

**UNITED STATES DEPARTMENT OF COMMERCE**

JESSE H. JONES, Secretary

**BUREAU OF THE CENSUS**

I. C. CAPT, Director (Appointed May 22, 1941)

WILLIAM LANE AUSTIN, Director (Retired January 31, 1941)

PHILIP M. HAUSER, Assistant Director



**SIXTEENTH CENSUS OF THE UNITED STATES : 1940**

# **AGRICULTURE**

## **CROP-SHARING CONTRACTS**

Prepared by JAMES H. GRAVES, LL. B.

Memorandum regarding legal relations and rights of parties  
when land owned by one is cultivated by the other under  
agreement to share the crops. The memorandum  
embraces 14 Southern States

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(Appendix Section of Special Study—Plantations)

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Prepared under the general supervision of

**ZELLMER R. PETTET**

Chief Statistician for Agriculture

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
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**Vital Statistics**—HALBERT L. DUNN, *Chief Statistician.*

SIXTEENTH CENSUS OF THE UNITED STATES: 1940

Reports on Agriculture, Irrigation, and Drainage<sup>1</sup>

Volume I.—Statistics by Counties for Farms and Farm Property, with Related Information for Farms and Farm Operators; Livestock and Livestock Products; and Crops (six parts):

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|--|-----------------------------------|
| Part 1.—New England, Middle Atlantic, and<br>East North Central States | Part 4.—East South Central States |
| 2.—West North Central States   | 5.—West South Central States      |
| 3.—South Atlantic States   | 6.—Mountain and Pacific States    |

Volume II.—Statistics by Counties for Value of Farm Products, Farms Classified by Major Source of Income, and Farms Classified by Total Value of Products (three Parts):

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|-------------------------|-------------------------|------------------------|
| Part 1.—Northern States | Part 2.—Southern States | Part 3.—Western States |
|-------------------------|-------------------------|------------------------|

Volume III.—General Report—Statistics by Subjects for the United States, Geographic Divisions, and States (one volume):

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|--|---|
| Chapter I.—Farms and Farm Property               | Chapter VI.—Cooperation, Labor, Expenditures,<br>Machinery, Facilities, and |
| II.—Size of Farms                                | VII.—Livestock and Livestock Products                                       |
| III.—Color, Tenure, and Race of<br>Farm Operator | VIII.—Field Crops and Vegetables  |
| IV.—Farm Mortgages and Farm<br>Taxes             | IX.—Fruits and Nuts, and<br>Horticultural Specialties                       |
| V.—Work Off Farm, Age, and<br>Years on Farm      | X.—Value of Farm Products   |

United States Summary Bulletins.—Statistics for the United States, Geographic Divisions, and States in condensed form as follows:

- First Series Summary—Number of Farms, Uses of Land, Values, Principal Classes of Livestock and Livestock Products; and Specified Crops Harvested.
- Second Series Summary—Farm Mortgages, Taxes, Labor, Expenditures, and Miscellaneous Farm Information; Goats and Mohair; and Fruits, Vegetables, and Minor Crops.
- Third Series Summary—Value of Farm Products, Farms Classified by Major Source of Income, and Farms Classified by Total Value of Products.

Territories and Possessions.—Farms and Farm Property, Livestock and Livestock Products, and Crops (one volume):  
(Separate agricultural bulletins are available for Hawaii and Puerto Rico).

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|--------------|----------------|-------------------------------------|
| Territories: | Possessions:   |                                     |
| Alaska       | American Samoa | Puerto Rico                         |
| Hawaii       | Guam           | Virgin Islands of the United States |

Irrigation of Agricultural Lands.—Statistics by Drainage Basins and by Counties for 20 Irrigation States and a Summary for the United States (one volume).

- Twenty Separate State Maps Showing Irrigation by Drainage Basins.  
A Separate Composite Map Showing Irrigation by Drainage Basins.

Drainage of Agricultural Lands.—Statistics for 38 Drainage States with County Data for 36 States and a Summary for the United States (one volume).

- A Separate Map of the United States Showing Location of Land in Drainage Enterprises for 38 States.

SPECIAL STUDIES AND MONOGRAPHS

Special Poultry Report.—Statistics by Geographic Divisions and States for Poultry of All Kinds on Hand and Raised; by Counties for Chickens and Chicken Egg Production by Number of Chickens on Hand; and by Counties for Farms Reporting Chickens and Turkeys Raised by Numbers Raised (one volume).

Cows Milked and Dairy Products.—Number of Cows Milked, Milk Produced, Disposition of Dairy Products, and number of Cows Kept Mainly for Milk Production, Classified by Number of Cows Milked, by Counties; with Related Data for Other Classes of Livestock and Livestock Products for the States and also for the United States (one volume).

Special Cotton Report.—Cotton Harvested by Number of Bales Harvested, and by Counties, with Acreage and Production of Cotton, and Value of Farm Products (one volume).

Special Cross-line Acreage Report.—Farms Reporting and Acreage by Place of Enumeration and by Location of Acreage, with Relationship to All Farms, by Counties: 1940 and 1935 (one volume).

Special Study—Abandoned or Idle Farms—Number and Acreage, with classification of those reporting acreage by cause of abandonment. Statistics for counties and a summary for the United States.

Drainage Monograph.—A Comparison of Agriculture Within and Outside of Drainage Enterprises in the Alluvial Lands of the Lower Mississippi Valley (paper bound).

Irrigation Monograph.—A Tabular and Graphic Presentation of Specified Irrigation Census Statistics (paper bound).

<sup>1</sup> Agriculture volumes I and II and the volumes "Irrigation of Agricultural Lands" and "Drainage of Agricultural Lands" are comprised of State bulletins. Separate bulletins for each State are available. Separate chapters of Agriculture volume III are also available.

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## Synopsis of Tenancy Laws and Decisions Relating to Croppers in the South

This appendix has been prepared in connection with the 1940 Census of Agriculture. In an attempt to obtain information in addition to that contained on the regular Farm and Ranch Schedule and to show statistics on the major operating unit basis, a special Plantation Schedule was used. This schedule covered the operations on specified plantations including selected details relating to the owner, or manager, and croppers and other tenants. In a summarization of the data, many decisions rested upon the legal status of the several types of tenants, particularly those called sharecroppers.

To make the tenancy allocations and separations satisfactorily, the laws and decisions in the several States had to be consulted. These decisions depended not only upon the various State laws, but upon numerous essential details. The summaries of pertinent laws and court decisions appear in the following pages.

As this appendix is published as a separate bulletin without the definitions and explanations found in the Census of Agriculture volumes, a brief description of the tenure difficulties involved is given in this summary.

Among the many problems which arise in taking a census, perhaps none is more important than that which involves the tenure or the arrangement under which agricultural lands are operated. The definition of a farm, or working unit, is dependent upon the tenure classifications which are used.

These classifications in turn affect the number and type of farms and farmers reported, the size of farm, the number of work animals, income, the acreages of various crops, expenditures, facilities, age, and occupancy status and all averages and percentages derived from these data. For example, if croppers were included with landowners as a single farm, it would make a difference for the United States of about 567,675 in the number of farms and of 17.9 acres in average size of farm; and for the South a difference of 541,291 in the number of farms and of 27.0 acres in average size, representing changes of 18.0 percent and 21.9 percent, respectively, in the totals.

The greatest tenure difficulties result from the sharecropper system. Briefly, the question involved is whether the sharecropper should be considered merely a type of laborer or a farm operator. In reality, croppers have some of the characteristics of both laborers and tenants. Usually, but not always, the cropper works under the supervision of the plantation owner or manager, and the work stock is furnished to him for cultivation of the lands, but sometimes he also owns a work animal which is used on the place. Sometimes the plantation operator cares for and feeds the work animals in the plantation barn or stockade. Often, however, each cropper looks after the animals assigned to him. Arrangements regarding feed vary from region to region and from plantation to plantation. The amount and kind of advances or "furnishings" as cash, fertilizer, groceries, clothing, etc., also vary greatly, depending primarily upon the character of the tenant, local usage, and financial conditions. From the cropper's standpoint, the kind and amount of the crops paid as rent are most important and these items vary considerably. Sometimes a fixed portion of only the cash crops, such as cotton, is paid as rental, with varying proportions of corn or other crops. Differing local arrangements are also made in regard to the share or disposition of cottonseed, a byproduct of the cotton.

For other information relating to definitions of various tenures, see the general reports and special studies of the 1940 Census of Agriculture, particularly volume III and the Special Cotton Report. The latter is based on the size of operations, determined by the number of bales of cotton ginned, with income for the various bale groups.

For the convenience of readers a chart is presented showing the principal laws and decisions which determine the legal status of croppers in the various States. Since so many points are involved and since decisions sometimes hinge on small details of the tenant contracts, the reader is cautioned against using the summary without a thorough study of the material presented in the 1940 Census of Agriculture volumes.