Black Landownership and Heirs Property in American History

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Emancipation and the Promise of Landownership

- Sherman’s Field Order 15 allocated 400,000 acres to be divided into 40 acre parcels to Black heads of household
- Measure was reversed by Andrew Johnson during Presidential Reconstruction
- Some Radical Republicans sought to use the Freedmen’s Bureau as a vehicle for Land Reform but measure did not pass the Congress
Sharecropping and Tenant Farming

- During the late nineteenth century Freedpeople were largely “farmers without land”
- In 1900, 85% of all black agriculturalists in Mississippi were sharecroppers; by 1935, 77% of all black farmers were landless
Despite obstacles, landownership remained a key part of the Black southerners’ American Dream.

In the coastal regions of the American South, Black Southerners were more successful in acquiring land.

Expansion of the 1862 Morrill Act created new “1890 institutions” that offered schooling, resources, and extension agents who could help Black southerners acquire and maintain land.
In 1910, Black landownership had grown to 15 million acres.

1 in 5 black agriculturalists would have owned their land.

The vast majority of these lands were in MS, AL, NC, and SC.

This land was often passed on to family members without a will or clear title.
The Slow Decline of Black Landownership

- Black landownership began to decline as the boll weevil decimated cotton crops and northern wages outpaced farm earnings.
- New Deal programs like the Agricultural Adjustment Administration gave more power to large plantation owners and encouraged these large landowners to mechanize.
Great Migration and Heirs Property

- In 1910, 90% of Black Americans lived in the rural South.
- By 1970, most Black Americans lived in a city; just under 50% lived in a city in either the North or the West.
- In 1983, the Emergency Land Fund estimated that 5 out of 8 Black landowners lived in a northern city.
The Great Migration and the Urban Crisis caused many Black scholars and intellectuals to bring awareness about the loss of black land.

James Foreman, Elijah Muhammad, and others called for Black self-determination through southern land ownership.

In 1973, Robert S. Browne wrote “Only Six Million Acres,” which highlighted the gravity of Black land loss.
The South Carolina Sea Islands were the epicenter of Black Land Loss in the United States.

Real estate developers took advantage of partition sale laws to purchase heirs property without negotiating with all heirs property owners.

Rising property tax burdens caused by new development in the region exacerbated the crisis.

Black Land Services, Inc., a subsidiary of Black Economic Research Center, sought to provide legal support and funding for black landowners in South Carolina Lowcountry and Heirs Property.
In 1980, Emergency Land Fund estimated that 41% of Black-owned land was heirs property (3.8 million acres)

By 1997, only 2.4 million acres of black farmland remained

Since 2019, Fourteen states have passed the Uniform Partition of Heirs Property Act