with the surplus of one year. Clearly, they did not establish as many children as they were capable of doing. But the next two categories did not do badly, with surpluses averaging \$ 397 and \$ 218. They too could have acquired land for their children, although not as such a rapid rate. Neither resource levels, nor market involvement then seem to be a satisfactory explanatory variable: every body apparently behaved in the same way.

Had the subsistence farmers had come to share the commercial *mentalité* of their neighbours? Two factors were probably responsible for this situation. The first was the increasing monetarization of the economy. Sons of well established farmers were able to acquire prime land in the valley: they bought it. They could buy it, on the one hand because employment in the local lumber camps paid relatively well, and the large lumbermen hired the men for 11

months a year. The papers of Shepard Cary, one of the main lumber men on the US side suggest the men were paid in cash- but after the timber had been sold in St John in the fall. In two or three years, a young man could accumulate enough money to buy a small farm- or put a down payment on a larger one. Mortgage sales were very rare, but it does not mean credit sales guaranteed by no more than one's good name were not possible. Also, the monetization of the economy means that older people may have had cash stashed under their mattress and been willing to lend it at interest to the neighbour or second cousin twice removed who needed it- not to mention the grandchildren themselves. Families did not establish their children through gifts of land rewarding them for unpaid labour, but through endowing them with the social capital which made getting credit easier, or through lending them money. Interestingly enough, the sons of the old families did not go and squat on the back lots: those who stayed all ended up taking river lots, where the soil was good and titles uncontested. And even when the squatting issue was resolved, the back lots remained undesirable, the equivalent of the proverbial "wrong side of the track". As late as the 1950s, "les concessions" was a belittling label applied to the back townships.

The second factor concerned employment and immigration opportunities. Parents did not have to concern themselves unduly with their children's fate, as it seemed that any one with a broad back and a willingness to work could indeed support himself. The youngsters themselves may not have seen staying in the valley as such a grand idea either. As early as 1852, Thomas Martin, in one of the rare letter from a local farmer that has survived, complained that his son and son in law were suffering from a bout of " Bourbonnais fever"- that is he wanted to move to the Great Lakes area. They were trying to sell their farm to move west. Developing grand strategies to provide a farm to all the sons was good and fine, but if the sons ran to the lumber camps to work and make money, and then move west at the first opportunity, what good did the planning do? Better plan for one's own age.

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