

CRAMAHE TOWNSHIP DATA BASE

(Newcastle District, later Northumberland County)

used for the book *TENANTS IN TIME*

compiled by Catharine Wilson and Marty Pullen, 1996

The data base and sources described below were used for *Tenants in Time: Family Strategies, Land, and Liberalism in Upper Canada, 1799-1871*, McGill-Queen's University Press, 2009.

OVERVIEW OF THE BOOK

The freeholding pioneer is a powerful image in settlement history. *Tenants in Time* tells a different story. Though the liberal idealization of ownership relegated tenancy to the periphery, tenancy was a common and vital part of the economy and society. Against a background of international land agitation, and with an inter-disciplinary approach, Wilson asks new questions about life as a tenant farmer and provides new insights into family strategies, land markets, and the growth of liberalism.

Evidence from across the province shows how tenancy transformed the landscape and tied old and new settlers together in a continuum of mutual dependence that was essential to settlement, capital creation, and social mobility. Customary rights reveal a landlord-tenant relationship - and a concept of ownership - that were more complex and flexible than previously understood. Landlords, from ordinary farmers to absentee aristocrats, enter the story and the

much criticized Clergy reserves take a positive role. An intimate exploration of Cramaha Township follows tenants over the generations as they supported their families and combined liberal ideas with household-centered ways.

From aggregate statistics to individual human dramas, the life of the tenant farmer is unraveled in what is a richly documented, innovative, and compelling argument.

NOTES ON THE DATA BASE AND SOURCES

THE DATA BASE FOR CRAMAHE TOWNSHIP

The basic aim of the project was to identify owners and tenants on the 1842 census of Cramaha Township and trace these individuals backwards and forwards in time.¹

Individuals were selected from the 1842 census based on a number of criteria. First it was necessary to set the geographical limits of the study. Tracing people forward in time is complicated because Cramaha was divided in 1851 into two townships, Cramaha and Brighton.² For this study I have, therefore, defined Cramaha Township in 1842 according to its post 1851 description which means lots 11 to 35 from the broken front to the tenth concession. Only occupiers of land from this area were included. The census category, "Under what tenure such land is held by each family," described individuals as L, R, S, D, or B. No instructions for, or definitions of, these specific letters have survived but when linked with other categories on the census such as "Proprietor of Real Property," "Average money rent of farm...," and "Proportion of produce ... on shares..." and with other land records, these letters translated into the following basic categories:

Tenants

L = long *leases*. Corroboration with Crown land records prove that in nearly all cases these were tenants with twenty-one year leases on the Crown and clergy reserves.

Under “Proprietor” the tenant’s name was given, not the landlord’s.

R = *renters*. These individuals likely had a short-term cash arrangement. They were distinct from long leases which were identified as L and from share arrangements which were identified as S. Under “Proprietor” their landlord’s name was given.

S = *share* tenants. Another census category identified the share arrangement, such as “½.”, and the landlord’s name was given under “Proprietor”.

Owners

D = *deed*. These were freeholders having a *deed* to their property which I was able to confirm in the Abstract Index to Deeds.

B = *bond*. These were mortgaged owners who held their property under *bond*, and I was able to confirm this in the Abstract Index to Deeds.

All owners and tenants from the 1842 census were selected for the project who defined themselves as farmers, however small their acreage. I felt it was important to respect the way people self-identified. But as I also wanted to examine the largest, loosest definition of tenant farmer, I also included eight tradesmen and three labourers who rented land which they obviously farmed. I also selected three tenant farmers with improved acreage who had no farm produce to report in 1842; they might have been in their first year on the property. Those excluded from the study were self-identified farmers (owners and tenants) with no acreage and no produce to report. The three people who owned land and rented at the same time were classified as owners. Owners were defined in a legal sense as those who had the greatest interest

in the property (the reversionary interest); this included those with mortgages. The total number of all owners and tenants included in the study was 254. This consisted of 157 owners (deeds = 108, bonds = 45, and deeds who also leased = 4), and 97 tenants (long leaseholders = 33, renters = 45, share = 15, and 4 who were not clearly identified as L, R or S but seem to have been tenants based on other census categories and land records). One had their tenure listed as “r?”, one was a “pos” and two were blank. Landlords, identified by tenants in the 1842 census as the “Proprietor of Real Property,” were considered separately. The 1842 census was not always useful for further information on these people as nearly half were retired and did not appear as household heads. It was necessary to use the assessment and other records to attain a profile of them.

Despite a few ink blots and darkened corner areas, the fourteen folio pages of the Cramahe census are remarkably legible. I worked with a photocopy of a microfilm copy of the original taking special care to align columns with headings which only appeared on the first page, and align rows across what was an expanse of about one metre, before I transcribed the entries onto printed census forms. All the information on owners and tenants was then entered into the data base by Marty Pullen, my research assistant, and myself with one of us reading and one of us typing so as to minimize any errors. We used “Paradox: Relational database V 5.0.”.

We also kept a card file for each tenant, owner, and landlord which was a reference to their life history. Each individual was manually traced backwards and forwards through all the available evidence; we carefully checked names, locations, and ages before assuming a correct match. We recorded specific references to other sources about that individual and their family on these cards, for example, when they were born, when they got a lease, purchased land, died etc..

We used these cards to quickly access the original sources and extract what information was needed for numerous other Paradox tables.

The base table was "Farm42" the agricultural portion of the 1842 census that contained the land tenure category and all the selected owners and tenants. Each individual was given a "householder" number by which he or she could be linked to the other tables. These other tables contained information on only the individuals selected from the 1842 census (with the exception of the TR table).

Name of Paradox Table	Contents
Farm42	the <i>base table</i> , the agricultural part of the 1842 census
Family42	the personal part of the 1842 census
Assess42	the 1842 assessment information
Other42	details of the lease and lot for Crown and clergy reserve tenants from the inspections done in 1840 and 1844 respectively
Pre1842	compilation of information about tenants' pre-1842 history from a variety of sources
Post1842	compilation of information about tenants' post-1842 history from a variety of sources
Census48	1848 census
Assess52	1852 assessment
Census52	1851/2 census
TR	information gathered from Township Papers for all sales of leases 1810-69, not just people on the 1842 census.

enumerators did not bother to fill out information on tenancy.

One cannot assume the empirical accuracy of the 1842 census. Personal and family information is useful but limited. The 1842 census only gave the household head's name. Other members were classified according to their gender and age groupings (for example, "married females ages 18 and not 21"). I was only able to acquire women's names by linking households to the 1851/52 census. People might be forgetful or creative about ages. Religion was also problematic as often families were divided into many sects, some preferred not to give information of that nature, and the enumerator did not always know how to handle the less common, less formalized religions.³ In the 1848 census, for example, enumerators of Cramahé wrongfully considered all persons not actually communicants of any Church as of "no creed".⁴

Property information also requires some qualification. Only properties and produce located in the enumeration district were reported. Because speculative and farm activities outside the township were not identified, this may have under-represented the property holdings of some occupiers of land, especially owners. One must also be mindful that the sources are very male-oriented. The enumerator may have been inclined to record the oldest man in the household as the household head when, in fact, the rent was paid by a woman. No young single women appear in the Cramahé records as tenants, but three widows do either under family rental arrangements where the landlord was a relative, or as widows of the original leaseholder, their husband, and for the remaining years in his lease. Also, rent figures make sense only if they are viewed as rent per improved acre; farms with zero improved acres were given a rental value of zero. Rents given could represent the actual rent paid by the tenant or the calculated rental value of the property. The latter is more likely because owners of land and share tenants also had their

rent calculated, and rent values given in the census for the clergy reserve properties were much higher than what we know the regulation clergy reserve rents were. Rents were given in dollars and I converted them to pounds currency for comparison with other contemporary sources.⁵

The agricultural returns also require some explanation. Militia service had come during harvest time in 1841 and may have reduced the crops harvested and reported in the spring of 1842.⁶ The inhabitants of Cramahe, and of Upper Canada more generally, associated the census with the assessment of property for tax purposes, as both were compiled by the municipal assessor throughout the 1840s. For this reason, they may have been inclined to minimize their agricultural returns. What the quantities of produce reported actually represent is also somewhat unclear. Did the enumerator, for example, count all crops raised that year including produce already consumed at the table or used to pay off commercial debts, rents etc., or just what remained? I expect the enumerator wanted a sense of total production which may have been a challenge for farmers to calculate. Very few farmers kept accounts and none have survived for Cramahe. It was likely easier for farmers to recall how many bushels of potatoes had been marketed than how many had been consumed at home. Fortunately this census occurred in the late spring, so farmers could measure the grain thrashed over the winter and did not have to guess at the other grain only partially thrashed. Still one suspects that for field crops a fair bit of estimation occurred, witnessed by the rounded figures (ie. 40, 50, 100 bushels of peas.) The livestock figures were likely more accurate. Some cattle, however, might have been slaughtered over the winter and spring and, if so, were they included in the count? Many other items produced by families were not considered at all, for example, lumber, shingles, staves, potash, whiskey, eggs, butter, and orchard and garden produce. The census says little regarding other

forms of self-provisioning, for example, hunting, fishing, or off-farm work.

Despite the limitations of this census, it does seem that care was taken in its compilation and it is the only source available for getting some sense of tenancy in this era and agricultural production at the household level.

The Assessment of 1842 dated 11 April 1842

The assessment of property was carried out for tax purposes. By 1842 taxes were used to pay the wages of members of the Legislative Assembly, support the Provincial Asylum and Common Schools, repair county roads and bridges, and pay off the government debt and other general expenses. The level of one's assessment determined one's responsibility for statute labour and, after 1853, the right to vote in parliamentary elections.⁷ The assessment contained different information than the census, such as the location of farms, house types, and the estimated value of real and personal property.

Not everyone or everything was assessed. Under the terms of the 1st Assessment Act (33 Geo 3.c.3) only occupied and patented land was assessable. Land leased from the Government was not taxable until 1820 (59 Geo 3, c7, ss4 & 12).⁸ Even then reserve tenants did not appear in the assessment until they had a patent for their lease, so they might live on the property for years and never appear in the assessment. Other kinds of tenants appeared on the assessment *if* they had agreed in their lease to pay taxes for the property. In this case, they were assessed for the full value of their land even though their interest was for a very limited time.⁹ Tenants might also appear in the assessment *if* they had taxable livestock or other movable goods of their own. Those with no taxable wealth did not interest assessors. Landlords appear in the assessments if

they remained responsible for paying taxes on the land they rented out, or if they had other un-rented land. Income derived from rental property was never assessed for taxes in the period under study, and is an example of how some forms of wealth, often those less visible ones of the well-to-do escaped taxation.¹⁰

The inventory of property in the assessment is fairly reliable once one understands who and what could be assessed. Until 1850, ratepayers reported the number of cultivated acres, horses, and other kinds of taxable property they had. Because the assessment was taken for tax purposes a tendency to understate might well be expected. Three circumstances probably held this tendency somewhat in check. The assessor had to swear to the authenticity of his report and if it was false was liable to a fine. J. Merriman, Cramahe's assessor in 1842, brought considerable thoroughness and administrative integrity to the job. Moreover, all assessors were to post the list in a public spot where the community could identify any outstanding misrepresentations.

The Assessment for Cramahe was particularly useful for locating people on farms as it detailed each parcel of land (and sometimes people had more than one) giving its lot and concession. The census, in contrast, lumped all property together and gave no location. Concerning land use and agricultural production, the assessment was not as comprehensive as the census, and therefore, I have used the census unless stated otherwise. "Cultivated" land in the assessment was defined as that which was arable, pasture, or meadow. Arable land was fit for tillage, pasture was used for grazing livestock, and meadow was grass land used for hay. Presumably gardens and orchards were also included, but this was not evident. Although it seems that "cultivated" land could differ from the census category of "improved" land, in

seventy-four percent of the cases the “cultivated” and “improved” amounts returned for individuals were the same.¹¹ My sense is that improved land was usually that which was cleared, but it quite likely also included land that was useful in its natural state (grassland and low lying, treeless areas near water suitable for hay, and rocky upland suitable for grazing sheep etc.) “Improved” may have referred to land “put to human use”. Since the census included more farms in its count, its figures were used. Livestock returns (the assessment did not consider crops) were not as complete as the census returns because the assessor was only interested in animals that had reached their productive potential and, therefore, did not include young cattle or horses, or other kinds of livestock such as pigs and sheep. The assessment, unlike the census, did break down “cattle” into separate categories for milk cows and oxen which was useful for this study.

Though valuable as an inventory for land, the assessment is far less useful for calculating an individual’s total wealth. A system of fixed values was first implemented in 1811 after which time each acre of arable land, horse, fireplace etc. was to be valued at a fixed rate.¹² Every acre of arable, pasture, or meadow land, for example, was rated at twenty shillings and uncultivated land was rated at four shillings. This kind of categorical assessment took no account of market value. Moreover, rates remained at these levels across the province until the Assessment Act of 1850. It required the assessor to value property as if it was taken from a solvent debtor in payment of a debt.¹³ This still was not its market value. The Assessment Acts of 1866 and 1869 set taxes on the actual value of property. Whether this was considered to be the market value is unknown as debates do not survive.¹⁴ Changes in municipal tax law and currency values make calculating a person’s total wealth or comparisons over time difficult. To partially address this

problem, I have used the assessments primarily to locate people but have relied on the 1842 assessment's total assessed value of rateable property for an indication of each person's wealth. It is understood that this figure is likely lower than the market value but it provides some indication of relative rank within the distribution of wealth in the township.

Abstract Index to Deeds¹⁵

These are indexes to land transactions which occurred after the original patent and which were registered at the County Land Registry Office. The indexes for Cramahe are rather incomplete for the first half of the century as not all transactions were registered: people often appear as selling but no entry is made of the original purchase or grant, not everyone promptly registered their transfers, and information regarding sale price is usually missing. The indexes were useful in identifying some landlords, and for confirming the location of owners and the timing of purchase for tenants who became owners. The Abstract also served as an entry point into a few useful documents for tenants: leases, assignments of leases, and wills. Only leases for a term of over twenty-one years, however, needed to be registered and so the registry offices are of only limited use regarding rental agreements.

Township Papers¹⁶

These are the earliest land files organized by lot number and containing a variety of documents and letters about claims to a particular property prior to the freehold being sold and land transfers being formally registered in the land registry books. The Township Papers are especially useful for Crown and clergy reserve tenants and often included the Order-in-Council, lease, receipt of

Patent fee, request for lease renewal or to purchase property, agreement of sale, assignment of lease, even the occasional rent receipt. Assignments of leases found in these records form the basis of table “TR”.

Crown and Clergy Reserve Inspections¹⁷

In 1840, the Crown reserves, and in 1844, the clergy reserves, underwent inspection. These were costly and detailed surveys done of each lot in order to expedite land sales. Lessees were interviewed about their lot and answered questions pertaining to the value of the land in its unimproved state, the improvements made, any mismanagement or depredation, the advantages of the location (miles to a mill, main road etc.), quality of the soil, and whether the occupier was willing and able to purchase. Money values were given in currency. Many other interesting odds and ends get noted in passing. These are some of the best records for individual lessees and form the basis of table Other42.

Previous censuses and assessments¹⁸:

We used the censuses and assessments before 1842 to identify a person’s recorded presence in the township, the changing size and location of the farm, and composition of the household.

This information appears in the Pre 1842 table. The early assessments contained the same basic categories as those found in 1842. Census enumerations carried out before 1842, however, contain much less information than the 1842 census: they recorded the name of the household head and counted by sex those in the household who were above or below sixteen years of age.

A forty shilling fine was imposed on inhabitants who refused to give information. The township

clerk was originally responsible for making the census lists. By 1824, that duty was given to the municipal property assessor. From 1826 to 1838 the census and assessment were combined. Though the responsibility of compiling these documents in Cramahe fell to different prominent men over the years, they frequently served for several years and carried out their duties in an experienced and consistent manner.¹⁹ A nearly complete run of censuses and assessments exist for Cramahe for every year for 1803 to 1842. Specifically, censuses exist for 1803-7, 1809-10, 1812-23, 1825, 1839-41; assessments for 1808-25, 1839-41; and combined censuses and assessments for 1826-38.

Subsequent records

Tracing people forward in time is also possible. Assessments for Cramahe exist for 1842-47²⁰ and for 1852, 1854, 1858, 1861, 1862, 1864, 1867 and 1869.²¹ Censuses exist for Cramahe for 1848, 1850²², and decennial censuses from the census of 1851/2 forwards. The 1848 schedules were revised to include 146 columns. James P. Scott, assessor and enumerator of Cramahe, compiled the 1848 and 1851 censuses and the 1847 assessment and was commended by his peers for his excellent statistics.²³ The 1848 census was made into table "Census48," which contained only those tenants from 1842 who were still tenants. In the 1848 census, tenure was considered under the categories "proprietor, "non-proprietor," and "if held by tenant rent paid". Tenure was not identified again until the census of 1871. Cramahe was the only Township where both the 1842 and 1848 censuses containing tenure information survive and were properly filled out. The 1848 census also contained agricultural information, not previously collected, concerning land use. Whereas the 1842 census only counted bushels of produce, the 1848 census also counted

acres for each crop, so that calculations are possible for yield and how farm land was apportioned for various uses. The 1851/2 census was the first to provide family members' names and relationships and for this reason was made into table "Census52". The 1852 assessment was also made into a table. Subsequent censuses and assessments were used only to trace people through time and not for more systematic analysis. The relevant material was extracted from these and put into the "Post1842" table.

Endnotes

1. The 1842 census and all the other censuses and assessments which I have used to trace individual people are manuscript and nominal records (the door-to-door, hand written folios) and have not been published.

Archives of Ontario:

RG 21 Municipal Records - Section A, Newcastle District, Census and Assessment 1803-1850, MS Reels 2 and 3. For Cramahe Township this includes: censuses 1803-7, 1809-10, 1812-23, 1825, 1839-41, 1848 and 1850 on Reel 2; and the census and assessments which were combined for the years 1826-1838, and assessments for the years 1808-1825, 1839-1847 on Reel 3.

[The 1848 census and the 1842 assessment which I refer to in the tables and notes (sometimes as A1848 or A1842) are in this set of records. Note that the 1842 census is not in this collection but

at the LAC.]

RG 21 Municipal Records, United Counties of Northumberland and Durham Census, Assessment and Collector's Rolls 1849-70.

Library and Archives Canada:

CA1 AK21 051 1842, Reel C-1344, Canada, Census Returns of Ontario (Agricultural and Personal Census), Canada West Census 1842, Newcastle District, Cramahe Township, "Return of the Enumeration of the Inhabitants of Cramahe Township" [This is the main source upon which nearly all my tables are based. When I say C1842 in the footnotes, this is what I mean]

CA1 AK21 051 1851, Reel C-970, Canada, Census Returns of Ontario (Agricultural and Personal Census), Canada West Census 1851, Newcastle District, Cramahe Township, "Census Returns 1851-2, Township of Cramahe in the County of Northumberland" The first sheet of the personal census is missing.

CA1 AK21 051 1861, Reel C-1054 to C-1055, Canada, Census Returns of Ontario (Agricultural and Personal Census), Canada West Census 1861, "Colborne Village" (Reel C-1054); "Township of Cramahe in the County of Northumberland" Reel C-1054 and C-1055; and "Agricultural Census of Northumberland County" Reel C-1056.

CA1 AK21 051 1871, Reel C-9984, Canada, Census Returns of Ontario (Agricultural and Personal Census), East Northumberland, Cramahe Division, Cramahe Township and Colborne Village, schedule 1 - Nominal Return of the Living, and Schedules 4 and 5 - Agricultural Returns.

CA1 AK21 051 1881, Reel C-13239, Canada, Census Returns of Ontario (Agricultural and

Personal Census), East Northumberland, Cramahe Township and Colborne Village, schedule 1 - Nominal Return of the Living.

CA1 AK21 051 1891, Reel T-6356, Canada, Census Returns of Ontario (Agricultural and Personal Census), East Northumberland, Cramahe Township and Colborne Village, schedule 1 - Nominal Return of the Living.

2. “An Act to make certain alterations in the Territorial Divisions of Upper Canada,” S. Prov. C. 14 and 15 Vic. (2 August 1851), c.5, 1801.

3. W. C. Crofton, who later became Secretary of Registration and Statistics 1847-53, wrote about the 1842 census in the Cobourg Star 3 & 17 Sept 1845.

4. Cobourg Star, 8 Nov 1848, p2.

5. Four dollars equalled one pound or twenty shillings Halifax currency.

6. Trent University Archives 92-1000, 13 Henry Ruttan’s Sheriff of Newcastle District, Response to Lord Sydenham’s Circular Letter, 1840.

7. Can., Stat., 16 Vic., c. 153 (1853); and “The Elective Franchise Extension Act,” Can., Stat., 18 Vic., c. 87 (1855). These two acts abolished the freehold franchise and replaced it with one based on the assessment. By 1857 the level of assessment determined the municipal vote as well. “Act Respecting the Municipal Institutions of Upper Canada,” Can., Stat., 22 Vic., c. 99 (1858). Garner, The Franchise provides the context for these acts 107-13, 116.

8. Manning, Assessment, 2-3. The Assessment Act of 1819 (59 Geo 3, c7, ss4 & 12) required that the surveyor General provide the treasurer of each district with a list of lands granted or leased by the Crown.

9. Manning, , Assessment, 187-8.

10. Burley, A Particular Condition in Life, 130.

11. Twenty-one farms had more improved than cultivated land, and thirty-five had more cultivated than improved. In the first case, it is possible that land had been cleared which was not yet in use. In the latter case, it is possible that some pasture and meadow land was not considered improved as it had naturally growing grass or herbage on it.

12. Manning, Assessment, 2-3.

13. Assessment Act of 1850 (13-14 Vic, c.67). This Act was first reflected in the Assessment for 1852 in Cramahe.

14. Burley, A Particular Condition in Life, 129.

15. AO, GS 4727, vols 1-3, Abstract Index to Deeds for Northumberland County (Cramahe Township), 1798-1956.

16. AO, RG 1 C-IV, MS658, Reels 92 and 93, CLP, Cramahe Township Papers.

17. AO, RG 1 A-VI-8, vol 16, CLP, "Return of Inspection, Newcastle District 1844 Clergy

Reserve,” Cramahe Township; University of Toronto Archives, A68-0010, I Group B, 1, vol.

129, Office of the Chief Accountant, “Land Survey of 1840 Newcastle District.”

18. NA, M-7738 and M-7739, Reels 2 and 3, “Census and Related Records.”

19. These early sources are discussed in Curtis, Politics of Population, 50-1.

20. NA, M-7738 and M-7739, Reel 3, “Census and Related Records.”

21. AO, RG 21, United Counties of Northumberland and Durham Census, Assessment and Collector’s Rolls 1849-70.

22. NA, M-7738 & M-7739, Reel 2, “Census and Related Records.”

23. Cobourg Star, 17 May 1848.