

ESTATE ACTS, 1600–1830: A NEW SOURCE FOR BRITISH HISTORY

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ABSTRACT

A new database demonstrates that between 1600 and 1830, Parliament passed thousands of acts restructuring rights to real and equitable estates. These estate acts enabled individuals and families to sell, mortgage, lease, exchange, and improve land previously bound by landholding and inheritance laws. This essay provides a factual foundation for research on this important topic: the law and economics of property rights during the period preceding the Industrial Revolution. Tables present time-series, cross-sectional, and panel data that should serve as a foundation for empirical analysis. Preliminary analysis indicates ways in which this new evidence may shape our understanding of British economic and social history. The data demonstrate that Parliament facilitated the reallocation of resources to new and more productive uses by adapting property rights to modern economic conditions. Reallocation surged in the decades following the Glorious Revolution and was concentrated in areas undergoing urbanization and industrialization. The process was open to landowners of all classes, not just the privileged groups who sat in the Houses of Lords and Commons. Parliament's rhetoric about improving the realm appears to have been consistent with its actions concerning rights to land and resources.

1. INTRODUCTION

Between 1600 and 1830, Britain's Parliament passed more than 3,500 acts – known as estate acts – which freed land from the shackles of a landholding and inheritance system – known as the system of strict settlements. Strict settlements imposed equitable estates in land (enforced by the court of Chancery) on top of real estates in land (enforced by common law courts). These overlapping estates involved numerous individuals, including the landholder, his extended family, additional beneficiaries designated by past landholders, and potential heirs (including those unborn). All of these individuals possessed rights to revenues derived from the land. These complicated bundles of overlapping rights prevented property holders from using resources as they saw fit. Landholders could neither mortgage, nor lease, nor sell much of the land under their control.

Estate acts freed property from this rigid system. They permitted previously prohibited actions, reorganized complicated bundles of rights, and conveyed those new rights to new users. Estate acts began as petitions from landholders seeking relief from restrictions that strict settlements imposed on the employment of land and resources. Parliament reviewed these petitions, ensured that they met certain standards for protecting the rights of all interested parties, and then passed legislation establishing new rules regarding the employment and conveyance of property.

The volume of estate acts exceeded the volume of all other legislation, with the exception of acts establishing statutory authorities and enclosure commissions. Scholars expend considerable energy analyzing the latter legislation, but few scholars have studied estate acts. As a result, basic questions remain unanswered. When were the majority of acts affecting rights to land and resources passed? In which geographic regions were they concentrated? Who procured the acts? Why did they do so? What were the consequences for the use of land and resources?

In this essay, we answer these factual queries using a new dataset of all estate acts passed between 1600 and 1830. We show that estate acts authorized a variety of transactions such as sales, leases, and mortgages by changing legal rights to land and resources. Acts authorizing sales and leases were minimal in the 1600s before increasing in the late seventeenth and early eighteenth centuries. The number of estate acts peaked in the early nineteenth century and were concentrated in counties like Middlesex and Lancashire where urbanization was proceeding rapidly. They were procured by landed families of all ranks – nobles, the gentry, and commoners – throughout the 1700s.

Answering these factual queries is a necessary first step toward answering deeper questions concerning the causes and consequences of Britain's economic ascent. Our essay explores several sets of these bigger questions. One set is whose interests did Parliament promote during the seventeenth, eighteenth, and nineteenth centuries? Who had access to Parliamentary legislation? The data introduced in this essay indicate that all landowners, even those in the middling ranks of the social and political hierarchy, had access to the legislature. The proportion of estate acts granted to different social classes mirrored those classes share of total landownership.

A second set concerns the Marxist narrative about the decline of the English aristocracy and growing class conflict in early-modern Britain. Did aristocratic families struggle to maintain their social position relative to a rising entrepreneurial and mercantile class, as Marxist historians contend? Did aristocratic families sell valuable properties to pay for debts incurred maintaining expensive lifestyles? Were estate acts a mechanism for facilitating these sales? Does the documentary record prove that landed families incurred large debts in an ultimately futile struggle to outspend their class rivals? While it is true that a large number of estate acts mention “to pay debts” as a rationale for the sale of property, which the Marxists’ advance as the key piece of evidence supporting their hypothesis, only a handful of acts indicate that the debts arose due to extravagant expenditures or profligate lifestyles. Most acts mention debts in the context of investing in the lives (educations, careers, dowries) of children or in improvements to land. Over time, the use of estate acts to pay debts declines (to nearly zero), and the use of acts to facilitate investment rises. This pattern is the opposite of that predicted by Marxist scholars.

A third (and probably the biggest) set of big questions concerns Parliament's actions and England's economic development. Did Parliament's actions match its rhetoric about acting in the public's interest and to increase the realm's wealth? Did Parliament's actions foster economic growth? A great deal of evidence indicates that estate acts served constructive purposes. Acts authorizing long-term leases, for example, typically described the projects, such as the opening of mines or construction of residences, that the leases facilitated. Acts authorizing the sale of property (or otherwise releasing property from the strictures of settlement) typically specified that a portion of the proceeds of the sale had to be dedicated to purchasing lands and settling them to the old usage (or taking other actions that would ensure all beneficiaries of the estate remained as well off financially as they had been in the past). The texts of the acts, in other words, reveal Parliament's intentions. Parliament approved

reallocating resources to new and more productive uses, as long as the financial interests of beneficiaries to estates were protected.

A fourth and equally important question concerns the effects of political changes. Is there any link between the Glorious Revolution of 1688–1689 and property rights in Britain? If any link exists, did property rights become more secure, more flexible, or both? The data reveal a substantial increase in the number of estate acts authorizing property sales and leases shortly after the Glorious Revolution. In other words, Parliament increased the rate at which it *changed* rights to property after 1689. Moreover, the data show that the types of property transactions authorized by Parliament were relatively similar before and after 1689. These findings suggest the Glorious Revolution increased the adaptability of property rights in Britain and encouraged dynamic efficiency by relieving constraints on investment.

A companion paper (Bogart & Richardson, 2009) outlines our transaction cost interpretation of estate legislation. By reducing transactions costs and increasing the ease and security of conveyance, estate acts facilitated the reallocation of resources to new and more productive uses. Case studies and quantitative evidence indicate that this was the case. Concentrations of estate acts occurred in urbanizing areas, such as the periphery of London, and in industrializing regions, such as the county of Lancaster. Correlations between estate legislation, urbanization, and industrialization suggest a link between the reorganization of rights and Britain's march toward modernity.

Another companion paper advances a broader argument (Bogart & Richardson, 2010). At the end of the seventeenth century, Parliament established forums where rights to land and resources could be reorganized. These forums issued estate, enclosure, and statutory authority acts, which enabled individuals, families, and communities to alter property rights and reallocate resources in response to changing economic conditions. The ensuing institutional adaptability, we argue, fostered Britain's expansion. We test a key implication of our argument by demonstrating that between 1700 and 1830, when the public's demand for acts reorganizing property rights increased, Parliament responded by passing more acts. Property rights, in sum, were adaptable.

This essay establishes a factual foundation for our argument. It also disseminates data on estate acts, including statistical series characterizing the acts' economic, legal, social, geographic, and temporal characteristics.¹ The series illuminate the connection between property rights and economic development at the microeconomic level. The academic literature is divided on the degree to which property rights evolved during the seventeenth,

eighteenth, and nineteenth centuries and whether the evolution of property rights contributed to agricultural, industrial, and financial developments in Britain.² By publishing these series, we hope to stimulate research into these issues.³

Section 2 discusses information necessary to understand estate acts' context and content. Section 3 describes the sources of evidence and our procedures for processing the data. Sections 4 and 5 describe estate acts' legal and economic dimensions, respectively. Section 6 presents information on trends over time. Section 7 provides information on geographic patterns. Section 8 discusses the social ranks and professions of individuals mentioned in estate acts. Section 9 discusses the implications of this evidence. Estate acts shed light on many issues in British economic, social, legal, and political history. The acts also reveal much about the lives of the individuals and communities that expended great efforts passing so much legislation reorganizing property rights at a tipping point in economic history.

2. HISTORICAL BACKGROUND

Understanding the rationale for and the impact of estate acts requires historical knowledge of three types. The first concerns the system of landholding and inheritance that generated the need for estate acts. The second concerns the evolution of politics and Parliamentary structure from the seventeenth to the nineteenth centuries. The third concerns general trends in legislation to which estate acts can be compared.

2.1. *System of Landholding and Inheritance*

Estate acts arose from an English system of inheritance that solidified around the Civil War of the 1640s and prevailed for several centuries thereafter.⁴ During this era, large landowners held most of their land under settlement. Lesser gentry and yeoman families also employed the legal device, even on single-family farms. While estimates vary, at the peak, at least one quarter and as much as three-fourths of land in England was strictly settled.⁵

A settlement was designed to care for extended family and to keep a family's estate together for future generations. The current holder of settled land was a life tenant and was not the absolute owner. The land belonged to

a trust, for which the current holder was named the beneficiary. The holder, in turn, held the land in trust for other beneficiaries, typically including his wife, children, unborn descendants, all potential future heirs, and members of his extended family, such as his brothers, sisters, nieces, nephews, and other descendants of previous holders of the estate. The life tenant controlled the use of the land possessed by the nested trusts as long as they fulfilled the terms of their stewardship. Once the life tenant died, the settlement dictated that the estate descend intact from one generation to the next. It did this by assigning control of the estate to a single heir, usually the eldest son of the current holder.

Settlements had three features which created a need for parliamentary involvement. First, settlements restricted the uses to which resources could be put. The holder of a settled estate (who was just a life tenant) could not grant leases lasting beyond his life and could not grant leases from which he benefited at the expense of his successors (such as leases in which tenants paid lump sums up front in return for concessions). The holder of a settled estate could not sell, exchange, or mortgage the property. If he completed such transactions, he could be held liable for damages to the estate, and the transaction could be voided, because he had no power to transfer title. Similarly, the holder of an estate could not alter the property, even if he considered the alterations to be an improvement. The removal of trees, hedges, and buildings, the opening of new mines, quarries, and peat bogs, and the conversion of arable lands into pasture (or vice versa) could be considered waste. All those who benefited from such actions could be liable for damages, if upon inheriting an estate, the successor claimed to have been harmed by the acts. Sales, exchanges, mortgages, improvements, and long-term leases could only be undertaken if the *powers* section of a settlement contained specific clauses authorizing such actions.

Second, a settlement legally bound the hands of all heirs alive when it was written. A settlement could not be changed until a tenant in tail (i.e., the next in line to inherit) who was born after the date of settlement came of age (i.e., reached age 21). Then, the current life tenant (usually the father) and the future tenant in tail (usually the son) could remove the entail by the legal process of common recovery. These facts meant that a settlement could be changed only infrequently, at intervals of 21 years or longer, as a family waited for an heir to come of age and for the father and son to reach an agreement about restructuring the estate.

Third, conducting transactions and enforcing contracts on settled land could be costly, uncertain, and insecure. Settlements were long, complex documents, traditionally unpunctuated, and full of repetition.⁶ Interpreting

settlements required experience, skill, detailed knowledge of the document, and a large library of property laws, precedents, and legal texts estimated at 674 volumes in 1826 (English & Saville, 1983, p. 18). Settlements were not part of the public record. Copies of the deeds were usually held by the settlers, trustees, and lawyers. Settlements had to be consulted before taking out mortgages, drawing up leases, or completing sales, because if the settlement did not specifically authorize a transaction, the transaction could be voided. Ambiguities in settlements often deterred individuals from acting on estates; for fear that the transactions would be disputed by successors.

Settlements placed restrictions on the deployment and use of property but they also prevented the holder of the estate from dissipating resources dedicated to the support of future heirs and the extended family. Families did not know how the Chancery court would react to the inclusion of additional powers or whether the wording of a novel clause might provide a life tenant with a loophole enabling him to circumvent all other restrictions. They did not know the personality of the person(s) who would inherit the estates and who would have power over the widow, dependants, and descendants of the individual who established the settlement. Uncertainty about the impact of providing powers to the life tenants and the threat that powers might pose to the interests of the extended family meant that families often favored narrow rather than extensive and/or novel powers in their settlements. Parliament provided a way of overcoming these restrictions through the passage of estate acts. To understand how Parliament emerged in this role we must first review some parliamentary history.

2.2. Political and Parliamentary History

Estate legislation formed a key component of the surge in legislative activity that began in the 1690s following some of the most dramatic events in British political history: the Restoration of 1661 and the Glorious Revolution of 1688–1689. In the early 1600s, the Stuart monarchs, King James I and King Charles I, attempted to overturn English political tradition, and impose an absolute monarchy ruling by divine right, rather than a kingship ruling with the consent of the nobility and clergy, as enshrined in the Magna Carta. James I and his son argued with Parliament over taxation, religion, foreign policy, the prerogatives of the monarch, and the limits of royal power. To weaken their Parliamentary opponents, the Stuart monarchs seldom called Parliament into session.

The Stuarts' attempt to impose personal rule ended when Parliamentary forces defeated the royal army during the Civil War. After the conflict, King Charles I lost his head, and a republican government temporarily reigned. Cromwell's Protectorate lasted for two decades. In 1661, however, the Stuarts returned to power, and Charles II ascended the throne. During the decades that followed, political instability reemerged. The Stuart dynasty ended with the Glorious Revolution of 1688, when William of Orange and his wife Mary invaded England. The last Stuart monarch, James II fled. Parliament accepted William and Mary as the new king and queen. As part of his Parliamentary alliance, William accepted the Declaration of Rights, which gave Parliament the power to convene each year and determine the length of its sessions, and required the monarch to consult Parliament on legislative issues.

William and Mary's reign lasted from 1689 to 1701. Queen Anne's reign followed from 1702 to 1714. This 25-year period experienced transcendent political developments. Parliament solidified its role as the principal law-making body. The House of Commons took control of the authorization of taxes. Central government taxation expanded as Britain waged an expensive war. The Bank of England was formed in 1694 and helped to propel the growth of government debt. The Whig and Tory parties battled for control over the House of Commons and the spoils associated with ministerial posts.

In 1714, the monarchy was transferred to George I of Hanover. Over the next 100 years there were numerous shocks and challenges but the political system was not fundamentally altered. Hanoverian monarchs reigned for over 100 years through a succession of kingships (George I, George II, George III, George IV, and William IV). Following the Septennial Act in 1717, Parliament had an election every 7 years. The right to vote remained in the hands of elites. The Whig and Tory parties maintained a presence in Parliament and came to exercise greater control over the ministry. Excise taxes and government debt continued to expand fuelling Britain's involvement in foreign and colonial wars.

The pattern of political fluctuation and stability mirrored the process of procedural innovation and constancy. In the late seventeenth and early eighteenth centuries, legislative procedures evolved rapidly, as legislators strove to standardize and streamline the process for passing legislation. Effective procedures emerged by 1715 and changed relatively little thereafter. Private bills began with a petition from individuals desiring to alter rights. Petitioners hired lawyers to prepare paperwork. Parliamentary committees investigated merits of petitions and issued reports. Petitions

were written into bills, read to the public three times, passed through both houses of Parliament, and then sent to the king for royal assent. Public notice ensured those with interests in bills knew about the proposal. Parties could oppose bills by submitting counterproposals to Parliament. Parliamentary committees considered the contending proposals, and then passed one of the bills, modified the original bill to satisfy the opposition, or rejected both proposals. The multiple layers for review and numerous opportunities for opposition ensured that Parliament considered the interests of all concerned before coming to a decision.

The acts themselves also became standardized in the late seventeenth and early eighteenth century. Parliament used templates whenever individuals requested legislation enabling them to divorce, naturalize, change their name, or alter their estate. Consistency of form and function enabled Parliament to rapidly process petitions.

2.3. Trends in Legislation

Estate acts emerged at a time when Parliament passed increasing quantities of legislation of many types. Fig. 1 illustrates the rising tide of legislation and indicates the dates of political events mentioned in the previous section. Fig. 2 decomposes the total number of acts passed into three categories authorizing changes in rights to specific pieces of property – estate, enclosure, and statutory authority acts – and all other acts. The figures illuminate important patterns. During the eighteenth century, the quantity of legislation surged. In the early nineteenth century, the number of acts passed per year peaked near 350. Between 1690 and 1720, estate acts accounted for much of the growth. Between 1750 and 1830, the number of estate acts remained relatively stable, while the number of statutory authority and enclosure acts soared.

Estate, enclosure, and statutory authority legislation shared key features. All altered property rights. Statutory authority acts created new organizations with the authority to provide infrastructure and public services. These organizations contributed to the improvement of roads, rivers, harbors, canals, railways, water supply, waste disposal, and county buildings and the provision of police, poor relief, and disputes resolution services. Enclosure acts eliminated the open fields by ending the collective ownership and management of land and for the old system substituting private ownership and management of resources.

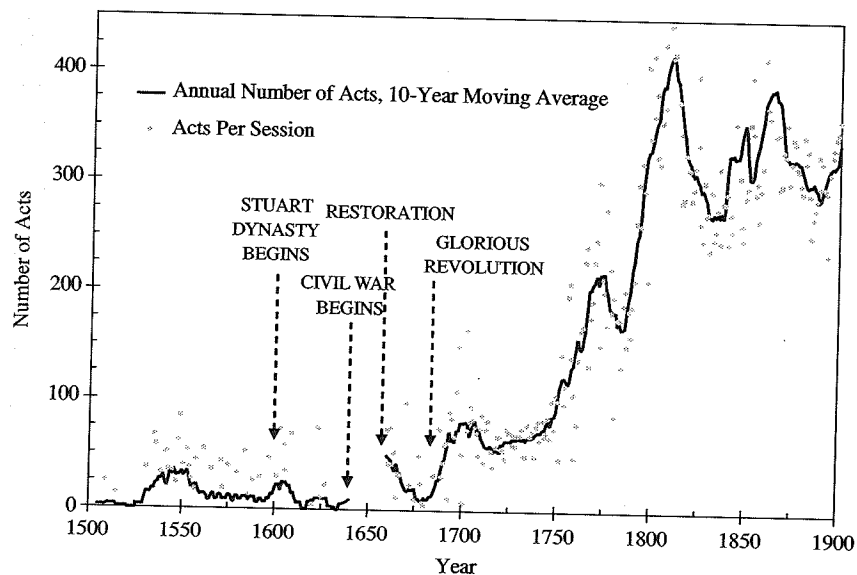


Fig. 1. Political Events and Acts Passed by Parliament, 1500–1900. *Source:* See text. *Note:* Denote as A_t the number of acts passed in year t . The series “acts per session” equals 1 if $A_t > 0$. The series “annual number of acts” is an 11-year moving average. The formula for the moving average is $\bar{A}_t = (\sum_{i=-5}^5 A_{t+i})/11$.

3. DATA DESCRIPTION AND CODING METHODS

As acts passed through Parliament, clerks wrote their contents on long pieces of parchment. Clerks stored the documents by rolling them tightly and writing a summary, called a clerical title, on the exterior. These clerical titles summarized the act, usually in a concise paragraph containing enough information for the clerks to identify the act and its principal provisions amidst thousands of similar pieces of parchment, without opening the rolls to read the full text. These clerical summaries form the foundation of our database.

There is a large and venerable body of scholarship which uses the clerical titles to categorize and count acts of Parliament. The most recent examples include Hoppit (1996, 1997, 2003), Innes (1998), Tate (1967, 1978), Turner (1980, 1984), and Wordie (1983). All of these studies relied on printed sources, like the Statutes of the Realm, or the conversion of printed sources into an electronic form. This paper uses an existing electronic database of

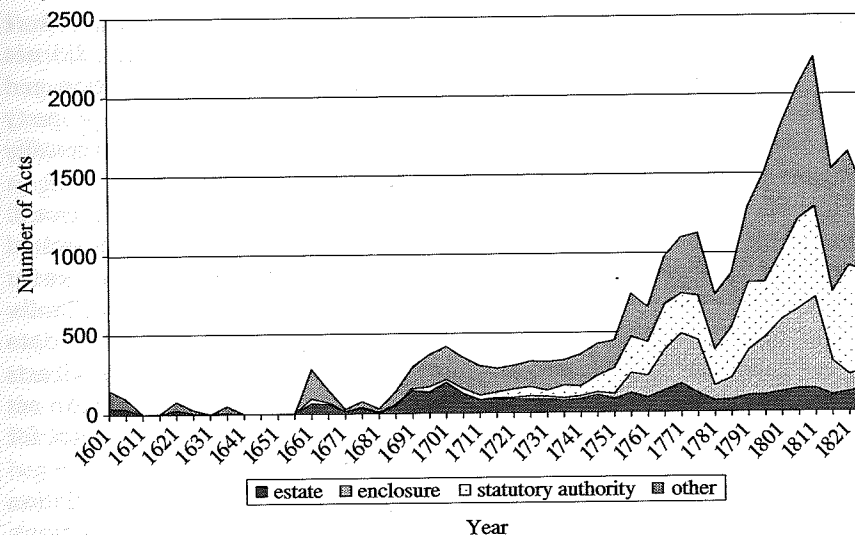


Fig. 2. Categories of Legislation Pertaining to Property Rights, 1601–1830. *Source:* See text. *Note:* The plotted series are 11-year moving averages of the annual data as defined in the note for Fig. 1.

clerical titles instead of the printed sources. The Parliamentary Archives maintains a catalog, *Portcullis*, which indicates the clerical title, calendar year, regal year, and parliamentary session for all acts passed since the early sixteenth century.⁷ For acts passed before 1798, *Portcullis* indicates whether the act was public or private. The distinction referred to the type of documentation required in legal cases. Parties at law had to present to the court authorized copies of private acts in order to have the provisions of the act applied in the case. Public acts were considered to be part of the public record and applied in all cases without the need to submit them as evidence. For acts passed after 1798, *Portcullis* indicates whether the act was public or local/personal. This distinction pertained to the scope of the legislation. A public act created a law of general application throughout the jurisdiction in which it was proposed. A personal or local act affected only a single person, group, or locale, which was named within the act.

We use the clerical titles in *Portcullis* to identify all estate acts that were passed between 1600 and 1830. We define estate acts as private (and personal) acts which affected individuals and families rights to equitable estates and to real property held within equitable estates. We exclude

marriage acts, naturalization acts, name acts, and office acts, which were private acts that affected individuals' and/or families' rights but did not affect the structure of equitable estates. We also exclude restitution and restoration acts, which restored individuals' and families' rights to property that had been taken from them due to convictions for crimes, typically treason following civil unrest.

Identifying estate acts among all private acts is straightforward. Parliament standardized procedures for writing acts. Clerks possessed templates from which they wrote the initial acts and standard procedures for converting final versions into summaries written on the exteriors of rolls. For example, the title for all acts that settled the property of an estate onto an individual began, "An act for settling the estate"⁸ The title for all acts that authorized the sale of property from an estate usually began "An act for the sale of," "An act for effecting the sale of," or "An act for selling"⁹

After identifying estate acts, we classify several categories of information contained within the clerical titles. This information includes legal actions; economic transactions; the property rights changed by the former to facilitate the latter; the geographic locations of land involved in economic transactions; and the social rank, profession, and gender of individuals whose estates were altered by estate acts. We created our categorizations by reading all of the clerical titles and then devising algorithms to extract the relevant information. The authors applied these algorithms independently and then compared their results. We also encapsulated these algorithms in computer coding, which scanned the clerical titles for key words, and compared our results to the computer output. Most of the key categories were also checked by one of our research assistants.

The consistency of estate acts' form and function makes extracting the relevant information straightforward. An example should clarify our procedures. Consider an estate act from the mid-eighteenth century. We begin with two pieces of information:

- (1) A reference number from the Parliamentary archives: "HL/PO/PB/1/1741/15G2n48."
- (2) A descriptive clerical title: "An act to empower Henry Earl of Carlisle to make leases of Coal Mines and Coal Works, lying within his settled estates in the county of Northumberland, for any term not exceeding 99 years."

The reference number reveals that the document was a private act (PB), originally written by the clerks in the House of Lords (HL), passed by

Parliament during the fifteenth year of the reign of George II in 1741. The clerical title determines that someone (Henry Earl of Carlisle) was legally empowered to make leases of a property held in an estate (Coal Mines and Coal Works) in the county of Northumberland. We enter all of this information into a spreadsheet. Each of the spreadsheet's rows pertains to a single act of parliament. Each column contains the same type of information for each act.

Our detailed encoding enables us to construct statistical series that reveal trends of interest to historians and social scientists. These statistical series usually report the annual number of acts that did something – such as authorize the sale of land – over time. Such time series could, of course, conceal as much as they reveal, particularly if the scope, scale, and nature of the legislation changed over time. For this reason, we visited the Parliamentary Archives and examined samples of original acts from the beginning (1610s), middle (1700s, 1740s, and 1780s), and end (1800s) of our sample period. Our examination reveals that estate acts possessed salutary statistical properties. Estate acts were standardized in form and content. Estate acts described the property that was affected, the individuals involved, and the rights that were changed. There was variation in the geographic extent of properties affected. Later we show that the proportion of acts which name properties in multiple counties as opposed to a single county was stable over time. This property ensures that counting the number of acts passed annually reveals broad trends in the amount of property being affected by the acts and the types of rights being created, altered, or annulled because the distribution of the area affected was constant.

For the vast majority of acts we are able to determine correctly the year in which it was passed. For most of our sample period, a convention dated all acts passed by a session of Parliament as if they were passed on the opening day of the session. This convention lingered from an earlier period when Parliament met infrequently at royal request and handled a limited volume of business in a short time period. In the eighteenth century, Parliament met annually. Sessions began in the fall, usually in the months of October, November, or December; lasted throughout the winter; and adjourned in the spring. Complications arose, however, in 1699, 1701, 1715, 1752, and 1761 when the monarch died, and/or Parliament opened late. In 1714, for example, Queen Anne died. George I assumed the throne. His ascension delayed the opening of Parliament until January of 1715. This parliament adjourned in the spring and another opened on schedule during the next fall. So, in the year 1715, the conventional dating method assigned the acts

passed in two Parliamentary sessions – the winters 1714–1715 and 1715–1716 – to one calendar year, 1714, yielding a count of zero acts in 1715. The years 1699, 1701, 1715, 1752, and 1761 are also recorded as having zero acts, while their adjacent years have an especially high count of acts. In other works, we propose methods for dealing with this issue in regression analysis (Bogart & Richardson, 2010).

4. LEGAL FUNCTIONS OF ESTATE ACTS

Estate acts changed rights to equitable and real estates or clarified the rights and responsibilities created by strict settlements. These modifications enabled land holders and trustees to undertake transactions that they could not undertake given existing arrangements. It is useful to summarize the most common legal changes associated with estate acts. The typical *vesting act* contained five elements. It granted (i) some property, right, or benefit, which had been a portion of (ii) someone's settled estate, (iii) to someone else, (iv) for some reason, and in some circumstances (v) in exchange for some property or asset. Some examples illustrate the function of vesting acts. An act from 1702 vested "certain lands and tenements of Montague Earl of Abingdon, in trustees, to be sold" and the proceeds employed in the purchase "of other lands of equal value" to be employed "to the same uses, as the lands to be sold are limited."¹⁰ An act in 1759 vested "the inheritance of certain estates in the County of Northampton, part of the entailed estate of John Freeman Esquire, in him, in fee simple" in return for "settling other estates in the Counties of Wilts and Middlesex, in lieu thereof."¹¹

Enabling and empowering acts were similar to *vesting acts*. They typically enabled or empowered (i) someone, (ii) to do something, (iii) for some reason. For example, an act in 1692 enabled "Abel Atwood to sell some Lands for payment of debts and to make provision for younger children."¹² An act in 1725 enabled "Charles Lowndes Gentleman and the persons in remainder after him to make contracts for getting brick earth in, and grant building leases of the house and ground called Spring Garden."¹³ An act from 1695 empowered "the Most Noble Anne Duchess of Buckleugh, and the Right Honourable James Earl of Dalkeith, her son, of the Kingdom of Scotland, to grant leases for improving a piece of ground in the Parish of St. Martin in the Fields."¹⁴ An act from 1749 empowered "trustees to cut down and sell timber upon the estate late of John Trevor Esquire, in the Counties of Denbigh and Flint, for discharging his debts, and also to make leases of mines in the said counties."¹⁵ Acts that *enabled, empowered, or*

vested rights in trustees or life tenants shared a common characteristic: they provided legal protections for individuals. Legal reformers in the early nineteenth century often noted ambiguities in trustees' powers and the complications that could arise when disputes arose.¹⁶ One judge might find that a trustee was liable for taking an action, while another judge may not. Estate acts marked an early attempt to address this problem.

A number of estate acts change rights to undertake transactions. *Acts authorizing sales* affected rights over a specific property. They typically authorized the sale (i) of something, (ii) by someone, (iii) for some reason, and (iv) if certain conditions were met. An example from 1692 authorized the "sale of lands by Sir Robert Smith" under the condition that he "settle other lands of greater value to the same uses, in lieu thereof."¹⁷ An act in 1773 authorized the sale of "certain charity estates" and apply the proceeds to "the building of a town hall and shambles in the Town of Newark upon Trent and in the purchasing of lands and hereditaments for enlarging the Church."¹⁸ An act in 1702 authorized "Trustees to make Sale of Part of the Estate of Humphrey Bury, for paying of a Mortgage, and a Portion charged thereupon."¹⁹

Acts authorizing exchanges were similar but they authorized the transfer of two or more properties. The typical act authorized the exchange (i) of some property, (ii) possessed by someone, (iii) for some other property, (iv) possessed by someone else, (v) for some reason, and (vi) if certain conditions were met. An example from 1692 permitted the exchange "of several small Parcels of Land in the Parish and Manor of Fulham, belonging to the Bishoprick of London...for other Lands of the like Value, to Charles Earl of Monmouth, and his Heirs." An act in 1739 permitted the exchange of land "belonging to Thomas Inaven Esquire, in the Parish of Wootton in the County of Bedford, for other lands of equal value in the same Parish, belonging to the master, fellows and scholars of Sidney Sussex College."²⁰ An act in 1785 authorized the exchange of "part of the settled estate of Heneage, Earl of Aylesford, in the County of Kent, for another Estate, of greater Value, in the same county, to be settled in lieu thereof."²¹

Acts for discharging were also specific to a property. They typically discharged (i) something, (ii) from some restriction, (iii) for some reason, and (iv) substituted something else in its place. An example from 1677 discharged the Manor of Winstead in the County of York from a Settlement in Tail, and charging other Manors and Lands in the County of Lincoln of a greater Value with the same Uses.²² An act in 1733 discharged a "certain Piece of Ground called The Pesthouse Field from certain charitable Trusts,

and for settling another Piece of Ground of equal Extent, and in a more convenient Place, upon the same Trusts."²³

Acts for settling had a structure similar to acts for discharging because they placed property into the confines of a settlement. An example from 1697 settled "certain lands in Essex on Thomas Burgh Esquire, and his heirs, in lieu of other lands of greater value, conveyed by him, according to the decree and the will of Sir Samuel Jones deceased."²⁴ An act from 1735 settled "the estate of William late Earl Cowper deceased, to the uses and for the purposes mentioned in certain articles of agreement, made between William now Earl Cowper, and his brother, and the issue of Spencer Cowper Esquire deceased."²⁵

Some estate acts *confirmed* a transaction that had already taken place. For example, an act from 1692 confirmed "the sale of certain wood lands in the County of Southampton, and certain articles of agreement made between Isaac Woollaston and Richard Woollaston Esquires."²⁶ An act from 1738 confirmed "an exchange, agreed to be made between Thomas Holles Duke of Newcastle, and Sir Miles Stapleton Baronet, of their settled estates in the County of York; and for settling the lands given in exchange to each party" to the uses of their estates.²⁷ An act from 1790 confirmed a lease "lately made by Henry Nevill, Earl of Abergavenny, of certain entailed mines, and other hereditaments, in the County of Monmouth, and to enable granting future leases of the said entailed mines and other Hereditaments."²⁸ Acts for *settling, discharging, exchanging, selling, and confirming* shared a common characteristic: they authorized or confirmed a specific transaction. It is worth repeating that many of these transactions could be challenged in court if they were not authorized in a settlement. Estate acts provided immunity from such legal challenges.

A last type of estate act remedied mistakes in acts previously passed by Parliament or inadvertently included in families settlements. For example, an act in 1719 was for "supplying the Defects in, and better Performance of the Will of Edmund Dunch Esquire, deceased."²⁹

5. THE ECONOMIC FUNCTION OF ESTATE ACTS

The examples above make it clear that landholders used the legal forms described in the preceding section to achieve economic ends, which we describe in this section. The legal forms and economic ends do not map into each other in a one-to-one relationship. Some legal forms could be used for multiple purposes. Some economic ends could be achieved through multiple

Table 1. Transactions Authorized by Estate Acts, 1600-1830.

Type of Transaction	Number of Acts (1)	Percent of Acts (2)
Sale	1,814	51.5
Lease	538	15.3
Exchange	273	7.8
Discharge	193	5.5
Mortgage	137	3.9
Partition	93	2.6
Harvest timber	60	1.7
Mine ore/coal	44	1.4

Source: See text.

means. The sale of property, for example, could be accomplished via an act that directly authorized the sale of a particular piece of property or that empowered a landowner to sell property or that vested in someone the authority to decide what property should be sold.

Table 1 summarizes the economic transactions most often authorized by estate acts. Column (1) indicates the total number of estate acts that authorized sales of land, long-term leasing of land, exchanges of property, discharges of property from the restrictions of strict settlements, mortgaging of property, partitioning of property, harvesting of timber, and mining of ores, metal, and coal. Acts authorizing sales and leases allowed particular pieces of property (and at times entire estates) to be put on the market. Exchanges of land involved removing one (or more) specific pieces of property from a settled estate and replacing it with specific pieces of property from another estate. Discharges involved removing restrictions from land without necessarily specifying what would happen to the land and if/whether/what would replace it. Mortgage acts allowed property within an equitable estate to serve as collateral for a loan. Partitions separated what had been considered a single tract of land into two (or more) units that could be put to different uses or sold separately. All of these transactions enabled landholders to undertake actions or engage in transactions that they could not give the existing allocation of rights and laws concerning equitable and real estates. Column (2) indicates the percentage of estate acts that authorized these transactions. The percentages sum to more than 100 percent because estate acts could authorize more than one type of transaction.

The most frequently authorized transaction was the sale of property. Acts authorizing sales usually contained conditions. In many cases, the life tenant

had to use a portion of the proceeds to purchase property with a value equivalent to the land just sold and incorporate that property into the estate. This provision protected the income of beneficiaries, such as current dependents and future heirs. In some cases, trustees used the proceeds of the sale to pay debts, often accumulated by the recently deceased life tenant, or to provide pensions, portions, or jointures for the beneficiaries.

Lease acts enabled landowners to lease land for terms extending beyond the life of the current landholder and for a fixed number of years, often up to 99. Such long-term leases ensured tenants that they would not have to renegotiate the lease (or be kicked off the property) when an heir inherited the estate.³⁰ Without such assurances, tenants would be reluctant to invest, improve, or maintain property, because the sums that they sunk into the project could be expropriated when their landlord died or when the life tenant and heir apparent renegotiated the settlement and transferred possession of the property to the next generation. This disincentive – known as the hold-up problem – is well documented in transaction cost economics (Williamson, 1985).

Acts often authorized a particular type of contract known as a building lease. An act in 1788, for example, enabled Charles Earl Camden to grant “building leases of the prebendal lands at Kentish Town, in the County of Middlesex.”³¹ Building leases authorized the letting of land on long-term contracts, typically 99 years, on which the leaseholders could construct buildings for residential or industrial use and in turn, lease the premises to subtenants who would occupy the buildings. These leases facilitated construction on the edges of rapidly growing towns and cities, where property owners wanted to switch land from rural to urban uses, but lacked contractual forms needed to do so.

Table 2 shows that 5.9 percent of all estate acts specifically authorized building leases. A small number of acts authorized leases on land where metal ores and coal lay underneath. In 1736, for example, an act enabled

Table 2. Types of Leases Authorized by Estate Acts, 1600–1830.

	Number of Acts	Percent of Estate Acts
Building lease	209	5.9
Housing lease	55	1.6
Mining lease	33	0.9
Other or no type stated	262	7.4

Source: See text.

“the Guardians of Anthoney Langley Swymmer, an Infant, to join in making Leases of certain Mines, in the County of Flint, with the other Owners thereof, during the Minority of the said Infant”³² In 1783, an act empowered “Nigel Bowyer Gresley ... to lease Part of his settled Estates in Staffordshire, pursuant to an Agreement entered into with George Parker, and others, Iron Masters; and also to grant Leases of Lands and Mines within the same Estates.”³³ This lease authorized the opening of a mine in the heart of the midlands metal-mining area during the early stages of the Industrial Revolution. Mining leases typically lasted from 40 to 60 years. This long-time horizon provided lease holders with substantial incentives for making location-specific investments.

Acts authorizing the exchange of land had many of the same effects as sale acts with conditions to purchase and settle property of equivalent value. The difference between these acts stemmed from the details of the transaction. Exchanges specified that the land that would be placed in the settlement to replace the land withdrawn from the equitable estate. Many sales indicated that land (or another asset) should replace the property withdrawn from the equitable estate, but specified only the value and use of what the remuneration should be. Acts discharging one property from a settlement and settling another property of equal value were also similar in their effects. If a family wanted to free a property from the confines of a settlement they might want to exchange it with some of their other properties that were not restricted. In this case they were exchanging two or more properties within their own estate rather than exchanging with a different party.

Acts authorizing the partitioning of land were particularly useful when shifting agricultural land to urban uses. Residences required less space than farms. Property owners partitioned farms so they could divide the property into multiple building sites. An example from 1809 was an act to “Partition certain Settled Estates of John Wharton Esquire, situated in the Counties of York, Westmorland, and Durham.”³⁴ An act from 1827 confirmed a “Partition made by Mary Bainbrigge Spinster, with the Reverend Richard Fawcett Clerk and Anna Maria his Wife, and others, of an Estate situate in the Township of Headingley-cum-Burley in the Parish of Leeds in the County of York.”³⁵ The latter act occurred at a time when the rapidly expanding population of Leeds was engulfing neighboring townships like Headingley-cum-Burley.

Another transaction facilitated by estate acts was the mortgaging of land. Equitable estates sometimes restricted life tenants from borrowing against their estate. In most cases, standard mortgages could not be taken out

because in the event of a default the creditor could not seize settled land. Some settlements authorized borrowing or the "raising of money," but usually only for specific purposes, such as raising funds for daughters' dowries or sons' educations, to refinance existing debts, or to pay for improvements. Landholders might need to borrow for other reasons, and in those instances too, they turned to estate acts.

An estate act could authorize a mortgage in several ways. One was to vest authority in trustees who raised the funds. For example, an act in 1741 vested "Part of the Marriage Portion of Mary, late Wife of John Walcot Esquire, and also part of his settled Estate in Trustees for raising Money to pay Debts."³⁶ Another was to give the life tenant authority to borrow. For example, an act in 1726 enabled "Daniel Dunn Esquire, by Sale or Mortgage of Part of his Estate, to raise Money to pay off and discharge the Portions of his Brothers and Sister."³⁷ An act in 1807 enabled "Rear Admiral Bentinck, Tenant for Life under the Will of his late Father John Albert Bentinck Esquire deceased, to charge his Estates in the County of Norfolk with the Sums ... for the embanking, improving, and increasing the same Estates by the Means therein mentioned."³⁸

Estate acts authorized an array of additional transactions intended to improve the efficiency of estates. Some specifically authorized the opening of mines and extraction of coal. Many of these authorized the extraction of coal in midlands and northern counties on the eve of the Industrial Revolution. A handful authorized the exploitation of tin deposits in southwestern England. Property owners requested these acts when the rules under which they inherited their estate did not explicitly authorize the mining of minerals. The default rule prohibited mining, which was considered to be a legal act of "waste," since it consumed a nonrenewable resource, which law and custom preserved for the tenants in tail (i.e., future heirs). Property owners seeking to raise capital to open mines (or to rent the rights to work the mines to third parties) needed acts of Parliament to ensure partners that capital invested in the mine could not be expropriated by individuals with beneficial interests in the estate, and thus, the right to sue in Chancery court and shut down the mine during the (usually very long) period of time while Chancery pondered the case.

Over 60 estate acts authorized the harvesting (i.e., cutting and sale) of timber. For example, an act in 1798 called for "Timber to be cut upon the settled Estates of Le Gendre Pierce Starkie Esquire, and applying the Money to arise there from in the Purchase of other Estates, to be settled to the same Uses."³⁹ Property owners requested these acts when the rules under which they inherited their estate did not clearly authorize harvesting trees from

particular plots of land. The default rule prohibited the cutting of timber, which was considered to be a legal act of "waste," since it consumed a nonrenewable resource, which law and custom preserved for the future heirs and other beneficiaries. But restrictions on harvesting timber could harm long-term financial prospects when the price of wood changed or when old-growth trees stunted new growth. In such circumstances, property owners could approach Parliament for authority to harvest the timber. Authority often came in the form of an act requiring the life tenant to set aside part of the proceeds of the sale of timber for the dependents of the estate and to make sure that no one lost income from the arrangement.

To summarize, estate acts' primary task was to break the fetters imposed by settlements. The acts authorized a variety of transactions prohibited by strict settlements, including sales, leases, exchanges, partitions, and mortgages on property. Estate acts also authorized the mining of iron, coal, and other ores as well as the cutting and sale of timber which were forbidden in many settlements before the nineteenth century. Of course the fact that estate acts enabled these transactions does not necessarily imply that they would not have been undertaken in the absence of an estate act. Individuals could have conducted transactions on settled lands even though they were open to legal challenges in court.⁴⁰ A definitive causal assessment of the effects of estate acts on property transactions is still missing in the literature and is an important topic for future research.

6. TRENDS

The number and composition of estate acts changed over time. Table 3 lists the number of estate acts and the types of transactions they facilitated in each year from 1600 to 1830.

These statistical series are especially useful for doing time-series analysis on the British economy.⁴¹ Fig. 3 plots the annual number of sale acts by year from 1600 to 1830. Like all acts of Parliament, sale acts were rare in the early 1600s. No acts appear to have been passed during the Interregnum of the 1640s and 1650s, because after the Restoration the monarchy annulled all acts passed in its absence.⁴² After the Restoration, the number of sale acts increased for a brief period, but then declined during the political instability of the 1670s and 1680s. During the 1690s, the number of sale acts surged and remained at a high level for several decades. During the eighteenth century, the number of sale acts averaged 11 per year, with much variance around that mean.

Table 3. Number of Estate Acts by Year and Type of Transaction, 1601-1830.

Year	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber
1601	1	0	0	0	0	0	0
1602	0	0	0	0	0	0	0
1603	5	1	0	0	0	0	0
1604	0	0	0	0	0	0	0
1605	7	1	0	0	0	0	0
1606	5	0	0	0	0	0	0
1607	0	0	0	0	0	0	0
1608	0	0	0	0	0	0	0
1609	9	0	0	0	0	0	0
1610	0	0	0	0	0	0	0
1611	0	0	0	0	0	0	0
1612	0	0	0	0	0	0	0
1613	0	0	0	0	0	0	0
1614	0	0	0	0	0	0	0
1615	0	0	0	0	0	0	0
1616	0	0	0	0	0	0	0
1617	0	0	0	0	0	0	0
1618	0	0	0	0	0	0	0
1619	0	0	0	0	0	0	0
1620	0	0	0	0	0	0	0
1621	0	0	0	0	0	0	0
1622	0	0	0	0	0	0	0
1623	11	0	1	0	0	0	0
1624	0	0	0	0	0	0	0
1625	0	0	0	0	0	0	0
1626	0	0	0	0	0	0	0
1627	2	0	0	0	0	0	0
1628	0	0	0	0	0	0	0
1629	0	0	0	0	0	0	0
1630	0	0	0	0	0	0	0
1631	0	0	0	0	0	0	0
1632	0	0	0	0	0	0	0
1633	0	0	0	0	0	0	0
1634	0	0	0	0	0	0	0
1635	0	0	0	0	0	0	0
1636	0	0	0	0	0	0	0
1637	0	0	0	0	0	0	0
1638	0	0	0	0	0	0	0
1639	0	0	0	0	0	0	0

Table 3. (Continued)

Year	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber
1640	2	3	0	0	0	0	0
1641	0	0	0	0	0	0	0
1642	0	0	0	0	0	0	0
1643	0	0	0	0	0	0	0
1644	0	0	0	0	0	0	0
1645	0	0	0	0	0	0	0
1646	0	0	0	0	0	0	0
1647	0	0	0	0	0	0	0
1648	0	0	0	0	0	0	0
1649	0	0	0	0	0	0	0
1650	0	0	0	0	0	0	0
1651	0	0	0	0	0	0	0
1652	0	0	0	0	0	0	0
1653	0	0	0	0	0	0	0
1654	0	0	0	0	0	0	0
1655	0	0	0	0	0	0	0
1656	0	0	0	0	0	0	0
1657	0	0	0	0	0	0	0
1658	0	0	0	0	0	0	0
1659	0	0	0	0	0	0	0
1660	8	1	0	0	0	0	0
1661	7	0	0	1	0	0	0
1662	11	0	2	1	0	0	0
1663	4	2	0	0	0	0	0
1664	11	1	0	0	0	0	0
1665	0	0	0	0	0	0	0
1666	5	0	0	0	0	0	0
1667	2	2	2	0	0	0	1
1668	0	0	0	0	0	0	0
1669	0	0	0	0	0	0	0
1670	21	2	0	0	0	0	0
1671	0	0	0	0	0	0	0
1672	2	1	0	0	0	0	0
1673	0	0	0	0	0	0	0
1674	0	0	0	0	0	0	0
1675	3	0	0	0	0	0	0
1676	0	0	0	0	0	0	0
1677	18	2	0	1	0	0	0
1678	4	0	0	0	1	0	0
1679	1	1	0	0	0	0	0

Table 3. (Continued)

Year	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber
1680	0	0	0	0	0	0	0
1681	0	0	0	0	0	0	0
1682	0	0	0	0	0	0	0
1683	0	0	0	0	0	0	0
1684	0	0	0	0	0	0	0
1685	1	0	0	0	0	0	0
1686	0	0	0	0	0	0	0
1687	0	0	0	0	0	0	0
1688	7	2	0	0	2	0	0
1689	9	1	0	0	1	0	0
1690	10	3	0	0	1	0	0
1691	19	5	0	0	4	0	0
1692	15	2	2	0	1	0	1
1693	2	0	0	0	0	0	0
1694	19	7	1	1	5	0	1
1695	12	3	2	1	1	0	0
1696	15	1	1	0	0	0	1
1697	21	4	1	2	1	0	0
1698	34	7	0	1	4	0	1
1699	0	0	0	0	0	0	0
1700	7	0	0	0	3	0	0
1701	1	0	0	0	0	0	0
1702	30	7	2	1	3	1	1
1703	17	5	1	1	0	2	0
1704	31	5	0	0	5	0	0
1705	30	5	1	0	1	0	0
1706	15	3	2	3	0	1	0
1707	7	1	0	1	0	0	0
1708	17	2	1	0	2	0	0
1709	12	1	0	0	0	1	0
1710	21	6	1	1	0	1	1
1711	15	3	0	1	1	1	2
1712	9	2	1	2	3	0	0
1713	12	1	0	0	2	1	0
1714	9	2	0	0	2	0	0
1715	0	0	0	0	0	0	0
1716	9	1	2	0	0	2	1
1717	4	1	1	2	0	0	0
1718	7	1	0	1	1	0	0
1719	9	1	1	1	1	1	0

Table 3. (Continued)

Year	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber
1720	15	0	1	2	0	0	0
1721	5	1	0	1	0	0	0
1722	8	0	1	0	1	0	1
1723	10	1	0	0	1	0	0
1724	17	2	1	2	1	0	0
1725	13	4	0	2	1	1	0
1726	15	1	2	1	2	0	0
1727	8	4	0	1	1	1	0
1728	9	3	2	2	0	0	0
1729	6	1	0	1	1	0	1
1730	8	2	2	0	0	0	0
1731	13	3	3	0	3	0	0
1732	10	4	1	1	1	0	0
1733	6	1	1	1	0	0	0
1734	5	0	2	1	0	1	0
1735	6	1	1	1	0	0	0
1736	9	4	0	0	1	2	0
1737	4	3	1	2	0	0	0
1738	12	3	2	5	0	0	0
1739	1	1	2	0	0	0	0
1740	9	2	0	3	1	1	0
1741	11	2	1	0	2	1	0
1742	4	4	2	2	0	1	0
1743	12	0	1	0	1	0	0
1744	11	0	1	1	1	0	0
1745	9	1	1	3	1	0	0
1746	15	4	0	1	3	0	0
1747	11	0	1	0	1	1	0
1748	14	2	0	3	1	1	0
1749	10	4	0	0	2	1	1
1750	10	5	0	3	1	1	0
1751	5	4	2	3	1	0	0
1752	0	0	0	0	0	0	0
1753	12	4	2	1	0	2	0
1754	13	3	2	0	1	0	1
1755	11	4	5	0	3	2	0
1756	14	2	1	1	7	1	0
1757	18	5	0	2	2	2	1
1758	7	6	2	3	0	1	2
1759	9	8	2	2	0	0	0

Table 3. (Continued)

Year	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber
1760	6	2	2	2	1	1	0
1761	0	0	0	0	0	0	0
1762	13	4	0	4	1	2	0
1763	3	1	0	2	1	0	0
1764	7	6	0	3	1	2	0
1765	18	0	3	1	1	1	0
1766	16	5	0	0	1	0	0
1767	19	7	2	5	2	2	1
1768	10	3	0	1	0	0	0
1769	14	5	2	5	3	1	1
1770	11	4	1	5	0	2	1
1771	14	4	3	2	2	0	0
1772	19	9	3	4	3	1	3
1773	17	4	4	5	0	2	2
1774	16	6	4	2	1	0	0
1775	21	5	11	2	1	1	0
1776	22	3	2	5	2	0	2
1777	14	4	2	5	0	0	0
1778	11	2	3	1	0	2	2
1779	9	3	2	0	2	1	1
1780	9	0	3	0	3	0	0
1781	4	1	1	4	0	0	0
1782	5	0	0	2	2	0	0
1783	6	5	1	1	0	0	0
1784	7	3	4	2	0	0	1
1785	10	3	4	3	1	1	0
1786	13	5	3	0	1	0	1
1787	3	0	1	4	0	0	0
1788	3	5	4	1	0	0	2
1789	13	2	1	0	1	0	2
1790	6	2	3	2	0	1	0
1791	6	6	4	1	1	0	1
1792	10	7	2	1	1	1	1
1793	8	10	3	1	0	0	0
1794	7	7	2	1	0	1	1
1795	10	5	5	2	1	3	0
1796	13	5	3	0	2	2	1
1797	14	4	5	3	0	2	1
1798	11	3	2	2	0	0	2
1799	11	3	2	2	2	2	1

Table 3. (Continued)

Year	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber
1800	17	3	2	0	1	2	0
1801	14	3	1	0	3	1	1
1802	16	7	6	1	2	2	2
1803	15	3	7	4	0	1	0
1804	5	3	1	1	1	0	0
1805	14	7	5	2	0	0	0
1806	16	5	3	0	1	0	0
1807	23	5	2	0	1	1	1
1808	18	7	6	2	0	1	0
1809	20	4	1	1	0	2	3
1810	11	5	5	2	0	3	3
1811	12	4	3	2	0	2	1
1812	14	7	6	0	1	0	0
1813	29	7	4	2	1	0	0
1814	16	3	6	1	0	0	0
1815	10	3	1	2	0	2	0
1816	11	1	6	2	0	1	0
1817	12	4	3	2	0	1	0
1818	7	3	3	0	0	2	0
1819	13	6	2	2	0	1	1
1820	12	4	4	0	0	0	0
1821	11	5	3	0	0	1	1
1822	14	4	1	0	1	1	0
1823	9	3	7	1	0	0	0
1824	14	8	2	1	0	0	0
1825	15	24	4	1	0	1	0
1826	11	12	2	0	0	0	0
1827	16	13	2	4	1	3	0
1828	16	6	3	1	0	2	1
1829	14	10	2	0	0	0	2
1830	10	8	3	0	1	1	0
Total	1,814	538	273	193	137	93	60

Fig. 4 shows the number of acts authorizing leases in each year from 1600 to 1830. The pattern resembles sale acts. The correlation between these series is 0.61. Like sale acts, lease acts were rare during the early 1600s but increased after 1660. From 1715 to 1790, the number of lease acts averaged 3 per year. After 1790, as the pace of urbanization and industrialization

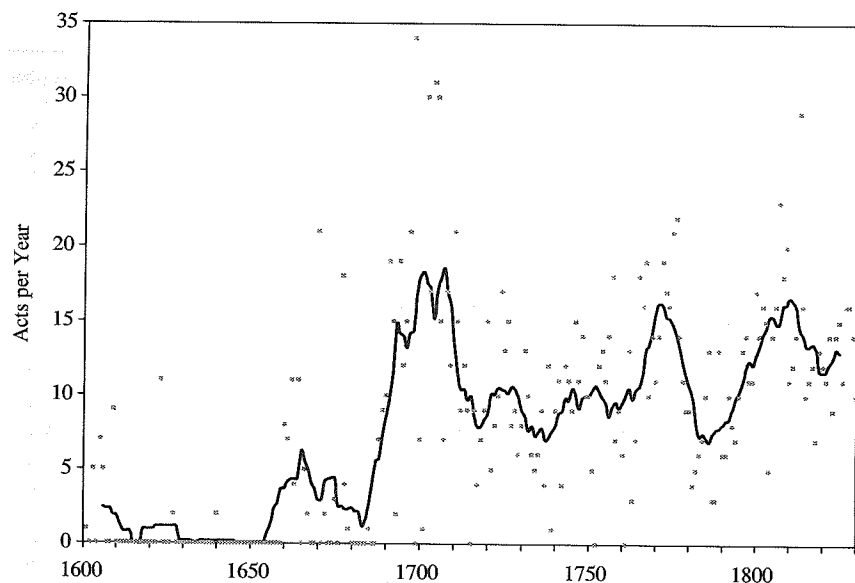


Fig. 3. Number of Estate Acts Authorizing Property Sales, 1600–1830. *Source:* See text. *Note:* The gray dots indicate the number of acts authorizing property sales passed in each year. The black line is an 11-year moving averages of the annual data as defined in the note for Fig. 1.

increased, the number of lease acts rose. For the next four decades, the number of lease acts averaged 6 per year. The peak occurred in 1825, when 25 lease acts were passed.

These patterns should interest scholars for several reasons. First, they reflect political events, such as the Restoration of 1661 and the Glorious Revolution of 1689. After the Restoration, the number of estate acts surged. During the political turmoil of the 1670s and 1680s, the number declined. After the Glorious Revolution of 1689, sales surged again. There are several potential explanations as to why the number of estate acts surged following the Glorious Revolution. One class of arguments focuses on the behavior of Parliament. For example, Parliament began meeting regularly and streamlined procedures for reviewing estate bills in the late 1690s and early 1700s, providing a quick and inexpensive forum for modifying rights to equitable estates.⁴³ The shift to regular sessions of Parliament and the procedural improvements adopted after 1689 can be interpreted as a positive supply shock which effectively lowered the cost of getting estate acts.

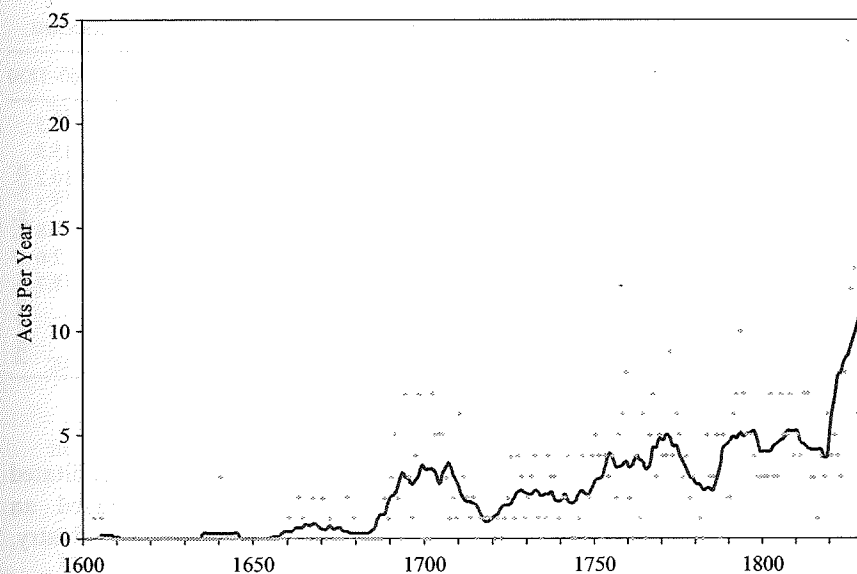


Fig. 4. Number of Acts Authorizing Property Leases, 1600–1830 *Source:* See text. *Note:* The gray dots indicate the number of acts authorizing property leases passed in each year. The black line is an 11-year moving averages of the annual data as defined in the note for Fig. 1.

Another class of arguments focuses on changes in the demand for estate acts. This explanation would suggest that the increased quantity of acts was driven by economic developments like population growth.

The composition of estate acts in the period before and after the Glorious Revolution sheds light on the relative importance of supply and demand changes. Table 4 shows that the composition of acts from 1660 to 1688 resembled the composition from 1689 to 1719. A little over 50 percent of all estate acts authorized sales in both periods. A little less than 10 percent authorized leases in both periods. These similar distributions suggest that the Glorious Revolution did not change the types of estate acts that were passed, or the composition of demand for acts, but it did change the volume of estate acts that were passed, probably by relaxing constraints on the supply of acts.

Table 4 also shows that the composition of estate acts changed after 1719. After that date, the proportion of acts authorizing leases, exchanges, and discharges increased. The rate of increase accelerated during the Industrial Revolution period spanning from 1760 to 1830. The most rapid increase

Table 4. Percentage of Estate Acts by Period and Type of Transaction.

Transaction	1660-1688	1689-1719	1720-1759	1760-1830	1660-1830
Sale	55.0	52.7	51.5	51.1	51.5
Lease	7.3	10.1	13.2	20.1	15.3
Exchange	2.1	2.5	6.0	12.0	10.2
Discharge	1.6	2.4	6.8	7.0	5.5
Mortgage	1.0	5.0	5.2	3.0	3.8
Partition	0.0	1.3	2.7	3.7	2.6
Harvest timber	0.5	1.1	0.9	2.5	1.7
Mine ore/coal					
Total number of acts	191	793	748	1,692	

Source: See text.

occurred in the number of lease acts. Lease acts frequently facilitated construction in urbanizing and industrializing areas and played an important role in reallocating resources toward infrastructure, industry, and mining.

The time trends have implications for a number of debates in social history. Habakkuk (1980, 1994) famously argued that aristocratic families struggled to maintain their social position relative to a rising entrepreneurial and mercantile class. In this struggle, aristocratic families supposedly sold valuable properties to pay for debts incurred maintaining expensive lifestyles. Estate acts served as a mechanism for facilitating these sales. The information in estate acts can address the validity of Habakkuk's hypothesis. Sale acts often described the conditions that Parliament imposed upon the property sales. One common condition was that the proceeds of the sale be used to pay debts. The phrase "to pay debts" is one indicator of a crisis among the aristocratic families. Social competition with the bourgeoisie forced aristocratic families to sell land in order to finance lavish lifestyles and maintain relative social rankings. As entrepreneurs and merchants accumulated capital and acquired the trappings of privileged lifestyles, competition among classes became increasingly intense, and the aristocracy acquired even larger debts, forcing them to sell even more of their most productive lands. The class dynamic driving this model should leave a clear pattern in the evidence. As the rise of the bourgeoisie forced the aristocracy to acquire larger debts, more estate acts should refer to debts as the reason for selling property.

Fig. 5 addresses this dynamic by reporting the percentage of sale acts indicating the proceeds should be used to pay debts. Before 1690 more than

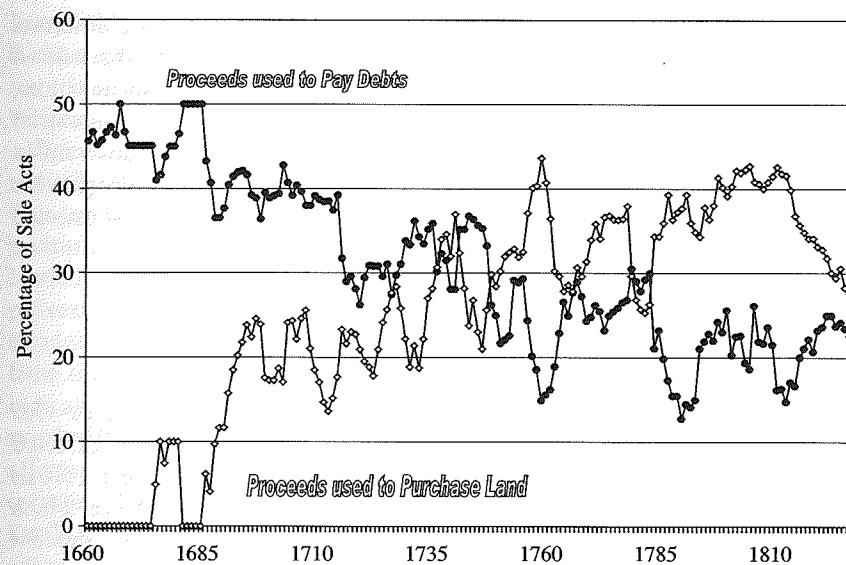


Fig. 5. Percentage of Acts that Authorized Sales of Land and Required the Proceeds to be Dedicated to Either the (a) Payment of Debts or (b) Purchase of Land Settled to the Same Use. Source: See text. Note: The filled circles indicate an 11-year moving average for the percentage of acts authorizing property sales that indicated the proceeds should be used for the payment of debts. The open circles indicate an 11-year moving average for the number of acts authorizing property sales passed in each year that required the proceeds to be used to purchase land of equivalent value settled to the same use.

three-fourths of all acts listed payment of debts, but the proportion fell continuously after the Glorious Revolution. By the time of the Industrial Revolution, less than one act in four listed payment of debts as a rationale for the transaction, and then, often one among many rationales. Most acts mention debts in the context of raising portions and/or jointures (i.e., payments to dependents such as widows and younger siblings, often upon reaching adulthood, to pay for education, to establish them in careers, or to fund dowries). Many estate acts also mention debts in the context of raising funds to invest in improvements.⁴⁴

Another dynamic is clearly evident in Fig. 5. As time progressed, estate acts increasingly required the first use of the proceeds of land sales to be purchasing equivalent land (or at times other assets) which would provide beneficiaries of the equitable estate with incomes equivalent to what they

would have received under the old arrangement. After beneficiaries' interests had been accommodated, the remainder of the proceeds from the sale of lands could be dedicated to the purchase of additional land or to new uses, such as investment in infrastructure, mercantile ventures, or industrial concerns. The motivation for sale acts thus appears to be quite different in the industrial revolution period. The following section on geographic patterns provides additional evidence that estate acts were interconnected with industrialization.

7. GEOGRAPHIC DISTRIBUTION

Estate acts affected particular pieces of property in particular places. Our database indicates the region, county, city, and/or street of affected properties for approximately two-thirds of all estate acts. Table 5 reveals the regional distribution of these acts. Column (3) examines acts for which our database contains geographic information. Of these acts, 85 percent pertained to property in England, approximately 5 percent referred to property in Ireland, 5 percent to property in Scotland, 4 percent to property in Wales, and 1 percent to property in colonies overseas.⁴⁵ The concentration of acts in England was due, in part, to the concentration of population and land area in that part of the United Kingdom. The concentration may also reflect the difficulty of requesting an estate act if one lived on the periphery of the empire and far from the center of power in London.

Table 5. Regional Distribution of Estate Acts Relative to Population and Land Area.

	Number of Estate Acts (1)	Percent of Estate Acts (2)	Percent of Acts Located (3)	Population in 1801 (000s) (4)	Percent of Population (5)	Land Area in Square Kilometer (6)	Percent of Land in UK (7)
England	2,063	58.6	85.3	8,308	70.2	130,395	53.6
Ireland/Isle of Man	131	3.7	5.4	1,388	11.7	13,843	5.7
Scotland	117	3.3	4.8	1,550	13.1	78,313	32.2
Wales	93	2.6	3.8	587	5.0	20,754	8.5
Colonies	14	0.4	0.6				
Location unidentified	1,135	32.2	-	-	-	-	-

Source: See text.

In addition, Ireland (before 1801) and Scotland (before 1707) had indigenous Parliaments. Acts passed by these local legislatures do not appear in our database, which contains information only from the Parliament at Westminster.⁴⁶

For estate acts affecting land within England, our database often identifies the county (or counties) in which the property (or properties) was (or were) located. An estate act could pertain to property located in multiple counties. Such an act would not be unusual, because the estates of landed families often spanned several counties. A landed family might possess a house in London, a country estate near their ancestral lands, agricultural manors scattered in several counties, and rights to revenues from fairs, markets, tithes, or townships scattered around the realm. Table 6 indicates the number of counties referred to in each act. The preponderance, nearly 80 percent, affected properties in a single county; roughly 15 percent affected properties in two counties; the rest affected properties in 3 or more counties. These percentages indicate estate acts typically affected land in one locality, although they could be used to reorganize rights to land over broad areas. The proportion of acts affecting properties in more than one county remained stable over time.

Table 7 indicates the types of estate acts in each county from 1600 to 1830. The county with the greatest number of acts authorizing sales, leases, and partitions was Middlesex. The obvious reason for this concentration was the rapid expansion of London. The counties with the fewest acts

Table 6. Geographic Breadth of Estate Acts Within England, By Number of Counties and Time Period.

	Number of Counties Named in Act				
	1	2	3	4	5+
Number of acts	1,422	287	80	20	10
Percent of acts	78.4	15.8	4.4	1.1	0.6
Period	Percent of acts naming one county			Percent of acts naming more than one county	
1600-1688	82.8			17.2	
1689-1719	78.7			21.3	
1720-1759	75.0			25.0	
1760-1830	77.2			22.8	

Source: See text.

Table 7. Number of Estate Acts Changing Property Rights by County and Type of Transaction, 1600–1830.

County	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber
Bedfordshire	16	0	4	7	1	1	0
Berkshire	32	6	4	4	0	0	0
Buckinghamshire	37	0	7	5	1	1	0
Cambridgeshire	22	1	6	5	4	0	1
Cheshire	37	15	6	4	2	2	2
Cornwall	12	13	3	3	1	0	0
Cumberland	3	1	1	1	0	0	1
Derby	22	4	9	3	1	1	1
Devon	53	17	9	7	1	1	0
Dorset	26	6	10	4	1	3	1
Durham	17	3	2	1	0	3	1
Essex	54	8	5	6	0	6	3
Gloucester	39	10	9	5	2	3	2
Hampshire	32	5	7	4	2	2	4
Hereford	9	1	6	5	0	0	0
Hertford	38	4	10	9	2	3	1
Huntingdonshire	12	2	4	0	2	2	0
Kent	90	21	17	13	1	7	2
Lancashire	42	42	4	4	3	4	3
Leicestershire	38	3	6	4	1	4	0
Lincolnshire	52	3	10	9	5	9	1
Middlesex	104	93	13	14	5	13	2
Norfolk	49	2	16	10	4	1	1
Northamptonshire	26	1	6	6	2	4	3
Northumberland	19	4	5	0	2	0	1
Nottinghamshire	23	5	11	5	2	2	2
Oxfordshire	25	5	16	6	2	2	0
Rutland	4	0	1	0	0	2	0
Shropshire	22	1	5	1	1	0	0
Somerset	41	11	8	5	0	4	1
Staffordshire	35	10	9	5	1	1	1
Suffolk	43	2	15	4	0	5	2
Surrey	69	47	9	9	3	9	2
Sussex	47	6	16	7	4	4	3
Warwick	28	9	6	6	3	1	0
Westmoreland	3	0	2	1	0	1	1
Wiltshire	45	10	8	6	2	5	3
Worcester	20	4	7	5	1	2	1
York	82	14	24	16	11	10	5

Source: See text.

authorizing sales or leases were Westmoreland and Cumberland. These counties were sparsely populated and far from London and other industrializing areas. The county with the highest number of acts authorizing exchanges, discharges, mortgages, and the harvesting of timber was York, which was large in terms of land area, densely populated, and contained expanding industrial cities such as Leeds and Sheffield.

To control for differences in the land area of each county, Table 8 ranks the number of acts per square mile in each county. Middlesex ranked highest for every type of transaction. Surrey, which lies just south of Middlesex and just across the Thames from the City of London, ranked second in terms of sale and lease acts per square mile. Hertfordshire, which lies just north of Middlesex, ranked third for acts authorizing sales, exchanges, and discharges per square mile. Lancashire – home to the cotton textile industry and the rapidly expanding industrial centers of Manchester and Liverpool – ranked third in acts authorizing leases per square mile. Its rapid urban growth must have been one reason for the large number of acts authorizing building leases.

Over time, the geographic distribution of estate acts changed, as Table 9 shows, by indicating the number of sale and lease acts per square mile in each county during the 160 years from 1600 to 1759 and the 70 years from 1760 to 1830. During the latter period of industrialization acts authorizing sales and leases became more concentrated close to London, in the counties of Middlesex and Surrey, and more concentrated in the industrializing counties to the north and west of London. Lancashire experienced the most rapid rate of growth in acts per square mile, probably, it is worth repeating, due to the expansion of the cotton centers of Manchester and Liverpool. Cheshire, which was adjacent to Lancashire, also experienced rapid growth in lease acts per square mile. Counties lacking industrial centers, such as Hertfordshire and Buckinghamshire, which ranked highly in acts per square mile before 1760, declined in rank.⁴⁷

These tables demonstrate that estate acts became increasingly concentrated in industrializing and urbanizing regions during the first Industrial Revolution era from 1760 to 1830. This pattern reveals a correlation between changes in property rights and economic development in England. The nature of this link remains a matter of research. The restrictions associated with strict settlements should have become more binding as the pace of urbanization and industrialization increased and as switching land from agricultural to urban or industrial uses became more profitable. Moreover, it would have been difficult, if not impossible, for landowners to reallocate resources in response to urbanization and industrialization

Table 8. Rank of Counties According to the Number of Estate Acts Changing Property Rights Per Square Mile, By Transaction Type, 1600-1830.

County	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber	Mining	All
Bedfordshire	8	37	14	2	9	17	31		
Berkshire	7	8	26	17	31	37	38		
Buckinghamshire	5	36	13	8	20	26	33		
Cambridgeshire	22	29	20	11	2	31	23		
Cheshire	9	4	23	21	14	20	10		
Cornwall	37	7	37	32	27	33	35		
Cumberland	39	35	39	36	38	39	25		
Derby	28	23	12	25	25	28	21		
Devon	29	14	32	29	35	38	39		
Dorset	23	18	10	18	22	15	15		
Durham	34	26	38	35	37	24	19		
Essex	10	19	33	23	32	10	6		
Gloucester	15	9	18	20	13	19	9		
Hampshire	30	24	28	30	26	29	12		
Hereford	35	34	21	12	30	36	37		
Hertford	3	15	3	3	5	5	4		
Huntingdonshire	13	20	7	37	3	4	27		
Kent	4	5	6	6	18	8	13		
Lancashire	26	3	36	31	17	22	11		
Leicestershire	6	21	19	16	21	6	28		
Lincolnshire	31	32	30	28	16	13	30		
Middlesex	1	1	1	1	1	1	1		
Norfolk	27	31	16	15	12	32	34		
Northamptonshire	24	30	25	13	11	7	3		
Northumberland	36	27	34	39	29	35	24		
Nottinghamshire	20	17	4	10	10	18	8		
Oxfordshire	11	11	2	5	6	11	29		
Rutland	21	38	22	38	39	2	26		
Shropshire	32	33	31	33	28	34	36		
Somerset	25	13	27	26	34	23	18		
Staffordshire	17	10	15	19	23	27	20		
Suffolk	18	28	11	24	33	16	16		
Surrey	2	2	5	4	4	3	2		
Sussex	14	22	8	14	8	12	7		
Warwick	16	6	17	9	7	25	32		
Westmoreland	38	39	35	34	36	30	22		
Wiltshire	12	12	24	22	24	9	5		
Worcester	19	16	9	7	19	14	14		
York	33	25	29	27	15	21	17		

Source: See text.

Table 9. Sale and Lease Acts Per 100 Square Miles in Each County, 1600-1759 and 1760-1830.

County	Sale		Lease	
	Before 1760	After 1760	Before 1760	After 1760
Bedfordshire	2.4	1.1		
Berkshire	2.3	2.0	0.3	0.5
Buckinghamshire	2.7	2.3		
Cambridgeshire	1.6	0.9	0.1	0
Cheshire	1.5	2.0	0.4	1.0
Cornwall	0.4	0.4	0.6	0.4
Cumberland		0.2		0.1
Derby	1.1	1.1	0.1	0.3
Devon	1.4	0.6	0.4	0.2
Dorset	1.5	1.1	0.5	0.1
Durham	0.6	0.6		0.2
Essex	2.0	1.6	0.1	0.5
Gloucester	1.4	1.7	0.3	0.5
Hampshire	1.0	0.9	0.1	0.2
Hereford	0.5	0.6		0.1
Hertford	3.3	2.7	0.3	0.3
Huntingdonshire	2.4	0.8	0.3	0.3
Kent	2.7	3.1	0.2	1.2
Lancashire	0.8	1.5	0.2	2.2
Leicestershire	3.3	1.4	0.2	0.1
Lincolnshire	0.9	1.1	0.1	
Middlesex	13.8	23.0	6.4	26.6
Norfolk	1.1	1.3	0.1	
Northamptonshire	1.5	1.1	0.1	
Northumberland	0.3	0.7	0.1	0.2
Nottinghamshire	1.3	1.4	0.1	0.5
Oxfordshire	1.7	1.6	0.1	0.5
Rutland	2.7			
Shropshire	0.6	1.0	0.1	0
Somerset	1.1	1.4	0.5	0.2
Staffordshire	1.0	1.9	0.1	0.7
Suffolk	1.9	0.9	0.1	0.1
Surrey	4	5.1	1.1	5.1
Sussex	1.2	2	0	0.4
Warwick	1.4	1.7	0.2	0.8
Westmoreland	0.1	0.3	0	0
Wiltshire	1.2	2.1	0.4	0.3
Worcester	1.8	1	0.3	0.3
York	0.5	0.9	0.1	0.2

Source: See text.

without reorganizing property rights. The Chancery court was not a good substitute for Parliament, especially in the late eighteenth and early nineteenth century (Baker, 1971). Without this parliamentary forum, restrictions on property transactions would have likely remained and many crucial investments would have been forgone to the detriment of both static and dynamic efficiency.

8. RANK, PROFESSION, AND GENDER OF INDIVIDUALS NAMED IN ESTATE ACTS

Estate acts reorganized rights held by individuals and families. Who held these rights? Who was able to get acts from Parliament? Did Parliament intercede on the behalf of all property holders, or did Parliament help only particular classes of people, such as aristocrats or the politically powerful? Our database enables us to answer these questions because clerical titles often named the parties involved. Most clerical titles named the life tenant (or the trustee for underage landholders) who possessed the property. Many acts named other parties with beneficial interests in the estate or otherwise involved in the transaction. Some acts named deceased individuals whose settlements were the source of the property in dispute.

The social ranks and/or professions of these individuals were often indicated. Ranks indicating membership in the aristocracy included Baron, Count, Countess, Duke, Duchess, Earl, Marquess, Marchioness, Viscount, Lord, and Lady. Ranks indicating membership in the gentry included Baronet, Esquire, Knight, Gentleman, and Dame. Professions included merchants, doctors, and clerks. Members of the clergy were identified as bishops, reverends, and rectors. In some cases, acts named individuals without indicating ranks or professions. These individuals, in all likelihood, did not belong to the nobility, gentry, or clergy, because identifying membership in these orders would have been valuable before the House of Lords, whose members came from these orders and represented their interests.

In many cases, the gender of individuals could also be identified. Women belonging to the nobility received feminine titles such as Countess, Duchess, Marchioness, or Lady. Women belonging to the gentry received the title Dame. Women belonging to other orders were often identified by feminine names, such as Mary or Elizabeth, or by labels such as "wife of" or "daughter of."

Table 10. Social Ranks and Professions of Individuals in Estate Acts.

Rank or Profession	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber	All
Duke	37	26	19	20	6	2	3	134
Marquess	19	9	7	1	1	2	0	42
Earl	109	45	40	22	14	4	4	295
Viscount	36	9	2	3	6	2	1	71
Baron	7	0	0	0	1	1	0	13
Lord	81	43	33	16	2	6	6	220
Countess	13	8	4	4	1	2	0	46
Duchess	3	6	2	3	0	0	0	18
Marchioness	1	3	1	0	1	1	0	9
Lady	12	3	2	1	5	0	0	37
Total noble rank	306	136	104	62	32	17	14	812
Baronet	7	3	1	2	1	0	0	20
Knight	278	57	33	25	18	22	8	536
Esquire	807	179	135	86	75	48	34	1,496
Gentleman	107	18	10	6	5	5	1	169
Dame	22	12	2	1	1	7	1	67
Total gentry rank	1,198	257	178	118	99	76	44	2,217
Merchant	12	6	0	0	0	0	0	25
Doctor	11	8	2	0	1	3	0	30
Clerk	29	8	13	7	1	3	1	67
Total professions	52	22	15	7	2	6	1	122
Bishop	8	8	7	0	2	0	1	31
Reverend	16	6	10	2	0	5	1	41
Rector	4	14	12	3	0	0	0	35
Total clergy	28	28	29	5	2	5	2	107
Individuals without profession or rank	321	122	20	17	9	9	3	556

Source: See text.

Note: The last row indicates individuals who are named in the acts but whose appellations indicate neither social rank nor profession. Given the prevalence of these honorifics and their importance in this class conscious society, we suspect that the ranks and professions of individuals would have been indicated, if they possessed them.

Table 10 reports the number of estate acts and the rank or profession of the individuals involved. Table 11 reports the same information as a percentage of all estate acts. Noble's names appeared in 812 acts or 23 percent of the total. Within the nobility, Dukes and Earls accounted for 4 percent and 8 percent of the acts, respectively. Nobles obtained acts authorizing the sale of land at a slightly lower rate than the gentry. This may

Table 11. Percentage Distribution of Social Ranks and Professions by Type of Act.

	Sale	Lease	Exchange	Discharge	Mortgage	Partition	Timber	All
Duke	2.0	4.8	7.0	10.4	4.4	2.2	5.0	3.8
Marquess	1.0	1.7	2.6	0.5	0.7	2.2	0.0	1.2
Earl	6.0	8.4	14.7	11.5	10.2	4.3	6.7	8.4
Viscount	2.0	1.7	0.7	1.6	4.4	2.2	1.7	2.0
Baron	0.4	0.0	0.0	0.0	0.7	1.1	0.0	0.4
Lord	4.5	8.0	12.1	8.3	1.5	6.5	10.0	6.2
Countess	0.7	1.5	1.5	2.1	0.7	2.2	0.0	1.3
Duchess	0.2	1.1	0.7	1.6	0.0	0.0	0.0	0.5
Marchioness	0.1	0.6	0.4	0.0	0.7	1.1	0.0	0.3
Lady	0.7	0.6	0.7	0.5	3.6	0.0	0.0	1.1
Total noble rank	16.9	25.3	38.1	32.3	23.4	18.3	23.3	23.1
Baronet	0.4	0.6	0.4	1.0	0.7	0.0	0.0	0.6
Knight	15.3	10.6	12.1	13.0	13.1	23.7	13.3	15.2
Esquire	44.5	33.3	49.5	44.8	54.7	51.6	56.7	42.5
Gentleman	5.9	3.3	3.7	3.1	3.6	5.4	1.7	4.8
Dame	1.2	2.2	0.7	0.5	0.7	7.5	1.7	1.9
Total gentry rank	66.0	47.8	65.2	61.5	72.3	81.7	73.3	62.9
Merchant	0.7	1.1	0.0	0.0	0.0	0.0	0.0	0.7
Doctor	0.6	1.5	0.7	0.0	0.7	3.2	0.0	0.9
Clerk	1.6	1.5	4.8	3.6	0.7	3.2	1.7	1.9
Total professions	2.9	4.1	5.4	3.6	1.5	6.5	1.7	3.5
Bishop	0.4	1.5	2.6	0.0	1.5	0.0	1.7	0.9
Reverend	0.9	1.1	3.7	1.0	0.0	5.4	1.7	1.2
Rector	0.2	2.6	4.4	1.6	0.0	0.0	0.0	1.0
Total clergy	1.5	5.2	10.7	2.6	1.5	5.4	3.3	3.1
Individuals without profession or rank	17.7	22.7	7.3	8.9	6.6	9.7	5.0	15.8

reflect a trend in which noble families were accumulating property over this period, and where the estates of the largest holders were gradually growing (see Beckett, 1984).

The share of acts naming nobles can be compared with the percentage of land owned by the "great landowners," which consisted largely of the nobility. Beckett (1984) reports that great landowners controlled 15-20 percent of the land in 1690 and 20-25 percent of the land in 1790.⁴⁸ Since 23 percent of the acts involved the property of the nobility, nobles' access to (or use of) estate acts seems proportional to the extent of their land

ownership. The nobility, in other words, does not appear to be over-represented in estate acts. This seems surprising. Nobles' position at the top of the social and political hierarchy gave them great influence in Parliament, particularly in the House of Lords, where most estate acts originated. One might think that they would treat themselves preferentially, use their political power purely for their own immediate benefit, and pass estate acts only for themselves.

Of estate acts, 2,217 or 63 percent of the total named members of the gentry, including the ranks of Baronet, Knight, Esquire, Gentleman, and Dame. Within the gentry, esquire was the most common title, appearing in 42 percent of all acts. The title "esquire" included landowners, lawyers, industrialists, and merchants who possessed substantial estates. Beckett reports that the gentry owned 40-50 percent of the land in 1690 and about 50 percent in 1790. "Small owners" held 25-33 percent of all land in 1690 and 15 percent in 1790. Since 63 percent of estate acts involved members of the gentry, the gentry appear to be over represented among those receiving estate acts. Small holders appear to be under represented, even if one assumes that all of the acts failing to indicate the ranks of the participants dealt with the land of small holders belonging neither to the nobility nor gentry.

It is interesting to note that the gentry participated disproportionately in acts for partitioning and mortgaging property. These acts allowed them to divide parcels of property, usually when switching agricultural land to urban uses, and to raise money using their land as collateral. The gentry's emphasis on these endeavors may reflect greater involvement in the expanding capitalist economy.

Noble women were named in 110 acts or 3.2 percent of the total. In many cases, Countess, Duchess, Marchioness, Dames, or Ladies were named in acts because they had recently deceased and the act represented an attempt to change the rights associated with their will. For example, an act in 1724 vested "the Real Estate of Dame Elizabeth Holford Widow, deceased, in the Parish of Saint Olave, Hart Street, London, in Christopher Appleby Gentleman, and his Heirs, for the better enabling him to sell the same, towards the Discharge of the Charitable and other Legacies given by her Will."⁴⁹ In other cases, estate acts gave women expanded powers. For example, an act in 1720 enabled "the Lady Viscountess Gage and her Trustees, and Thomas Whorwood Esquire to purchase Lands of Inheritance with the Money arising by Sale of their Estate in the County of Bucks."⁵⁰ Overall, however, it was not common for women to be given expanded powers. This could reflect discrimination against women, but it could also

be the case that most upper class women held their wealth in personal property, like government securities.⁵¹ Therefore, it is not inconceivable that women with the title Countess, Duchess, Marchioness, Dame, or Lady held 5 percent of the land or less. We should make an important qualification to these figures. Our figures only include legislation that fit our definition of estate acts. Our figures exclude any acts dealing with marital arrangements of the aristocracy and gentry which did not alter rights to real property.

Among the transactions authorized by estate acts, aristocratic women were most often named in acts partitioning property. These acts divided parcels of land into separate plots. In these cases, the act usually divided a parcel into two pieces. The husband received rights to one of the new plots. The wife received ownership of the other. For example, an act in 1757 was for "confirming a Partition between William Earl of Dartmouth, and Frances Catherine Countess of Dartmouth, his Wife, and Sir William Maynard Baronet."⁵²

Few estate acts named professionals, like doctors, clerks, businessman, and merchants. Their scarcity may be due to their accumulation of personal property, such as cash and luxuries, and urban real estate, which was settled far less often than rural land. Moreover, merchants that accumulated substantial rural estates would often assume the title of esquire or gentleman.

The bottom rows of Tables 10 and 11 indicate the number of acts failing to refer to individuals with ranks or professions. These acts refer to individuals that do not identify as members of the aristocracy, gentry, or profession. An act in 1826, for example, enabled "the Trustees under the Will of Benjamin Griffin, deceased, to grant Building and other Leases of Parts of the Estates thereby devised."⁵³ Acts such as this probably referred to individuals ineligible for honors or titles, since such symbols of status received prominent placement in legal documents and had substantial value in class conscious Georgian society. A small number of acts refer to the property of organizations rather than individuals. For example, an act in 1825 was for "confirming an Exchange made of certain Parts of the Glebe Lands of the Rectory of Stowlangtoft."⁵⁴ In this case, the rectory as an institution received the authority to exchange land, presumably at the behest of the rector or his superiors.

The distribution of ranks, professions, and genders remained stable in the long run. Table 12 indicates the distribution of these categories across time periods. Nobles were named in 25 percent of the acts in the Restoration period and 24 percent in the Industrial Revolution period. The gentry were named in 61 percent of the acts in the Restoration period and 61 percent in

Table 12. Percentage Distribution of Social Ranks and Professions by Time Period.

	1660-1688	1688-1719	1720-1759	1760-1830
Duke	1.1	2.6	4.9	4.2
Marquess	0.6	0.6	1.1	1.6
Earl	10.2	6.8	9.0	8.2
Viscount	2.8	1.8	2.8	1.7
Baron	0.6	0.5	0.1	0.3
Lord	9.0	4.0	6.3	6.6
Countess	0.6	0.8	1.2	1.5
Duchess	0.6	0.4	0.8	0.5
Marchioness	0.0	0.1	0.3	0.4
Lady	1.7	1.6	1.5	0.5
Total noble rank	24.9	17.7	25.4	23.5
Baronet	0.6	1.1	0.7	0.3
Knight	32.2	15.5	15.8	12.2
Esquire	26.0	41.0	46.0	44.4
Gentleman	2.8	9.1	4.1	3.3
Dame	3.4	1.9	2.1	1.4
Total gentry rank	61.0	65.8	66.4	60.5
Merchant	0.0	1.4	0.8	0.5
Doctor	1.1	0.5	0.7	1.1
Clerk	0.0	1.3	2.4	2.2
Total professions	1.1	3.2	3.9	3.9
Bishop	0.6	1.0	0.8	0.8
Reverend	0.0	0.0	0.0	2.4
Rector	0.6	0.5	0.8	1.4
Total clergy	1.2	1.5	1.6	4.6
Individuals without profession or rank	15.3	17.9	11.1	17.2

the Industrial Revolution period. The shares of smaller categories, such as the clergy, remained small in all periods.

In the short run, some patterns appear noteworthy. The proportion of acts naming nobles fell after the Glorious Revolution. This is significant because many estate acts from 1689 to 1719 authorized property sales. If the nobility were less likely to be named in these years, then the nobility may have sold less of their property in this period, and it may be one reason that the share of the land owned by the nobility expanded. Another pattern of interest is the decline in the number of acts not naming ranks or professions

during the period from 1720 to 1759 followed by an increase in this group during the Industrial Revolution. One possible explanation is that the greater political control by landed interests and the "Whig Oligarchs" limited access by nonelites to some degree in the mid-eighteenth century.

Ultimately, estate acts' distribution across ranks and professions appears to be a reflection of property's distribution across these groups. Perhaps this should not have been surprising. While the nobility often employed strict settlements to establish long-lasting estates, settlements were also employed by the rural gentry, and at times, were even used on single-family farms (English & Saville, 1983, p. 12). The arrival of unanticipated opportunities, which settlements could not accommodate, and which were often the impetus to request estate acts, may have been relatively random across land holdings.

The social distribution of estate acts suggests that Parliament was readily accessible to a broad cross section of society. As expected the aristocracy certainly made use of estate acts, but so did the gentry and even smaller holders. The accessibility of Parliament is perhaps surprising given that aristocrats dominated the House of Lords and the Commons. Aristocrats might have restricted access to members of their class in an effort to foster their political power. The fact that they did not is of major political and economic importance and remains a puzzle for future researchers to solve.

9. CONCLUSION

This essay quantifies the legal, economic, geographic, and social characteristics of estate acts. Estate acts reorganized individuals' and families' rights to real and equitable estates. Estate acts allowed landholders to take some action or complete an economic transaction that they could not under the prevailing property-rights regime. The majority of estate acts allowed land to be put on the market. These market-oriented acts facilitated transactions such as the sale, long-term leasing, exchange, partition, and mortgaging of property. Estate acts also enabled landholders to harvest timber and mine metal and coal. The number of acts authorizing property sales increased substantially during the late seventeenth and early eighteenth centuries, with a notable rise following changes in the operation of Parliament after the Glorious Revolution. After 1760, when the pace of industrialization and urbanization increased, estate acts were particularly concentrated in counties such as Middlesex and Lancashire, which were the cradle of the Industrial Revolution.

The estate-acts data presented in this paper address an array of additional questions of interest to economic, social, and political historians. Consider the three following examples. First, during the seventeenth, eighteenth, and nineteenth centuries, whose interests did Parliament promote? Who had access to Parliamentary legislation? The proportion of estate acts pertaining to the nobility, gentry, and other social groups corresponds with the share of these groups in total landownership. This finding suggests that access to estate acts was open to all landowners, even those in the middling ranks of the social and political hierarchy. The shares were roughly constant over time. The only anomaly comes in the years (1688-1719) following the Glorious Revolution, when the nobility's share of estate acts fell below the long-run average and the lower ranks' share of estate acts rose above their long-run average. This anomaly probably reflects political forces at work during the early period of Parliamentary ascendance.

Second, did Parliament's actions match its rhetoric about acting in the public's interest and to increase the realm's wealth? Or alternatively, was Parliamentary legislation primarily a tool for redistribution from the socially powerless to the politically powerful? A great deal of evidence indicates that estate acts served constructive purposes. Acts authorizing long-term leases, for example, typically described the projects, such as the opening of mines or construction of residences, that the leases facilitated. Acts authorizing the sale of property (or otherwise releasing property from the strictures of settlement) typically specified that a portion of the proceeds of the sale must be dedicated to purchasing lands and settling them to the old usage (or taking other actions that would ensure all beneficiaries of the estate remained as well off financially as they had been in the past). The texts of the acts, in other words, reveal Parliament's intentions. Parliament approved reallocating resources to new and more productive uses, as long as the financial interests of beneficiaries to estates were protected.

Third, how did political changes influence the adaptation of property rights via estate acts? Did the Glorious Revolution mark a significant change in "supply" of property rights legislation or was it simply correlated with changes in the "demand" for such legislation. Our findings give preliminary evidence suggesting that the Glorious Revolution represented a positive supply shock. The data show that the composition of transactions authorized by estate acts (i.e., sales, leases, mortgages, etc.) changed little in the decades surrounding 1689. If changes in demand were a more significant driver then one would expect a change in the level and the composition of estate acts. In fact only the level increased. In future research, we plan to investigate the link between political changes and adaptable rights more

closely by explicitly controlling for economic factors – like interest rates and domestic trade – which influenced the demand for property rights legislation.

Finally, we note that our formulation of estate acts resembles the Pareto-improving approach to allocating property rights which Ronald Coase observed in common law courts and Parliamentary decisions during the nineteenth century (Coase, 1960, 1974). According to Coase, attaining economic efficiency in the presence of transaction costs requires the proper definition and allocation of rights. In the nineteenth century, when Britain was the wealthiest nation in the world, British common and statutory law recognized this principle, and Britain's Parliament and common law courts assigned rights to maximize productivity. The evidence reveals that Parliament first employed this principle en masse in the early eighteenth century, when Parliament began to pass unprecedented volumes of estate acts, and when the British economy entered an era of expansion preceding industrialization.

NOTES

1. Our quantitative compilation of estate acts builds on a large literature which counts and categorizes acts of Parliament. See Tate (1967, 1978), Turner (1980, 1984), Habakkuk (1980), Wordie (1983), Langford (1991), Hoppit (1996, 2003), Hoppit and Innes (1997), and Innes (1998).

2. See, for example, the classic works by North and Weingast (1989), Neal (1990), and Clark (1998a).

3. Academic inspirations for our evidentiary endeavor include Tate's (1978) *Domesday of Enclosures* and Greg Clark's (1998b) compilation of the Charity Commission Records. These sources form the foundation for rigorous analysis of enclosure acts.

4. For more information about strict settlements, see Bogart and Richardson (2009), from which this section was abstracted.

5. Some of the best known works describing the system of strict settlements are Thompson (1963, 1994), Spring (1964, 1983, 1993), Baker (1971), English and Saville (1983), Beckett (1984), Habakkuk (1994), and Cannadine (1994).

6. The fact that until the Conveyancing Act of 1881, solicitors were paid for conveyances by the word (1s for every 72 words in 1862), did not encourage conciseness (English & Saville, 1983, p. 18).

7. <http://www.portcullis.parliament.uk>. The Parliamentary Archives provided us with the database underlying *Portcullis* to facilitate our research. The clerical titles contained within *Portcullis* were first published in nineteenth-century compilations of Parliamentary legislation, like the *Statutes of the Realm* (Great Britain, 1810).

8. See, for example, Parliamentary archive reference number HL/PO/PB/1/1707/6&7An26.

9. See, for example, HL/PO/PB/1/1710/9&10An47, HL/PO/PB/1/1809/49G3n399, and HL/PO/PB/1/1809/49G3n208. Note that in acts of all types, minor variations in the use of articles exists.

10. HL/PO/PB/1/1702/13&14W3&1As1n33.

11. HL/PO/PB/1/1759/33G2n55.

12. HL/PO/PB/1/1692/4&5W&Mn43.

13. HL/PO/PB/1/1725/12G1n35.

14. HL/PO/PB/1/1695/7&8W3n50.

15. HL/PO/PB/1/1749/23G2n57.

16. For a sample of legal opinions on trustees' powers see Great Britain, House of Commons (1829).

17. HL/PO/PB/1/1692/4&5W&Mn41.

18. HL/PO/PB/1/1773/13G3n179.

19. HL/PO/PB/1/1702/13&14W3&1As1n53.

20. HL/PO/PB/1/1739/13G2n44.

21. HL/PO/PB/1/1785/25G3n104.

22. HL/PO/PB/1/1677/29&30C2n12.

23. HL/PO/PB/1/1733/7G2n40.

24. HL/PO/PB/1/1697/9&10W3n53.

25. HL/PO/PB/1/1735/9G2n33.

26. HL/PO/PB/1/1692/4&5W&Mn26.

27. HL/PO/PB/1/1738/12G2n53.

28. HL/PO/PB/1/1790/30G3n142.

29. HL/PO/PB/1/1719/6G1n25.

30. See Bogart and Richardson (2009) for a discussion of the effects of lease acts.

31. HL/PO/PB/1/1788/28G3n132.

32. HL/PO/PB/1/1736/10G2n59.

33. HL/PO/PB/1/1783/23G3n88.

34. HL/PO/PB/1/1809/49G3n363.

35. HL/PO/PB/1/1827/7&8G4n214.

36. HL/PO/PB/1/1741/15G2n55.

37. HL/PO/PB/1/1726/13G1n70.

38. HL/PO/PB/1/1807/47G3s2n199.

39. HL/PO/PB/1/1798/38G3n212.

40. Bogart and Richardson (2009) discuss some cases where buyers suffered great losses when challenged in courts for purchasing settled land without authorization.

41. See Bogart and Richardson (2010) for a time-series analysis of estate, statutory authority, and enclosure acts.

42. The standard reference on the *Acts and Ordinances of the Interregnum* (Firth & Rait, 1911) does not contain information about private acts.

43. See Langford (1991) and Hoppit (1996).

44. Another explanation for the appearance of the phrase "to pay debts" may be the legal procedure used to break entails, the process of common recovery. This process involved a suit over a fictitious debt which resulted in the conversion of a settled estate into a fee simple holding. The ubiquity of this standardized procedure – which involved suits over fictitious debts – should make scholars wary of using legal and political records as evidence of the debts of landed families.

45. We expect that this distribution will hold for all of England, since we believe that the distribution of locations for acts lacking location information in the clerical title is similar to the distribution for acts whose clerical title contains location information. Further research with the manuscripts of the full acts will eventually indicate the location of all property effected by estate acts.

46. See Hoppit (2003).

47. See Bogart and Richardson (2009) for more on the correlation between estate acts and urbanization.

48. Beckett's figures come from Mingay (1963), Thompson (1963), and Cooper (1967).

49. HL/PO/PB/1/1724/11G1n72.

50. HL/PO/PB/1/1732/6G2n33.

51. See Green and Owens (2003) for a discussion of women's wealth holdings in the early nineteenth century.

52. HL/PO/PB/1/1757/30G2n123.

53. HL/PO/PB/1/1826/7G4n242.

54. HL/PO/PB/1/1826/7G4n238.

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THE MACROECONOMIC AGGREGATES FOR ENGLAND, 1209–2008

Gregory Clark

ABSTRACT

Estimates are developed of the major macroeconomic aggregates – wages, land rents, interest rates, prices, factor shares, sectoral shares in output and employment, and real wages – for England by decade between 1209 and 2008. The efficiency of the economy in the years 1209–2008 is also estimated. One finding is that the growth of real wages in the Industrial Revolution era and beyond was faster than the growth of output per person. Indeed until recently the greatest recipient of modern growth in England has been unskilled workers. The data also create a number of puzzles, the principal one being the very high levels of output and efficiency estimated for England in the medieval era. These data are thus inconsistent with the general notion that there was a period of Smithian growth between 1300 and 1800 which preceded the Industrial Revolution, as expressed in such recent works as De Vries (2008).

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