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Legal Aspects of Farm Tenancy in Illinois, by H.W. Hannah and Joseph Ackerman

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REVIEW OF GOVERNMENT PUBLICATION

LEGAL ASPECTS OF FARM TENANCY IN ILLINOIS, by H. W. Hannah and Joseph Ackerman. University of Illinois Agricultural Experiment Station. Bulletin No. 465, April, 1940. pp. 239-273.

Based on the hypothesis that an improvement in the legal relation between landlords and tenants is necessary to improvement in tenant farming, this bulletin seeks "to set forth and explain the bearing of present laws on the farm-tenancy relationship in Illinois, and to suggest ways in which these laws might be improved."¹

The first part of the Bulletin is devoted to the existing laws of farm tenancy in Illinois. It describes briefly the Illinois actions for rent, giving particular attention to distress for rent and the landlord's lien on crops.

The authors assert that "three-fourths of all tenant farmers in the United States operate farms under inadequate oral agreements."² The uncertainty of oral year-to-year tenancies seriously hampers the orderly determination of the rights of the parties. Uncertainty concerning the terms of the lease leaves the tenants' rights to remove fixtures and the landlords' power to gain possession in doubt and thus the statutory remedies become inadequate to settle disputes in a certain and orderly fashion.

As a remedy the authors propose the use of arbitration. They would create a commission in each county composed of the county judge and two landlords and two tenants. The commission would have authority to make appraisals and determine questions of fact in tenancy disputes.

In another division of the Bulletin the authors propose a farm tenancy code for Illinois. The authors urge separate regulation of farm and urban tenancy and suggest that the code be "adjusted from time to time to meet changing economic and social conditions." They recommend that tenancies be established by written rather than by oral leases; and though admitting the impracticability of including it in the code, suggest that February 1 would be a more satisfactory termination date than the customary March 1.

The code suggests the adoption, in modified form, of the English system of compensating tenants for improvements. Improvements for which the tenant would be entitled to compensation if the landlord *consented* would include construction, alteration, or major repair of buildings, fences, levees, tile lines, drainage ditches, farm roads, bridges, semi-permanent structures necessary to the conservation of the land, the planting and care of woodlots and orchards, and the clearing of obstructions to cultivation. Under the code the tenants could receive compensation by giving notice but *without the consent* of the landlord where he spread purchased fertilizer on the land, plowed under green manures, or seeded pastures for the improvement and conservation of the soil.³

¹ p. 239.

² p. 250.

³ p. 267.

The code further proposes a simplified procedure in actions for the breach of leases. The test would be whether the disturbance of the lease was unjust, and the purpose of the procedure would be to protect parties "who have a good defense to an action for breach of their lease but who would be in a worse position by defending than by simply considering the lease terminated."⁴

Minimum housing requirements including a safe and adequate water supply, sanitary toilet, and sound roof, walls, foundation, and floors are included in the code. Improved housing conditions would go far to create more enduring tenancies and a more stable farm population.

The social and economic effect of property law needs extensive research. Land law cannot be blind to the fact that in 1930 forty-two per cent of the farms in the United States were operated by tenants. In Indiana a small decrease in tenancy is evident, but the percentage is still high.⁵ In 1940, 52,000 farms were tenant occupied. A farm is both a commercial and a social unit. It is both a work shop and a home. Neither can be transitory if we are to have an orderly society. "A better brake on too-impetuous action than the supreme court or any other device of government itself is the preservation of a relatively individualist farm-owning population of actual farmers."⁶

ECONOMIC PROBLEMS OF NATIONAL DEFENSE, a Symposium, by members of the faculty of the School of Business and the Dep't of Economics of Indiana University, edited by George A. Steiner. Indiana University Bookstore, Bloomington, \$1.00. May, 1941.

"In bringing to the attention of the public, for its consideration, a number of basic economic issues created by the defense program, the publication of this symposium is a step forward in the furtherance of the national defense effort."¹ The symposium's twelve essays present an orderly review of the economic effects of the "defense program." These scholarly and unbiased discussions provide an orderly background, a well patterned foundation upon which to build a keener understanding of the epoch-making developments that are to come.

Albert Haring, in the first article, "The Consumer and National Defense," estimates that in spite of rising prices only a quarter of the nation's wage earners will receive substantially increased incomes during 1941, and probably fewer than half of them will gain in 1942. Those with relatively stable incomes will suffer a loss of "real" income when prices rise under the influence of heavy defense wage increases and abnormal war demands. Moreover, the output

⁴ p. 269.

⁵ The percentage of farm tenancy in Indiana in 1930 was 30.1%. By 1940 it had declined to 28.2%.

⁶ *The Farmer and the Land* (Editorial, The Des Moines Register, July 22, 1936).

¹ From the Foreword by Herman B Wells, President, Indiana University.