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“To destroy the settlement of estate”? the Glorious Revolution and estate acts of parliament, 1660–1702¹

Kara Dimitruk

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This article sheds light on the way the Glorious Revolution of 1688 in England affected property rights to land. From 1660 to 1702, the bulk of parliament’s legislative work was on estate acts that reorganized families’ rights to land use. Using a random sample of 65 estate acts, the article finds that the Revolution broadened political access to parliament. I show acts were primarily for members of parliament and their families, but new acts after 1688 had secondary connections to MPs as trustees. It also finds that the composition of the acts changed after the Revolution because landholders sought to break strict settlements, a new form of property conveyance. The findings establish the place of estate acts in the broad narrative of the Glorious Revolution and help to explain the development of capitalism in England.

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1 Introduction

The Glorious Revolution of 1688 in England, it is largely agreed, shifted the balance of power between crown and parliament and ensured parliamentary supremacy. But the question of how this supremacy was achieved and if and how it was important for England's economic rise have been debated since North and Weingast's seminal 1989 work.² Studies by Beckett, Bogart and Richardson, Cox, Hodgson, Hoppit, and Pincus and Robinson over the past decade all attribute England's institutional and economic development in part to parliament's role as a 'primarily legislative body'.³ Aggregate statistics are widely cited. After 1688, parliament met annually and the timing and duration of its sessions became more predictable and periodic,⁴ with the result that its legislative functions improved and expanded. In the immediate aftermath of the Glorious Revolution, bills and acts multiplied and the scope of legislation grew.⁵ Parliament became the locus of decision making for economic and foreign policy. Its supremacy and the rights embodied in its acts also influenced markets and economic activity, developing public finance, revolutionizing transport, facilitating the enclosure movement, influencing overseas trading companies, and encouraging domestic manufacturing.⁶

² North and Weingast, 'Constitutions and commitment', discussed further below, looks at the effect of the Glorious Revolution on the political equilibrium and constitutional institutions. Studies of the connection between the Revolution and economic activity have mostly examined its effect on public finance or property rights. See Coffman et al., *Questioning*, and Cox, *Marketing*, Chapter 1, for overviews of the evidence of constitutional changes and public finance, and Cox, *Marketing*, Chapters 1 and 7, for an overview of property rights. By the time of the Restoration, property rights to land were largely secure from expropriation by the monarch (see Clark, 'The political foundations', and Epstein, *Freedom and growth*), but other types of rights faced a greater risk of expropriation because of parliamentary supremacy (see Hoppit, 'Compulsion'). The extent to which the Revolution was a revolution or a return to conservative principles is another strand of the discussion (see Pincus, *1688*, Introduction, for an overview).

³ Beckett, 'The Glorious Revolution', Bogart and Richardson, 'Property rights and parliament', Cox, *Marketing*, Hodgson, '1688 and all that', Hoppit, *Britain's political economies*, Chapter 2, and Pincus and Robinson, 'What really happened?' pp. 206–207. See also Mokyr and Nye, 'Distributional coalitions', pp. 55–58. For criticism of this view, see Ogilvie and Carus, 'Institutions and economic growth'.

⁴ From 1660 to 1685 sessions lasted an average of 60 days; after 1688, they averaged about 112 days. After 1688 sessions regularly began sometime between October and December and ended in April or May of the following year. See Beckett 'The Glorious Revolution', p. 39, Hoppit 'Patterns', p. 114, and Pincus and Robinson 'What really happened?' p. 197, Figure 9.1 and citations therein. See also Van Zanden et al. 'The rise and decline', Figure 5, for a comparative perspective of parliaments across preindustrial Europe.

⁵ See Bogart and Richardson 'Property rights and parliament', Figure 1, for different types of acts reorganizing property rights, Hoppit 'Patterns', Figure 4, for the increase in the number of personal acts after 1688 and Tables 3 and 5 for types of acts of parliament from 1660 to 1800, Hoppit, *Britain's political economies*, Chapter 2, and Pincus and Robinson, 'What really happened?', Figure 9.4, which shows that the number of petitions to the House of Commons grew after the Glorious Revolution. For further work on the scope of parliament's legislation, see Beckett 'The Glorious Revolution', p. 39, Cox *Marketing*, Chapters 1 and 7, and Hodgson '1688 and all that'.

⁶ On public finance, see Cox, *Marketing*, and Stasavage, 'Partisan politics'. On transport, see Bogart, 'Did the Glorious Revolution contribute'. On transport and enclosure, see Beckett 'The Glorious Revolution', Bogart and Richardson, 'Property rights and parliament', and Hodgson, '1688 and all that', and for a critical perspective see

We still have more to learn about the mechanisms by which the Glorious Revolution strengthened the English parliament's legislative capacity. My investigation of estate acts of parliament before and after the Glorious Revolution fills part of this gap. From 1660 to 1702, estate acts made up the majority of parliament's legislative work. They specifically made up the majority of personal legislation, which comprised between about 43% of personal acts (those approved by parliament) and 18% of personal bills (not approved by parliament) for this period.⁷ I examined a random sample of 65 estate acts to see whether their sponsors and content changed during this period, and if so how. My findings clarify the role of estate acts in the general narrative of the Glorious Revolution and parliamentary legislation, and by detailing the Revolution's effects on how the acts altered property rights to land use, the findings also shed light on the development of capitalism in England.

Estate acts reorganized property rights to land for families. Economic historians have shown less interest in estate acts than in other types of private acts reorganizing property, such as enclosure acts.⁸ Most estate acts addressed rights created by family settlements, which were property conveyances and an essential part of marriage and inheritance practices in England. By creating entails and trusts, settlements could increase the transaction costs of transferring rights and property, making it difficult for property holders to sell land to a third party at a higher value, use it as collateral, or transform its use to more productive purposes.⁹

It has been shown that the Glorious Revolution mitigated the effects of political conflict between the crown and parliament and enabled parliament to improve its legislative success rate. After 1688, it approved more bills, which became acts of parliament because the king no longer suddenly closed sessions of parliament.¹⁰ Not only did the success rate improve, but, by the mid-1690s, the number of bills introduced also increased. Of the general explanations that have been sought for this increase, the foremost is that the expected value of

Jones, 'Economics without history'. On overseas trading companies, see Carlos et al., 'Learning', and Bogart, 'The East Indian Monopoly'. On domestic manufacturing, see Dudley, 'Party politics', and Pincus, 1688.

⁷ Hoppit "Patterns", Tables 3 and 4: "Personal legislation was largely concerned with private matters, especially estates and inheritance" (pg. 119). Other types of private matters include naturalization bills and divorce bills. Estate legislation was quantitatively important, but, as a class, did not generate significant debate as other types of legislation, such as supply or public finance.

⁸ On enclosure acts see Allen, *Enclosure and the yeoman* and 'The efficiency and distributional consequences', McCloskey, 'The enclosure of open fields', and Tennyson 'From unanimity'.

⁹ Bogart and Richardson, 'Making property productive', and Hodgson, '1688 and all that'. McCahill, 'Estate acts of parliament', however, argues that most estate acts encouraged profligate and unproductive spending by landholders.

¹⁰ Dimitruk, "I intend therefore to prorogue".

an act increased because parliamentary meetings became standardized and longer.¹¹ It is also possible that landholders' adoption of a novel and more restrictive type of settlement, known as a 'strict settlement', during the late-seventeenth century led to an increased demand for estate acts after the Glorious Revolution.¹²

This article shows that the expansion of parliament's legislation from 1688 to 1702 is not solely an institutional or general demand side story, but also in large part a political one. Parliament worked on more estate acts after the Glorious Revolution not only because it had more time to legislate, but also because families with secondary political links to parliament took advantage of this extra time. From 1660 to 1688, under Charles II and James II, the petitioners who used acts were mostly members of parliament who were royalists or connected to the majority coalition (either Court or Opposition). After the Glorious Revolution of 1688, acts continued to be used by MPs as petitioners, but now more acts had only secondary links to MPs. More families accessed parliament to reorganize their estates after the Glorious Revolution because MPs were trustees of the estates, and further, the evidence suggests that these MP-trustees were largely affiliated to the Whig party. Consistent with arguments by Pincus and Robinson, Whigs were able to use the state to further their interests.¹³ The findings for estate acts reveal that this activity was in an economic sphere, landed estates, that is usually considered a Tory domain.

The Glorious Revolution increased not only the scale but also the scope of legislation. Acts served a variety of functions from 1660 to 1702, but from 1660 to 1688 most acts solved economic and legal problems that had been created by land confiscations during the Civil War and Commonwealth eras from 1642 to 1659. Estate acts, for example, allowed royalists to sell land to pay debts incurred during the Commonwealth.¹⁴ After the Glorious Revolution, I find that acts were more diverse because they addressed a novel type of land conveyance, so-called strict settlements. Estate acts addressing strict settlements used a novel set of legal clauses and

¹¹ Hoppit, 'Patterns', pp. 113–115, 123–125, and *Britain's political economies*.

¹² Bonfield, *Marriage settlements*, Cruickshanks et al., *The history of parliament*, and Hoppit, 'Patterns'. Historians have also sought general demographic or financial explanations for changes in the aggregate number of estate acts (see Hoppit, 'Patterns', pp. 114–115, for an overview).

¹³ Pincus, *1688*, and Pincus and Robinson, 'What really happened?' argue that the Whigs were able to use the state to further their interests regarding matters of war and trade. Dudley, 'Party politics', finds that Whigs were important for furthering their manufacturing interests.

¹⁴ Debts were incurred to pay fines levied by the Commonwealth Parliaments. Royalists, as opposition to parliamentarians, were fined (taxed) to supplement state revenues.

financial devices to improve, as Cox explains, the transferability of development rights.¹⁵ For example, acts gave trustees the power to use personal bonds so that landholders could finance an investment in purchasing land with a higher return. While most scholarship has assumed that estate acts only addressed strict settlements, my findings suggest that acts were adapted to address this more restrictive device and principles of compensation were important for this development.¹⁶

The quantity of legislation was small, compared to the later explosion of acts in the mid-eighteenth century, but the increased scope of the acts and the precedents set during this period may well have laid the foundations for parliamentary standards and procedures for private bills in a series of standing orders of both houses of parliament from 1698 to 1708.¹⁷ These institutional changes may have occurred because the acts were for the benefit of politically connected families.¹⁸ The findings support Bogart and Richardson, and Hodgson, who have recently argued that these acts, and the adaptability of the parliamentary system for processing them, enabled the commercialization of land and ultimately to the development of capitalism in England.¹⁹

2 Property Rights to Land: Settlements and Estate Acts in late 17th-century England

*‘Cyriat Weslyd cannot perform the said Sale [of land] unless he be enabled thereto by Act of Parliament’*²⁰

From 1660 to 1702, parliament saw nearly one thousand appeals like this: landholders and their families were unable to sell, lease, mortgage, or otherwise use their land assets without an act of parliament. Most of these acts addressed family settlements, which were property conveyances that provided for landed families and determined the succession of property

¹⁵ Cox, *Marketing*, Chapters 1 and 7. See also Bogart and Richardson, ‘Making property productive’ and ‘Property rights and parliament’, Hodgson, ‘1688 and all that’, pp. 1–2, 6–11, and Hodgson, *Conceptualizing capitalism*.

¹⁶ This complements the argument made in Hoppit, ‘Compulsion’, a study of compensation and alienability for public measures. See also Bogart and Richardson, ‘Making property productive.’

¹⁷ Beckett, ‘The Glorious Revolution’, p. 43, and Hoppit, ‘Patterns’, p. 115.

¹⁸ See Ogilvie and Carus, ‘Institutions’, pp. 14–17, and Mokyr and Nye, ‘Distributional coalitions’, p. 56.

¹⁹ Bogart and Richardson, ‘Property rights and parliament’, and Hodgson, ‘1688 and all that’, pp. 1–2, 6–11. See Hodgson, *Conceptualizing capitalism*, on the importance of the collateralability of land for economic activity, and Mokyr and Nye ‘Distributional coalitions’, for the adaptability of parliament.

²⁰ Weslyd Estate Act (10 & 11 WIII, c. 70).

across generations. During this period, acts also addressed land held by corporations, mostly religious, and land regulated by other types of conveyances, such as wills or decrees of chancery.²¹

Family settlements, originating in the medieval practice of making financial arrangements for a family at marriage, were created for two reasons.²² First, they provided for a widow (by creating a jointure) and, by the end of the seventeenth century, evolved to contain provisions for other family members.²³ Second, they ensured the transmission of property across generations. The types of settlements available to landholders evolved over the course of the sixteenth and seventeenth centuries with the transitions in English land law.²⁴ By the late seventeenth century, the two main types were ‘life estate-entail’ settlements and strict settlements.²⁵

Both types were generally created at marriage or by a will. A settlement made a current landholder into a life tenant with specific rights or powers to manage an estate and provide for family members, such as the power to charge an estate for a jointure, provide portions or maintenance for children, make a lease, or sell or mortgage land.²⁶ Powers were often not general but given to the life tenant. If a life tenant died, the power could not be exercised. If the parties did not write a specific power into the settlement, such as the power to sell land, that power could not be exercised.

The two types of settlements differed in the way they ensured the transmission of land across generations. Both created a ‘fee tail’, or entail, which specified a particular line of succession for the estate.²⁷ A life estate-entail settlement created an entail that was normally secured in the eldest son who, depending on when the settlement was made, might not yet have been born. The entail was contingent because it depended on the birth of the heir. Until the heir was born (i.e. the entail had vested), an entail was precarious because the life tenant

²¹ See Bond, ‘Estate acts of parliament’, and Hoppit, ‘Patterns’.

²² Bonfield, *Marriage settlements*, p. 1.

²³ Provisions for younger sons and daughters in marriage settlements changed from discretionary to mandatory. See Bonfield, *Marriage settlements*, pp. 110–115.

²⁴ Bonfield, *Marriage settlements*, Chapters 2 and 4.

²⁵ Ibid.

²⁶ English and Saville, *Strict settlement*, pp. 17–20.

²⁷ The custom or norm was primogeniture, to grant an entail to the line of the eldest son, with remainders to male children (heirs male of the body). Families could also grant remainders to daughters (heirs female of the body).

could destroy it through a variety of legal actions and would no longer be subject to the terms of the settlement.²⁸

A strict settlement, which has received the most attention by economic historians and historians of English landed society because it was in use for about two hundred years,²⁹ created a trust. The trust was charged with protecting the entail from being destroyed before the heir was born ('preserving the contingent remainders') to ensure the estate descended as specified by the entail. Trusts were a general legal device that could be used for a variety of purposes related to provision for the family. A trust could be used to raise stipends for wives (jointures) or younger children (portions). They could also be used for married women's separate estates.³⁰ I find trusts became commonly used in estate acts to carry out a variety of economic transactions, such as selling land.

Landholders had two main avenues to break a strict settlement or a life estate-entail settlement that had vested in the entail.³¹ They could wait until the heir turned 21 and then engage in a fictitious lawsuit, called a 'common recovery'.³² Or they could petition for a private act of parliament. The latter would be needed when it was more costly to wait for the opportunity to make a common recovery, as would happen in the case of an interaction between an economic circumstance and a legal constraint arising from their settlement. Some economic opportunities a family might encounter include an opportunity to pay their debts, a third party seeking to purchase their land, or invest in their property and transform its use, a child's marriage, or the death of a life tenant.³³ A family settlement could prevent them from carrying out a variety of transactions or reorganizations of their estate. For example, if the entail had been vested in the heir and did not contain a specific power allowing a life tenant to convey land, then the family would not be able to sell their settled land.

²⁸ Bonfield, *Marriage settlements*, pp. 32, 47.

²⁹ Some of the most well-known are Bonfield, *Marriage settlements*, Clay, 'Property settlements', Habakkuk, *Marriage, debt, and the estates system*, and Spring, *Law, land, and family*. See Bonfield, *Marriage settlements*, Chapter 6, for a useful overview of the literature.

³⁰ Bonfield, *Marriage settlements*, pp. 70, 110–115, and Erickson, *Women and property*.

³¹ To *vest* is a legal term that indicates the transfer or initiation of a right. Specifically, vest is to 'give a person a legally fixed and immediate right of present or future enjoyment' (Merriam-Webster).

³² If a family had a strict settlement, it could wait for generations for this opportunity if the heir was never born and turned 21.

³³ Some of these economic circumstances are discussed in Bogart and Richardson, 'Making property productive' and McCahill, 'Estate acts'.

Acts of parliament were the highest legal authority and could alter any type of and any part of a family settlement.³⁴ For example, an act could add a specific power to a settlement. In the case of a strict settlement, an act could transfer a trust. A family, or their solicitor or a Member of Parliament, would introduce a bill to parliament. To become an act of parliament, the bill would have to be approved by the House of Lords, House of Commons, and receive royal assent. From 1660 to 1702, parliament worked on approximately 900 estate bills.³⁵ The *Journals of the House of Commons* and the *Journals of the House of Lords*³⁶ provide ample evidence that estate bills were on parliament's agenda. Two-thirds of the bills for the period were approved and became estate acts.³⁷

To discover whether the acts changed with the Glorious Revolution, and if so how, I collected from the Parliamentary Archives a random sample of 65 acts passed by parliament from 1660 to 1702. I chose this period for two reasons. Firstly, I wanted to compare acts that were passed after the Restoration in 1660, under the late Stuarts, Charles II and James II, with acts that were passed immediately after the Glorious Revolution in 1688. Secondly, I did not go beyond 1702 because a series of standing orders were instituted from about 1698 to 1708 that altered parliamentary procedures for approving acts. The most important of these orders appear to have been instituted after 1702.³⁸

My method of classifying estate acts differs from methods used in previous work.³⁹ Acts contain a wealth of information about families' economic and legal motivations for an

³⁴ English and Saville, *Strict settlements*, pp. 14, 23.

³⁵ Dimitruk "I intend therefore to prorogue", pp. 15–17. The population of bills is compiled from two sources. Acts (successful bills) can be found in Bogart and Richardson, 'Estate acts' and failed bills can be found in Hoppit, *Failed legislation*.

³⁶ Both are available on British History Online: <https://www.british-history.ac.uk/catalogue>. From 1699 to 1702, the *Journals of the House of Commons* are available through U.K. Parliamentary Papers online portal.

³⁷ Ibid.

³⁸ Standing orders of 1705 and 1706 appear to have led to more bills being rejected. Hoppit, 'Patterns', p. 124. The early standing orders are interpreted as bringing 'order to an area that was distinctly disorderly'. See Beckett, 'The Glorious Revolution', p. 43. Dimitruk, "I intend therefore to prorogue", Figures 3 and B.3, shows that acts were passed quickly and in an orderly manner throughout the period. Standing orders are further discussed in Section IV.

³⁹ Other works that code estate acts are Bogart and Richardson, 'Making property productive', 'Estate Acts, 1660–1830' and 'Property rights and parliament', and McCahill 'Estate acts of parliament'. Bogart and Richardson rely largely on descriptive titles, McCahill on information outside the acts. Priest, 'The end of entail', examines the economic functions of entails by studying private acts in Virginia's legislature. My method is similar to that of Cox, 'Watershed' and *Marketing*, who codes provisions of supply acts passed by parliament during this period, and also similar to work that codes legal forms for businesses. Guinnane et al., 'Contractual freedom', for example, code the articles of association for companies in late nineteenth- and early twentieth-century Britain.

act, the type of landholders involved, and the location and value of the estate. My method is a systematic way to use all the information contained in an act. The depth to which I analyse each of the records explains why I could transcribe no more than 65 acts.

I transcribed and coded each act. Each has three main parts: the preamble, which describes the past property conveyances on the estate (for example the type of settlement); the appeal section, which describes the economic motivation for seeking an act, the legal constraints the family faces, and the proposed reorganization and transaction; and the enactment section, which contains clauses and amendments that give the landholder the rights to carry out the proposed reorganization. Table 1 shows the structure of an estate act and the types of information that can be found in each of its sections. A full description can be found in the Online Appendix A.1.

Table 1. *Structure and time line of an estate act of parliament*

Preamble clauses	t0	(I) Make land conveyance
	t1	(II) Appeal – economic event or condition
	t2	(III) Appeal – legal constraint
	t3	(IV) Appeal – project proposal
Enactment clauses	t4	(V) 1. Enactment: economic 2.Enactment: legal 3.Enactment: amend settlement

Notes: Table shows the structure of an estate act and how it contains information on a family's timeline for an act.

Figures 1 and 2 show the beginnings of a preamble section and an enactment section and give an idea of the task involved in transcribing, coding and analysing even a small sample of these acts. Full documentation and discussion of the coding is available in the Online Appendix Sections A.1-A.3.

Whereas John North Citizen
 and Merchant of London in his life time was
 seized in his Demerme ad of free of and in
 all that Capital Messuages or Tenement
 of Brick with the Appurtenances Situate
 lying and being in or neare Somerton Street
 in Martiney in the County of Middlesex and
 wherem the Lady Anne Cesar deceased heretofore
 dwelt and sometime in the Tenure or Occupation
 of Edward Abbot Merchant or his Assignes and
 afterwards in the Tenure or Occupation of
 William Combes Esquire deceased or his Assignes
 Sir of Thomas Smith Esquire deceased or his
 Assignes and late in the Tenure or Occupation
 of John Hartwell and Bezekiah Hawes Esquires
 and Simon Middelston Citizen and Goldsmith of
 London or their Assignes and then in the Tenure
 or Occupation of the said John North or his
 Assignes And of all Eminentes Houses Stables
 Gardens and Buildings adjoining to the Garden
 belonging to the said Capital Messuages
 to wittin buly used for Lodgings Stables Wash-houses
 and other necessary occasions And of all the
 Gardens and Orchards lying betwene the said
 Capital Messuage and the said Stables And
 also of the Dovehouse Crane Goath house
 Wagon house and other Buildings adjoining to
 the said Stables and of all the Wapen Casement
 Passages Waters Watercourses Commodities
 and Appurtenances thereto to belongeing And
 also of all that the Long Walks thred as it
 was separated and divided from a Messuage
 or Tenement and Orchard heretofore
 devised to William Reynolde and heretofore
 in the Tenure or Occupation of Mary
 Berisford Widow or her Assignes together
 also with all the Rights Members Casements
 Profits Wapen Passages Waters Watercourses

Figure 1 Estate act: preamble section

Source: Forth Estate Act (30 CII, c. 18)

the satisfaction of the Purchaser without an Act
 of Parliament because it is not known whether
 the said Daniel the said and be living or dead
 it therefore please your most Excellent Majesty
 at the humble suite of the said Zenobia Hough
 with the consent of the said John Exmiller her only
 surviving Trustee and of Ralph Esquire eldest
 Brother of the said Daniel and of the said Benoni
 and Abigail that it may be Enacted **And be it**
Enacted by the King's most Excellent Majesty
 by and with the advice and consent of the Lords
 spirituall and Temporall and the Commons in this
 present Parliament assembled and by the autho-
 rity of the same that all and singular the said
 messuaged Cottage Lande Tenements hereditaments
 and premises with the appurtenances shall be
 hereforth vested and the same are and are hereby
 declared to be absolutely vested in the said Thomas
 Myrskull and his Heires to his and their own use
 the said Thomas Myrskull or his Heires paying
 unto the said Benoni Hough and Abigail Hough
 or their respective Executors and Administrators
 the summe of three hundred pounds by Equall
 portions and the further summe of seven hundred
 pounds to the said Zenobia Hough her Executors or
 Administrators (whose Receipt shall be a sufficient
 discharge for the same) before the Feast of Saint John
 Baptist One thousand six hundred ninety and nine
And be it further Enacted by the authority

Figure 2 Estate act: enactment section

Source: Hough Estate Act (10&11 WIII, c. 77)

I examine only acts of parliament and thus miss information from projects that were proposed to parliament but were not approved to become acts. This is not likely to introduce bias that would significantly alter the general conclusions for two main reasons. Firstly, most estate bills failed under the late Stuarts because sessions of parliament were suddenly closed by the king.⁴⁰ The failure rate dropped after the Glorious Revolution. Before 1688, on average 50% of bills failed. From 1688 to 1702, on average 20% of bills failed. Second, correlations (see the Online Appendix A.4) between the success (or failure) of the population of estate bills and their characteristics reveal that most characteristics, such as the social class of the landholder and the type of estate bill, are not correlated with the bill's success (or failure).⁴¹

Further, petitions on bills recorded in the *Journals of the House of Commons* and *Journals of the House of Lords* suggest that when a bill failed it was because the proposed project did not have the consent of all the stakeholders in the estate.⁴² When we examine estate acts we are in effect examining projects that were a joint agreement of a variety of interests and stakeholders. For example, in a petition on a bill to enable Abel Atwood to sell lands in 1693, Henry Atwood, father of Abel Atwood, prayed for his argument against the bill to be heard because he had a 'Right in the said Premises [proposed to be sold]'.⁴³ The bill passed after 'the Parties concerned had consented thereunto'.⁴⁴ This is also found in appeals for the acts. Similar to appeals made by petitioners who 'connect[ed] their self-interested demands to a larger concept of national interest' during the eighteenth century,⁴⁵ the appeals in estate acts often explain that a proposed project is for the benefit of the greater familial interest. Forty per cent of my sample of 65 acts contain words to the effect that the project will be 'too the benefitt and advantage' of the current landholders, beneficiaries, and future heirs or that the family will be greatly 'damnified and ruined' without an act.

⁴⁰ Dimitruk, "I intend therefore to prorogue".

⁴¹ I was able to investigate a few (14) characteristics because they are coded from each bill's first reading in the *Journals of the House of Commons* and *Journals of the House of Lords*. See Online Appendix Section A.4 for discussion of the results.

⁴² Bills with petitions were more likely to fail before 1688 but not necessarily after that. See correlations reported in Online Appendix A.4.

⁴³ 'House of Commons Journal Volume 10: 18 February 1693', in *Journal of the House of Commons: Volume 10, 1688–1693* (London, 1802), pp. 818–819. British History Online, www.british-history.ac.uk/commons-jrnl/vol10/pp818-819.

⁴⁴ 'House of Commons Journal Volume 10: 10 March 1693', in *Journal of the House of Commons: Volume 10, 1688–1693* (London, 1802), pp. 847–848. British History Online, www.british-history.ac.uk/commons-jrnl/vol10/pp847-848.

⁴⁵ Dudley, 'Party politics', p. 1086, and Hoppit, 'Compulsion', p. 99.

3 Political Access and Types of Estate Acts: 1660-1685

Estate acts under Charles II and James II were primarily used by Members of Parliament (MPs) as petitioners. Acts also solved legal and economic problems specific to this period and reflect the politics of the Restoration era.

The monarchy and House of Lords were restored in 1660.⁴⁶ The Restoration Settlement, embodied in acts of parliament, while resolving problems created by the previous regimes also created new sources of political tension.⁴⁷ Parliament, filled with royalists and courtiers after 1661, reconstructed the old regime in collaboration with Charles II.⁴⁸ The Triennial Act of 1664 removed safeguards that had ensured that parliament would be called,⁴⁹ the Corporation Act of 1661 enabled commissioners to purge local corporations and secure politically reliable local officers to support Charles II,⁵⁰ and, after temporary measures, the royalist gentry helped Charles II secure power over the militia in 1662.⁵¹

A central question at the Restoration was how to deal with the ‘land problem’. To fund their efforts during the Civil War, both sides, the royalists and the parliamentarians, had levied fines on each other. Under Cromwell, parliament continued this policy by levying fines on private royalist, crown, and church lands, and in some cases confiscating them. The problem of how to reconcile purchasers of the lands with their previous royalist owners was for the king ‘one of the most perplexing with which he had to deal’ at the Restoration.⁵² That one of the first bills introduced to the Convention Parliament of 1660 was ‘A Bill touching land purchased from the trustees of the late parliament’ shows that land was a central concern for the new regime.⁵³ The eventual solution, set out in the Act for the Confirmation of Judicial

⁴⁶ There were several institutional changes to the balance of power between monarch and parliament. For example, the Court of Wards was abolished and the revenues from the Court were replaced by levies from the customs and excise. See Chandaman, *The English public revenue*.

⁴⁷ Harris, ‘What’s new about the Restoration?’.

⁴⁸ Seaward, *The Cavalier Parliament*.

⁴⁹ Randall, ‘The frequency and duration’.

⁵⁰ Miller, ‘The crown and the borough charters’, and Malcolm, ‘Charles II and the reconstruction’.

⁵¹ Malcolm, ‘Charles II and the reconstruction’.

⁵² Thirsk, ‘The Restoration land settlement’, pp. 316–318.

⁵³ Ibid.

Proceedings, was a key part of the Restoration Settlement. It gave former private owners of confiscated lands a legal way to seek redress through the common law courts.⁵⁴

Private estate acts during the Restoration era were part of the restored regime's solution to the land problem. Royalists with sufficient influence were able to obtain private acts of parliament to regain their estates.⁵⁵ My sample of 65 estate acts contains one act that restored the Duke of Bedford to his titles and estate.⁵⁶ I discovered that a common function of acts from 1660 to 1688 was to enable Royalists to sell land to pay debts they incurred under Cromwell so they could keep their estates. Ten of the 22 acts for this period were sought by a petitioner to sell land or raise money to pay debts. Three of these acts are clearly described as debts incurred to pay fines or to re-purchase confiscated land. Thirsk notes that the Royalists were the most important purchasers, using agents to borrow the money and negotiate to repurchase estates.⁵⁷ An act for John Newton said the landholder had 'occasion for the payment of his Debts first Contracted by the said John Newton the Elder and Peter Newton his Grandfather and Father for the Discharge of their fynes for their delinquency'.⁵⁸

Landholders also sought to break settlements that had been created during the preceding decades because of the confiscations. In the appeal of his act, Sir John Pakington, an MP, states that he settled his property to protect it from confiscation 'voluntarily and without any consideration then paid or given' to the effects of the settlement.⁵⁹ His settlement was preventing him from selling land to pay debts and portions in 1664. Henry Kendall's appeal in an act of 1666 refers to several motivations related to the Civil War. His family settled their land for the 'preservation' of the lands 'in the name and blood of the Kendalls.' By 1664, the family was unable to pay debts he had incurred 'by reason of the late unhappy troubles'.⁶⁰

Estate acts from 1660 to 1688 largely served members of parliament and their families directly as petitioners. I identified which petitioners were MPs using the History of Parliament

⁵⁴ Ibid.

⁵⁵ Ibid. Seaward, *The Cavalier Parliament*, also details specific, well-known cases of private acts that sought indemnity and restoration of estates.

⁵⁶ Duke of Somerset Act (12 CII, c. 24).

⁵⁷ See Thirsk, 'The Sales of Royalist Land', pp. 190, 192.

⁵⁸ Newton Estate Act (12 CII, c. 68).

⁵⁹ Pakington Estate Act (15 CII, c. 32).

⁶⁰ Kendall Estate Act (18&19 CII, c. 29).

research project.⁶¹ Panel A of Table 2 shows that well over half of my sample of acts for this period name a petitioner who was currently an MP, had at some time served as an MP, or was related to someone who was currently an MP or had served at some time. Previous studies of estate acts largely focus on petitioner's social rank i.e. the representation of the nobility, gentry, and professionals as petitioners.⁶² I code social rank, reported in Table 2, and discuss in the Online Appendix Section A.3.

Table 2. *Petitioners and trustees in estate acts, 1660–1688*

Panel A: Petitioners					
	n	% of acts		n	% of MP acts
MP or related	13	0.59	Party	13	100
Nobility	6	0.27	Royalist	12	0.92
Titled gentry	9	0.41	Court	9	0.69
Gentry	10	0.45	Opposition	6	0.46
Clergy	2	0.09	Court & opposition	4	0.31
Professional	1	0.04			
Total	22		Total – MP act	13	
Panel B: Trustees					
	n	% of acts		n	% of MP acts
Vest in trust	7	0.32	Party	5	100
MP or related	5	0.22	Royalist	4	0.80
Nobility	2	0.09	Court	4	0.80
Titled gentry	3	0.14	Opposition	4	0.80
Gentry	6	0.27	Court & opposition	3	0.60
Professional	0				
Of London	1	0.05			
Total	22		Total – MP act	5	

Source: Author's calculations. MP information: History of Parliament research project at www.historyofparliamentonline.org/.

Notes: The categories are not mutually exclusive. Acts are coded according to the type of petitioner or trustee. For example, a single act can have a noble petitioner and a professional petitioner. An act can have a Court petitioner and an Opposition petitioner.

The political groups in power were a source of access to parliament under Charles II and James II. For most of the period the Cavaliers (previous Royalists) or Court supporters were in power. Complementing their requests to pay royalist fines, 12 of the 13 MP petitioners

⁶¹ I identify petitioners from the appeals clause in an act. I used the History of Parliament research database to code whether a petitioner was a member of parliament (available at <https://www.historyofparliamentonline.org/research>). The project contains all of the biographical articles published in published The History of Parliament series. See Online Appendix Section A.3 for details.

⁶² Bogart and Richardson, 'Making property productive', 'Estate acts, 1660–1830', and McCahill 'Estate acts of parliament'. McCahill does document that 50 MPs were applicants on 11 % of bills.

at one point had supported Charles I during the Civil War. Two MPs receiving acts in the Convention Parliament of 1660 were royalists and remained supporters of the Court at the national and local levels.⁶³

The politics of MP-petitioners became more fluid during the transition from a unified Cavalier Parliament in 1661 filled with courtiers and royalists to a parliament fractured by disagreements over war, the influence of the Court, and alliances with France.⁶⁴ Nine of my 13 acts with MP-petitioners were connected to the Court at one point in their parliamentary careers. Six of the 13 acts with MP-petitioners were members of the Opposition. Four of the 13 acts with MP-petitioners were at some point in their careers identified as switching from the Opposition to the Court or vice versa. For example, William Russell petitioned for an act⁶⁵ in 1666 when he was classified as a Court dependant, but by the 1670s he was marked as independent and, with the Third Anglo-Dutch War, he was driven to outright opposition.⁶⁶

I found more Opposition members in acts passed during the 1670s, when the Opposition solidified around the end of the Third Anglo Dutch war.⁶⁷ The Courtenay family received an act in 1670 to confirm a marriage agreement between Sir William Courtenay's son Francis (a minor) and Mary, daughter of William Boevey, a merchant.⁶⁸ Sir William rose as leader of the opposition in Devon, largely because of his lineage, wealth, and friendship with William Russell, who had shifted his allegiance and was close to Anthony Ashley Cooper, Earl Shaftesbury and leader of the Opposition. Courtenay's political activity took place behind the scenes, supporting candidates for parliament throughout the 1670s.⁶⁹ Mary, widow of John Hammond, and married to Sir John Hobart, an MP, received an act in 1671 to sell land to ensure her daughters received portions.⁷⁰ Hobart had been an MP during the Protectorate and was re-elected in 1673. His son was knighted by Charles II in 1671 and, despite the royal

⁶³ These are William Oakley (12 CII, c. 68) and George Faunt (12 CII, c. 69).

⁶⁴ Harris, 'What's new about the Restoration?', and Seaward, *The Cavalier Parliament*.

⁶⁵ Russell Estate Act (18&19 CII, c.22).

⁶⁶ Russell, Hon. William (1639–1683), of Southampton House, Bloomsbury, Mdx. and Stratton, Hants. www.historyofparliamentonline.org/volume/1660-1690/member/russell-hon-william-1639-83.

⁶⁷ Harris, 'Politics', and Seaward, *The Cavalier Parliament*.

⁶⁸ Courtenay Estate Act (22&23 CII, c. 16). Mary Boevey was also step-daughter of Sir James Smyth, a staunch cavalier. See Courtenay, Francis (1652–99), of Powderham Castle, Devon. www.historyofparliamentonline.org/volume/1660-1690/member/courtenay-francis-1652-99.

⁶⁹ Courtenay, Sir William, 1st Bt. (1628-1702), of Powderham Castle and Ford House, Newton Abbot, Devon. www.historyofparliamentonline.org/volume/1660-1690/member/courtenay-sir-william-1628-1702.

⁷⁰ Hammond Estate Act (22&23 CII, c. 21).

favour, Hobart supported the Opposition while in parliament. The king described Hobart as one who had used his office ‘against myself and Government.’”⁷¹

Members of parliament were also involved as trustees for estates. Parliament could vest the land in a set of trustees who had the right to carry out the economic transaction authorized by the estate act. I identified trustees from the enactment clauses. They are indicated by the phrase: ‘[the lands] be actually vested and settled in [names of trustees] to the intent and purpose that they shall and may as speedilie and as soone as may be sell the land [or other economic transaction]’. Seven of the 22 acts passed from 1660 to 1688 vested land in a set of trustees to carry out an economic transaction (Panel B, Table 2).

Table 3 shows that 10 of the 22 acts had only MP-petitioners and only 2 acts were connected to an MP solely as trustee for the estate from 1660 to 1688. This is important because, as I show below, the way MPs were involved in estate acts – as petitioners or trustees – changed after the Glorious Revolution.

Table 3. *Members of parliament as petitioners and trustees on acts*

1660–1688	n	%	1689–1702	n	%
Petitioner only	10	0.45	Petitioner only	11	0.26
Trustee only	2	0.09	Trustee only	9	0.21
Both	3	0.13	Both	10	0.23
Neither	7	0.32	Neither	13	0.30
Total	22		Total	43	

Source: Author’s calculations. MP information: History of Parliament research project at www.historyofparliamentonline.org/

Trustees were also politically connected. Five acts name at least one trustee who was an MP or related to an MP (Panel B, Table 2). The trustees spanned the political coalitions and were often politically important people. For example, an act in 1666 provided legal confirmation a land sale was valid to ensure that a family received the purchase money. George Monck, 1st Duke of Albermarle and the army commander who helped orchestrate the

⁷¹ Hobart, Sir John, 3rd Bt. (1628–83), of Blickling Hall, Norf. www.historyofparliamentonline.org/volume/1660-1690/member/hobart-sir-john-1628-83.

Restoration, was named as a trustee to purchase new lands with proceeds from the completed transaction to ensure that Elizabeth, niece of George Monck, received a jointure.⁷²

3 The Glorious Revolution of 1688 and Political Access

The Glorious Revolution replaced James II with William and Mary, and, after four years without a meeting, parliament now met annually and for increasingly longer sessions. There were more acts after 1688, in part because more bills were successful and because more bills were introduced. My sample reflects this change: there were 22 acts from 1660 to 1688 and 43 from 1689 to 1702.

Table 4. *Petitioners and trustees in estate acts: 1689–1702*

Panel A: Petitioners					
	n	% of acts		n	% of MP acts
MP or related	20	0.49	Party	10	0.50
Nobility	8	0.18	Whig	4	0.20
Titled gentry	11	0.25	Tory	7	0.35
Gentry	29	0.67	Court	6	0.30
Clergy	1	0.02	Country	3	0.15
Professional	4	0.09			
Total	43		Total – MP act	20	
Panel B: Trustees					
	n	% of acts		n	% of MP acts
Vest in trust	31	0.72	Party	17	0.89
MP or related	19	0.44	Whig	12	0.63
Nobility	5	0.11	Tory	5	0.26
Titled gentry	11	0.25	Court	10	0.53
Gentry	26	0.60	Country	6	0.32
Professional	11	0.26			
Of London	13	0.30			
Of an inn of court	6	0.14			
Total	43		Total – MP act	19	

Source: Author's calculations. MP information: History of Parliament research project at www.historyofparliamentonline.org/

Notes: The categories are not mutually exclusive. Acts are coded according to the type of petitioner or trustee. For example, a single act can have a noble petitioner and a professional petitioner. An act can have a Tory petitioner and a Whig petitioner.

⁷² Pride Estate Act (18&19 CII, c. 25). Thirsk 'The Restoration land settlement'. Thomas Pride, deceased husband of Elizabeth, was the son of Colonel Thomas Pride, a regicide of Charles I, and the initiator of Pride's Purge, a military takeover of parliament in 1648 which removed all MPs who did not support parliamentarians. See *Biographia Britannica: or, the lives of the most eminent persons who have flourished in Great Britain and Ireland, from the earliest ages, down to the present times*, (1757) Volume 4, p. 2338.

Political affiliations remained a source of access to parliament after 1688. In my sample the share of acts that named an MP-petitioner after 1688 (20 of 43 acts) was about the same before and after 1688. We might expect to find, because they tended to be the landed gentry or drew support from the landed gentry, more Tory or ‘Country’ MPs using parliament to break restrictions on their own estates. I was able to ascertain the political affiliations (Tory or Whig, Court or Country) of MP-petitioners in 10 of the 20 MP-acts. These acts were requested by currently sitting MPs. The remaining 10 MP-acts were requested by family members of a deceased MP.⁷³

Political party connections appear to have been a source of access to parliament after 1688. Panel A of Table 4 shows that seven of the 20 MP-acts were Tories and four were Whigs. The Tory acts were introduced from 1690 to 1697 (the Commons had a Tory majority from 1690 to 1694 and in 1700/1; it had a Whig majority from 1694 to 1699 and in 1701/2). The Tories spanned the Court-Country divide. Court Tories being generally for the government ministry and the king and Country Tories generally against the ministry and for the Church of England. Three of my seven Tory acts are described as supporting the Court and three the Country. Sir John Walter, a Tory who petitioned for an act in 1697, personified ‘the unsophisticated, uncompromising bon viveur Tory gentleman’.⁷⁴ Sir William Russell, in contrast, a petitioner for an act in 1696 to facilitate a marriage between his son and Elizabeth Savill, the niece of John Savill, a merchant, had been a Court supporter in parliament and a Tory candidate during the 1680s and 1690s.⁷⁵ Russell had a mercantile background and interests throughout his life.⁷⁶

The four Whig MP-acts were similarly varied. William Monson joined with his kin in 1694 in petitioning for an act to complete a marriage settlement and to include powers to sell and mortgage property. Monson had come from an old Lincolnshire family but in ‘an effort to make his own fortune’ in the early 1690s he was involved in ‘two mining enterprises, and a

⁷³ Or to a previous MP who was not currently sitting and was thus not connected to a party at the national level (as described by his biography).

⁷⁴ Walter Estate Act (9&10 WIII, c. 87); Walter, Sir John, 3rd Bt. (c.1674–1722), of Sarsden, Oxon. www.historyofparliamentonline.org/volume/1690-1715/member/walter-sir-john-1674-1722.

⁷⁵ Saville Estate Act (8&9 WIII, c. 22).

⁷⁶ Russell became a draper and ran a corner shop in Lombard Street. He returned a profit of over 30% per cent on his first year’s trade. Russell, Sir William (1643–1705), of Gracechurch Street, London and Stubbers, North Ockendon, Essex. www.historyofparliamentonline.org/volume/1660-1690/member/russell-sir-william-1643-1705.

scheme to establish a company of London glassmakers'.⁷⁷ An act in 1692 gave Elizabeth Montagu, widow of deceased MP Edward Montagu and daughter of MP Sir John Pelham, powers to make and renew building leases of an estate in London.⁷⁸ Pelham's ancestors had been large landholders in East Sussex since the 14th century and had first represented that county in parliament in 1399. Pelham had 'welcomed the Revolution, advancing loans and supplying ordnance to the new regime' and he 'remained a Court Whig until he retired in 1698'.⁷⁹

The Glorious Revolution broadened political access to parliament. More acts after the Glorious Revolution were connected to at least one MP who was a trustee on the estate. Firstly, more acts in my sample vested property in trustees to carry out an economic transaction after 1688. Only 7 of the 22 acts in the sample from 1660 to 1688 vested land in a set of trustees to carry out a transaction. After 1688, 31 of 43 acts did so (compare Panel B, Table 2 to Panel B, Table 4). Secondly, as can be seen in Table 2, MPs were most likely to be involved in acts solely as petitioners before the Glorious Revolution. After 1688, MPs were equally likely to be trustees and not solely petitioners for acts.

I find that the secondary links were largely to Whig MPs. I was able to identify the political party affiliations on 17 of the 19 acts with an MP trustee after 1688 (Panel B, Table 4). Twelve of these 17 acts had at least one Whig trustee and 5 of these acts had at least one Tory trustee. That more acts were for Whig interests may explain the annoyance of Sir Edward Seymour, a leading government official and member of the Tory and Church party, who in 1692 'inveighed much against private bills and the many mischiefs arising therefrom and said the business of the Lords was upon appeals and this House [of Commons] was taken up with private bills to destroy the settlement of estate in England'.⁸⁰

The connections were both to high-ranking Whigs and to less prominent individuals. For example, an act for exchanging lands between the Bishop of London and the Earl of Monmouth in 1692, vested the property in Sir John Somers, the attorney-general at the time

⁷⁷ Monson, William (c.1653–1727), of Broxbourne, Herts. www.historyofparliamentonline.org/-/volume/1690-1715/member/monson-william-1653-1727.

⁷⁸ Montagu Estate Act (2&3 W&M, c.9).

⁷⁹ Pelham, Sir John, 3rd Bt. (c.1623–1703), of Halland, Laughton, Suss. www.historyofparliamentonline.org/volume/1660-1690/member/pelham-sir-john-1623-1703.

⁸⁰ Quoted in Hoppit, 'Patterns', p. 124.

and ‘one of the leading Whig politicians of the period’.⁸¹ An act passed in 1695, which allowed John Neville, Esquire, to sell land, vested the property in two MPs, Sir Gervase Elwes and Sir Samuel Barnardiston, who both represented Suffolk.⁸² Barnardiston, while not a leading member of the party, had trade connections with Turkey and owned considerable stock in the East India Company.⁸³ An act passed in 1702 for the Purefoy family vested property in Joseph Offley to sell land to pay the debts of the deceased life tenant.⁸⁴ Offley was born into a mercantile family and, as he was the second son, was sent to law school. His biography says he was typical of ‘the class of lawyer-MPs who were as busy in their parliamentary work as in their legal business’.⁸⁵

The Tories who were named as trustees were similar to the Whigs in several ways: they had mercantile interests, were government ministers, and typical party members. Sir Robert Dashwood, for example, was named as a trustee for an act in 1696.⁸⁶ Dashwood, a Tory and one of the wealthiest of Oxfordshire’s resident gentlemen, was the uncle of the petitioner, Sir Thomas Hare. Dashwood was the son of a London merchant, was ‘probably involved in these business concerns himself’, and was described as a ‘merchant’ at the time of receiving his knighthood in 1684.

The findings are consistent with work arguing that the Glorious Revolution had an effect on political economic equilibrium in England’s government. Namely, the Revolution influenced the number of acts parliament worked on through its effect on sponsors of the legislation. Whigs in particular appear to have taken more advantage of the parliamentary forum to further their own and their connections’ interests as trustees on estate acts after 1688.⁸⁷

⁸¹ Somers, Sir John (1651–1716), of Pump Court, the Middle Temple. www.historyofparliamentonline.org/volume/1690-1715/member/somers-sir-john-1651-1716.

⁸² Barkhamstead Estate Act (7&8 WIII, c. 20).

⁸³ Barnardiston, Sir Samuel, 1st Bt. (1620–1707), of Brightwell, Suff. and Bloomsbury Square, Mdx. www.historyofparliamentonline.org/volume/1690-1715/member/barnardiston-sir-sir-samuel-1620-1707.

⁸⁴ Purefoy Estate Act (13&14 WIII & 1 A s1, c. 17).

⁸⁵ Offley, Joseph (d. 1721), of the Middle Temple, London. www.historyofparliamentonline.org/volume/1690-1715/member/offley-joseph-1721.

⁸⁶ Hare Estate Act (9&10 WIII, c. 33).

⁸⁷ Pincus and Robinson, *What really happened?*, and Mokyr and Nye, ‘Distributional coalitions’. Jones, ‘Economics without history’, p. 338, also makes this point, but for enclosure acts during the later eighteenth century. It would be worthwhile to investigate fully the way that, for private acts, longstanding connections generally appear to have been the best source of access to parliament.

5 Economic Implications of the Glorious Revolution: Property Values and Types of Estate Acts

The political changes to parliament had at least two economic implications for estate acts. Acts passed after the Glorious Revolution now dealt with conveyances on land with lower rental values and there was a new type of act that addressed strict settlements, a more restrictive form of conveyance.

Economic enactment clauses (see Table 1) often report a rental value of land. For example, a clause will mention ‘land to be sold for the sum of one thousand pounds’. I converted each amount into an annual rental value for the land by dividing the amount by the respective year’s purchase.⁸⁸ I found that the average rental value of a settled property was about £330 per annum, with a minimum of £12 and a maximum of £1500.⁸⁹ Consistent with the literature, I found that acts dealt with settled land that was only a fraction of a family’s landed portfolio.⁹⁰ In five acts in my sample, the rental value of the settled land represented between 1% and 30% of the family’s annual income.⁹¹

Figure 3 compares the distribution of rental values in acts from 1660 to 1688 with those passed from 1689 to 1702. The distribution becomes more right skewed after 1688.⁹² This change could mean that the cost of introducing a bill had decreased. Recent work shows that the probability of a bill being approved by parliament was greater after 1688.⁹³ This could have lowered the threshold for participation in parliament by increasing the expected benefits relative to the costs and allowing more landholders with low-valued projects to come forward. If, on the other hand, the costs of going to parliament remained constant for the entire period,

⁸⁸ As recorded in Table 2 in Allen, ‘The price of freehold land’.

⁸⁹ The average rental value of £330 per annum is equivalent to £47,090 in terms of real wages in 2017 or £47,660 in terms of the real cost for an investment project in 2017. Calculations were found using Measuring Worth (www.measuringworth.com).

⁹⁰ English and Saville, *Strict settlements*, p. 53, and Allen, ‘The price of freehold land’, p. 41.

⁹¹ The acts were for five MPs. I found the information about their incomes in their biographies via the History of Parliament research project: George Faunt, Rowland Okeover, Henry Hildyard, William Godolphin, and Sir Coplestone Bampfylde.

⁹² A smaller subsample of acts records the acreage of the settled land, showing that the distribution of acreage is also right-skewed, with most acts addressing properties smaller than 500 acres.

⁹³ Dimitruk, “‘I intend therefore to prorogue’”.

then the patterns in Figure 3 imply that the acts in my sample after 1688 had a greater rate of return to the annual income because the family was able to carry out the proposed project.⁹⁴

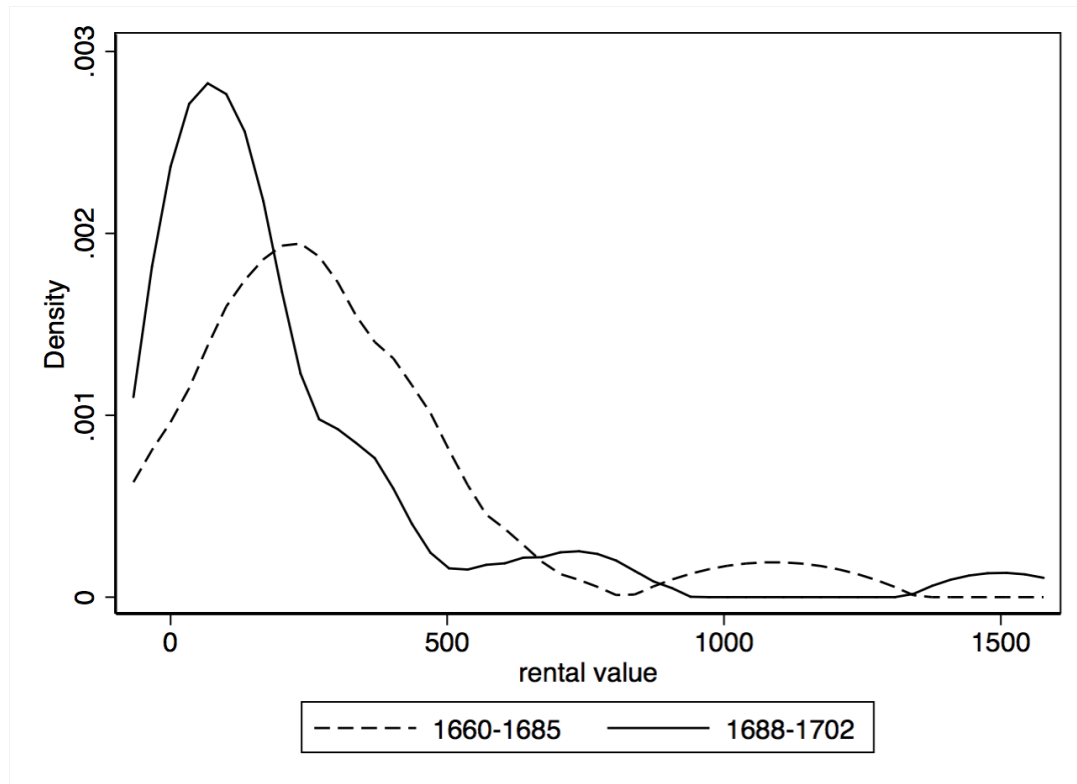


Figure 3. *Fall in average rental values in acts after 1688*

Source: Author's calculations from a sample of 65 estate acts.

Notes: The graph compares kernel density estimates of the rental values found in estate acts passed from 1660 to 1688 (solid line) with those found in estate acts after the Glorious Revolution from 1688 to 1702 (dashed line). See text and online appendix for coding of average rental value. Kernel function: epanechnikov; bandwidth: 77.

The second economic implication of the Glorious Revolution was that the scope of acts increased. Estate acts became more diverse than they had been during the Restoration era, largely because they dealt with strict settlements. Many studies have assumed that all estate acts addressed strict settlements. However, Bonfield, in one of the only studies on the legal mechanics and development of strict settlements, shows that these settlements did not become legally valid and widely adopted until the 1690s.⁹⁵

⁹⁴ Specifically, where the minimum rate of return R_i to a family with an act i : $R_i \times B_i - C_i \geq 0$, where $R_i = 1/1+r_i$ is the expected increase to annual rental income because the family was able to carry out a project, B is the annual rental income found in an act, and C is the cost of obtaining an act.

⁹⁵ Bonfield, *Marriage settlements*.

The development of the strict settlement should be seen within the larger picture of how English law restricted or promoted alienability, i.e. the right to dispose of property, which had caused disagreement in the courts since the time of Henry VIII.⁹⁶ Throughout the sixteenth and seventeenth centuries, common law was generally against restraints on alienation and allowed entails to be barred to break settlements through various legal actions. Landholders and conveyancers therefore sought ways to protect land and property to keep it intact as a source of economic and political power. Strict settlements were developed as a way of keeping property intact. The evidence below suggests that the private estate act also evolved and perhaps should be seen in the context of this tension between promotion and restriction of alienability because, as I show, estate acts evolved concomitantly with strict settlements.

Strict settlements were available to landholders as a legal form throughout the latter part of the seventeenth century. As explained in Section II above, the strict settlement created a trust that was charged with protecting an entail from being destroyed before the heir was born ('preserving the contingent remainders'). This trust was a legally dubious device until 1697, however, because the two court systems – chancery and common law – were not aligned in their treatment of the trust to protect the entail. Chancery protected trusts before 1675,⁹⁷ but it was only in 1697, with the case *Duncomb v. Duncomb*, that the common law courts officially sanctioned trustees to protect the entail.⁹⁸

The exact relationship between strict settlements and estate acts during the late-seventeenth century is unclear. No work has documented the types of conveyances each act of parliament addressed. For the entire period of my study, 37 acts address life-estate entail settlement. A small, but growing, number of acts in my sample address strict settlements: before 1688, only two out of 22 acts (Panel A of Table 5); after 1688, 11 out of 43 acts (Panel A of Table 6).

⁹⁶ See also North, Wallis, and Wiengast, *Violence and social orders*, Chapter 3 for developments in English land law.

⁹⁷ Cases in 1683 and 1693 show that the chancery was protecting trusts as well as debating other matters regarding the duty of the trustees. These are *Davies v. Weld* in 1683 and *Platt v. Spugg* in 1693. See Bonfield, *Marriage settlements*, pp. 77–78.

⁹⁸ Bonfield, *Marriage settlements*, p. 71. Legally, the case allowed estates to become *vested* in trustees, in turn securing the viability of the strict settlement.

Table 5. *Types of estate acts, 1660–1688: conveyances, proposals, enactments*

Panel A			Panel B			Panel C			Panel D		
<i>Conveyances</i>	n	%	<i>Proposals and transactions</i>	n	%	<i>Legal enactments</i>	n	%	<i>Settlement amendments</i>	n	%
Life estate-entail settlements	13	0.6	To pay debts	10	0.45	Confirm transact.	6	0.27	Discharge	3	0.13
Strict settlements	2	0.09	To pay portions	6	0.27	Good at law	5	0.22	Amend or make new charge	5	0.22
Religious corporations	1	0.04				Change title	3	0.13	Protect existing estate	2	0.09
Other	5	0.22	Sell land	10	0.45						
			Lease	4	0.18						
			Make settlement	3	0.13						
			Restore	1	0.05						
			Purchase	1	0.05						
			Discharge debt	1	0.05						

Source: Author's calculations.

Notes: The table reports the number and shares of main clauses found in the various types of acts. Panel A: conveyances are mutually exclusive. Panels B–D: acts are coded as having a specific clause or not. All the panels report shares of the total number of acts (n=22). See Online Appendix A.2 for details on types of clauses. “Good at law” – a clause specifying the transaction should be considered ‘good at law’.

Table 6. *Types of estate acts after the Glorious Revolution of 1688*

Panel A			Panel B			Panel C			Panel D		
<i>Conveyances</i>	n	%	<i>Proposals and transactions</i>	n	%	<i>Legal enactments</i>	n	%	<i>Settlement amendments</i>	n	%
Life estate-entail settlements	24	0.55	Pay debts	16	0.37	Confirm transact.	11	0.25	Discharge	13	0.3
Strict settlements	11	0.25	Pay portions	9	0.21	Good at law	20	0.46	Amend or make new charge	6	0.14
Religious corporations	1	0.02	Purchase, replace	10	0.23	Change title	4	0.09	Protect estate	9	0.21
Other	6	0.14				Liability of trustees	8	0.18			
			Sell land	25	0.55						
			Lease	9	0.2						
			Make settlement	5	0.11						
			Other	2	0.02						
			Mortgage	8	0.19						
			Personal bond	9	0.21						
			Purchase	1	0.02						
			Exchange	1	0.02						
			Enclose	1	0.02						

Source: Author's calculations.

Notes: The table reports the number and shares of main clauses found in the various types of acts. Panel A: conveyances are mutually exclusive. Panels B–D: acts are coded as having a specific clause or not. All the panels report shares of the total number of acts (n=43). Bold indicates new clauses not found in acts passed from 1660 to 1688. See Online Appendix A.2 for details on types of clauses. “Good at law” – a clause specifying the transaction should be considered ‘good at law’.

Acts addressing strict settlements differed considerably from other types of estate acts. First, it is important to note that the types of acts introduced under Charles II and James II were similar to those after the Glorious Revolution in a number of ways. They allowed landholders to make a common set of economic transactions. Acts throughout the entire period allowed landholders to sell land to pay debts, make building leases, and confirm marriage agreements (settlements). Most of the acts in my sample enabled landholders to sell land to pay debts (Panel B of Table 5 and Panel B of Table 6). It is noteworthy that after 1688 no landholders in these acts in my sample say the debts were incurred because of the Civil War; rather, most say the debt was because the life tenant was recently deceased or the cost of debt management was too high.⁹⁹

Acts in my sample also had the same structure during the entire period (Table 1). They all contain ‘legal enactment’ and ‘settlement amendment’ clauses that facilitated the proposed reorganization. For example, a type of “legal enactment” clause specifically sets out that any transaction undertaken with the authority of the act should be considered ‘good at law’. A full description of the different types of legal enactment and settlement amendment clauses can be found on the Online Appendix Section A.2.

Acts addressing strict settlements have appeals and economic and legal enactment clauses that are different from those of other acts. Appeals in most acts for strict settlements say the management costs of estates were too high given the returns on the property. In these acts, families propose to sell land with high management costs (a low returns asset) and consolidate make their estates by purchasing new property (a higher returns asset). For example, in 1697 George Hewitt, Esquire, and his wife Penelope appealed as follows:

Whereas the said Messuages [dwellings] and Lands in South Mimms and Enfield lye at a great distance from the dwelling house of the said George Hewitt ... and therefore cannot be soe conveniently managed by him as if they were neared to them for which reason and for that the said Messuages are very ruinous and in decay and will cost a great Summe of Money to put the same into repair [...] [T]he said George Hewitt is very desirous and the said Penelope now Wife [and trustees] are willing and contented that the said Messuages and Lands in South Mimms and Enfield may be sold and that

⁹⁹ McCahill, ‘Estate acts of parliament’, argues that the motive for selling land to pay debts was landholders’ profligacy and social expenditure. The evidence from acts during this period suggests the motive may be more closely tied to the way English land law protected land from seizure by creditors and enabled debts to ‘roll over’ with an estate when it was inherited. See Priest, ‘Creating an American property law’.

the Monies arising by such sale may be wholly applied to the purchasing of other lands and hereditaments in the said County of Leicester.¹⁰⁰

To ensure the reorganization could take place, acts began to include new kinds of financial clauses and more sophisticated legal clauses (shown in bold text in Panels B and C of Table 6). The act then enabled the Hewitts and their trustees to make a personal bond with the purchase money until they were able to find suitable property: ‘the purchase money arising by the sale of the said Messuages Lands and Premises as aforesaid shall immediately be placed out at Interest [by the trustees] upon some good personall security or mortgage of lands’. Personal bonds for debt were often drawn up in connection with a mortgage and were used to strengthen the covenants for repayment in the mortgage deed. They were also general contracts to arrange a transfer of a sum of money lent privately between two people.¹⁰¹

New estate acts after 1688 allowed landholders to finance an investment in an asset that would bring higher returns for example by selling a lower returns asset and purchasing new, higher returns, land. Of the eleven acts that addressed strict settlements, five cited management costs, eight proposed to purchase new property, and five allowed landholders to make personal bonds, either loans or mortgages, until the purchase could be made.

Later, after the period my sample covers, this innovation appears to have been standardized with a standing order of 1705 that required committees to ensure that the properties were of a comparable value. Much later, in 1762, a new standing order modified the 1705 order to require that funds be placed with the accountant general of the Court of Chancery and invested in navy or exchequer bills.¹⁰² The 1705 order was part of a larger series of such orders instituted by the House of Lords that rationalized parliamentary procedures for approving landholders’ petitions. The aim of the standing orders may have been to manage the increased volume of private estate bills as well as to respond to changes in the content of landholders’ proposals. The innovations in the content of estate acts from 1689 to 1702 may have been locked in, to serve as precedents for later acts.

Acts in my sample also incorporated novel legal clauses to clarify the trustees’ responsibilities and liabilities (compare Panel C in Table 5 to Panel C in 6). For example, a 1697 act, which enabled trustees to make and renew leases included a separate clause limiting

¹⁰⁰ Hewitt Estate Act (9&10 WIII c. 34).

¹⁰¹ See www.nottingham.ac.uk/manuscriptsandspecialcollections/researchguidance/deedsindepth/associated/bond.aspx

¹⁰² McCahill ‘Estate acts of parliament’, p. 158.

the liability of each trustee, each of whom should: 'be only answerable for his own respective Act and Acts and not for the act or acts of the other of them nor for the act or acts receipt or receipts of the Steward or Stewards Agent or Agents of them'.¹⁰³

The evidence from my sample of estate acts is unclear as to whether the innovations were a result of Whig or Tory politics. The new type of act was not sought solely by Whig or Tory petitioners or trustees.¹⁰⁴ But political connections may have been important for petitioners and their lawyers to access parliament. For example, Martin Folkes, Esquire, an eminent, wealthy lawyer and bencher for Gray's Inn,¹⁰⁵ served as a previous trustee in three acts in my sample, two of which broke strict settlements and included the two new types of clauses (allowing new trustees to make personal bonds and limiting the liability of trustees).¹⁰⁶ These acts were for Court Whigs, two who were current MPs and one whose father was a Whig. This supports Beckett's finding that MPs, solicitors, and parliamentary agents worked closely on private legislation (not only estate acts) after the Glorious Revolution.¹⁰⁷ The new types of acts for strict settlements could also be a result of the creation of the strict settlement in London, the centre of the legal profession, as hypothesized by Bonfield.¹⁰⁸ In my sample, 5 of the 13 acts for strict settlements name trustees who were based in London compared to 6 of the 37 acts for life estate-entail settlements. Two of the 13 acts for strict settlements and 4 of the 37 acts for life estate-entail settlements name trustees who were lawyers of an Inn of Court, which were based in London.

5 Conclusion

Parliamentary supremacy and the rights enshrined in acts of parliament are seen by economists and economic historians as an important mechanism by which the Glorious Revolution

¹⁰³ Bampfylde Estate Act (9&10 W3 c. 27).

¹⁰⁴ The historical literature generally associates strict settlements with the marriage and inheritance practices of the aristocracy. I find that a variety of social classes of petitioners also made appeals to break strict settlements using an act of parliament. Two acts for strict settlements in my sample (n=13) name a petitioner who was a member of the nobility, 3 name a titled member of the gentry, 8 an esquire or gentleman, and 2 name a professional.

¹⁰⁵ Coleridge, Hartley, *The Worthies of Yorkshire and Lancashire: Being Lives of the Most Distinguished Persons that Have Been Born In, Or Connected with Those Provinces* (1836); Martin Folkes, his son, (1690-1754) *Oxford Dictionary of National Biography*.

¹⁰⁶ The two acts for strict settlements are Villiers Estate Act (3&4 W&M, c. 16) in 1691 and Pickenham Estate Act (13 WIII, c. 18) in 1700. The third act, Cullum Estate Act (3&4 W&M, c. 23), addressed a life-estate entail settlement.

¹⁰⁷ Beckett, 'The Glorious Revolution', pp. 44–47.

¹⁰⁸ See Bonfield, *Marriage settlements*, Chapter 4.

influenced England's property rights and economic development. Using 65 estate acts from the period 1660 to 1702, this article shows the details of how the Glorious Revolution of 1688 affected estate acts. These acts have not been comprehensively studied even though they constituted the bulk of private legislation during the late seventeenth century and contemporaries observed that parliament 'was taken up with private bills to destroy the settlement of estate in England'.¹⁰⁹ I found that the increase in the number of acts was a political story as much as an organizational one: the Glorious Revolution gave parliament more time to legislate and this time was used by a broader range of property holders with secondary connections to members of parliament. Despite, or possibly because of, the political connections, estate acts were adapted so as to enable landholders to break the more restrictive property conveyances, known as 'strict settlements'. My detailed study of estate acts that were passed during the regime change of the late seventeenth century establishes their role more firmly in the narrative of the Glorious Revolution and contributes to our understanding of the development of capitalism in England.

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¹⁰⁹ See page 16.

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Online Appendices

A.1 Format of estate acts

Table 1 in the main text shows the structure of estate acts and the information it contains as it relates to a family's need for an estate act. A family chooses to settle their land at time t_0 , usually at marriage or at death. They enter into other economic transactions with unsettled and settled property (as allowed by the powers of a settlement). For example, they could mortgage unsettled land, make loans, and manage their property and rental incomes. At some later date t_1 the family encounters an event, such as a child's marriage or the death of a life tenant, that changes their life or economic situation, or has an opportunity to pay their debts, sell land, or make an investment in their property. They assess the details of their settlement and find, however, that they are unable to carry out a transaction. For example, if the entail has become vested in the heir and does not contain a specific power to convey land, then they will not be able to sell their settled land.

To carry out the transaction, the family has two choices. If they have a life estate-entail settlement and the entail has vested (i.e. an heir has been born), then they can wait to break the settlement when the heir turns 21. If a family has a strict settlement, they can wait to break the settlement only when the heir (who may be born or unborn at the time of making the settlement) turns 21. In either case, they can instead bring a proposal to parliament for an estate act. Estate acts have information on families who decided to come to parliament and their proposal was approved by parliament. The family – or their representative (a lawyer or member of parliament) – appeals for an act by describing their economic situation and legal constraints. The family also gives a brief proposal of a project or reorganization they would like to complete. The bill goes through the parliamentary process and, if a solution is found and approved, becomes an act of parliament. The estate act is now observed at time t_4 .

Estate acts have a common format that reflects the time line described above. The format of the 65 estate acts from the Parliamentary Archives that I transcribed allows for a systematic coding of the acts. Each act has a preamble section followed by an enactment section. Each section has a set of clauses. The preamble clauses begin with 'Whereas' and summarize or fully reproduce any contracts or conveyances on the property or lands in question. From this section I identified a primary property conveyance and a section where the landholder appeals to parliament for an act. There is a single appeal section with three different parts. It describes (1) the family's economic circumstances, (2) the legal constraint, and (3) the

proposal for a reorganization.

The enactment clauses begin with ‘Be it therefore enacted’ or may be ‘provisos’ and begin with ‘Provided that’. The enactment section addresses the appeals.

I entered each clause in a separate column in a spread-sheet and then categorized the types of clauses. On average the acts have three preamble clauses (a minimum of one and a maximum of eight) and three enactment clauses (a minimum of one and a maximum of eleven).

A.2 Types of clauses

See Tables A.2.1 and A.2.2 below for a full list of estate act clauses and a summary of statistics. Italics denote types of clauses that can usually be found in the descriptive titles of acts.

A.2.1 Preamble clauses: conveyances and appeals

i. Conveyances

The acts can describe more than one type of legal conveyance on a property. From the preamble section I identified a primary legal conveyance for each act: life estate-entail settlement, strict settlement, religious corporation, or other type of conveyance. If a family settlement is listed, this is the primary legal conveyance. For the remaining acts, the primary conveyance can either be ‘land held by a religious corporation’ or ‘other’.

- Life estate-entail settlement – Follows Bonfield (1983). A settlement which describes a life estate and an entail (it specifically mentions an ‘entail’, ‘in taile’ or variation thereof). This kind of settlement could create a trust for a family charge, e.g. for a jointure or portions.
- Strict settlement – Follows Bonfield (1983). Here the settlement describes a life estate and states specifically that there is a ‘trust to preserve contingent remainders’.
- Religious corporation – Land held legally by the Church of England. In the sample, all acts were for the Bishop of London.
- Other conveyance – The act primarily addresses a previous estate act, decree of chancery, will (not creating a settlement), common recovery, mortgage, previous partition (1 act), and award for a dukedom (1 act).

ii. Appeals

From the preamble section, I identified an appeal section. This section describes problems or

events and ends with a petition to the king. Some acts' preamble and appeal section are the same, i.e. they summarize a conveyance and an appeal in a single clause or set of clauses. The appeal section can have at most three parts (II-IV in Table 1) that are found in a single or set of clauses.

I coded each act as 'having an appeal of the type' or not (some acts contain multiple clauses falling into a single category).

Some acts contain additional appeals after the enactment section. These secondary appeals are followed by a secondary set of enactments. For simplicity I treated these secondary appeals as a part of the initial appeal section (II-IV in Table 1) and their enactments as a part of the initial enactment section (V in Table 1).

1. Economic events or conditions—not mutually exclusive

- Incomplete or outstanding transaction – Landholder(s) appeals that previous or current conveyance or transaction has been made but that it is incomplete or outstanding. The appeal refers to a specific conveyance, agreement, or purchaser. Incomplete conveyances or transactions include contracts or conveyances for land sale, wills, loans, marriage settlements, partition, common recovery, building contract. Examples of phrases from the acts are useful. Acts describe a land sale is incomplete because 'purchase moneyes are still deteyend'. Acts describe marriage settlements 'cannot be perfectly and speedily settled according to the said Agreement'. An appeal to complete a will sought to 'performe the said Decree Relating to the satisfieing his said Brothers and Sisters portions'.
- For economic improvement – Landholder(s) appeals that there is an opportunity to build or improve property for the advantage or benefit of family members. Acts describe an opportunity to sell land or 'conceive' that they would like to sell land without specifying for payment of debts, family charges or purchasing land.
- Costs of debt – Landholder(s) appeals their interest payments are greater than the rental income of the land, the debts are 'great' or 'considerable,' or that creditors have brought forth an action of ejectment or on the property (2 acts).
- Management cost – Landholder(s) appeals that the property, buildings, or land is ruinous, decayed, managed at great cost, inconvenient to manage.
- Marriage – Landholder(s) appeals there is an opportunity for marriage of a family member.
- Unforeseen circumstance, accident, and war – Landholder(s) appeals there was an unforeseen circumstance or an accident. Circumstances include a life tenant's sudden death (2 acts), an executor or life tenant has run away (2 acts), the London fire of 1666 (1 act), there was an unintended consequence because the family 'did not know' about specifics of their estate or settlement (4 acts). Civil Wars play a role in economic or

legal appeal. For Civil War, the appeal use the phrases war (wiarr), the late (unhappy) troubles, the late times of usurpation, or cite fines or delinquency.

2. Legal constraints – not mutually exclusive

- Heir under 21 – Landholder(s) appeals they are unable to perform a transaction or respond to the economic opportunity because the entail has vested ('by reason of the minority of the said issues male [heirs, male]' or that the heir is under 21 or an infant).
- Life tenant or executor of will is barred – Landholder(s) appeals they are unable to perform a transaction or respond to the economic opportunity because there is no one with the powers or rights to carry out the proposal. The life tenant or executor of a will is somehow prevented from carrying out the transaction.
- Trust – Landholder(s) appeals they are unable to perform a transaction or respond to the economic opportunity because legal issue with trust. Appeals include that the trustees are concerned with liability, do not have powers, or want to be excused or added to trust.
- Protect from claims – Landholder(s) appeals they are unable to perform a transaction or respond to the economic opportunity because claims can still be made by heirs or other family members with an estate and thus land or property is still liable to existing estates or claims.
- General law or previous act of parliament – Landholder(s) appeals they are unable to perform a transaction or respond to the economic opportunity because they will be in violation of a general law or are constrained because there is a previous act of parliament (which can only be amended by parliament).

3. Proposed reorganization – not mutually exclusive:

- Pay debts – Landholder(s) appeals they would like to reorganize their estates by paying their debts either generic or to complete a credit transaction.
- Pay family charges – Landholder(s) appeals they would like to reorganize their estates by paying family charges (e.g. portions, jointures, life annuities, legacies).
- Replace or purchase land – Landholder(s) appeals they would like to reorganize their estates by purchasing land of higher value or replace land in settlement.

A.2.2 Enactment clauses

There are three types of enactment clause: economic, legal, and settlement amendment. The three are not mutually exclusive: a single clause can contain information that is classified as all three. I coded each act as 'having a clause of the type' or not. Some acts have multiple clauses falling into a single category, but they are coded as a binary variable.

1. Economic transactions – not mutually exclusive

- Sale – An enactment clause gives the life tenant or trust the rights to sell land.
- Lease – An enactment clause gives the life tenant or trust the rights to make or renew building leases.
- Mortgage – An enactment clause gives the life tenant or trust the rights to mortgage property.
- Make settlement – An enactment clause allows family to make a settlement, either life estate-entail model or strict settlement.
- Other – An enactment clause gives the life tenant or trust rights to make unique (in my sample) transactions. Unique clauses include: restoring a duke to his estates at the Restoration, exchanging land, purchasing land for Bishop of London, giving powers to pay bonds and obligations, enclosing land, and securing payment of a loan.

2. Legal transactions – not mutually exclusive

- Good at law – An enactment clause specifies that an economic transaction will be good at law either by protecting the transaction from claims by potential claimants (remaindermen or family members with estates on the property) or by specifying that the transaction was made (2 acts) ‘as if’ the life tenant held the property in fee simple or was over 21.
- Confirm – An enactment clause confirms a contract, conveyance, or transaction (e.g. will, a sale, settlement) or amends a previous act of parliament.
- Title or rights – An enactment clause transfers a title to another party (either person or trust). Clauses may also address the rights of tenants or other third party stakeholders.
- Limits on act or transaction – An enactment clause either contains the phrase ‘as if the Act had not been made’ in regards to the economic transaction, specifies some other condition on the transaction (e.g. time limit to when it can take place), or specifies some other unique stipulation (e.g. a transaction must be paid in Chancery).
- Amend trust or trustees – An enactment clause alters or clarifies powers of the trust. For example, clauses limited the liability of trustees or added a new trustee to the estate.

3. Settlement amendment transactions – not mutually exclusive

- Discharge or void – An enactment clause discharges land from a trust or voids a transaction.
- Amend or make new family charges – An enactment clause adds a new charge (e.g. a jointure) or alters an existing charge.
- Protect existing charges – An enactment clause specifies an existing charge or estate on the land, usually associated with a person’s name, may not be altered or is protected. It includes the phrase ‘as if the Act had not been made’.

A.3 Coding geography, property values, and types of property holders

A.3.1 Geography and acreage

The location of the lands or property to be sold, leased, mortgaged, settled, or in question is described in either the preamble or the enactment section. The details included are the county and location of the land, names of manors, fields, streets, or other types of property, and, the acreage of the property in about a third of my sample.

A.3.2 Property values

I coded property values from clauses in the preamble and enactment sections. I calculated the annual rental income of the property that landholders wanted to sell, lease, or mortgage. Some acts record a sales (purchase) price. Others list charges on the estate (debts, portions, or jointures) or what the proceeds of a sale will be used for. I first looked for a purchase price in the enactment section or appeal section. I then looked for a charge that the proceeds of a sale were to be used for – e.g. to pay portions of ‘x’ pounds. Lastly I searched for any other charges on the estate. These were usually for portions or jointures, but also for legacies from a will, life annuities, or stipends to trustees or executors. If a purchase price was listed, I used the amount to calculate the rental value. If there was a single charge and no purchase price, I used the amount to calculate the rental value. If there were multiple charges, I summed all charges and used the amount to calculate the rental value. Coding value in this way is likely to serve as a lower bound for the rental income from the landholder’s property.

I recorded the values either as lump sums or in terms of the annual rental income. I used all information on the charges and purchase price to calculate the annual rental income for the property in question. The coding captures the value of the property released for transactions. I summed all transactions and divided the total value by the corresponding year’s purchase in Table 2 in Allen (1988) to get an estimate of the annual rental income.

A.3.3 Types of property holders

i. Petitioners

For each act I identified a petitioner or set of petitioners. These were usually to be found in beginning of the preamble section or the beginning of the enactment section, identifiable by the phrase ‘at the humble petition’ or a description of the ‘petitioners or supplyants [suppliants]’. If I could find no petition clause, I coded the names of parties in the appeal section as the

petitioners for the act.

ii. Trustees

The acts either empowered life tenants or vested the property in a trust to carry out an economic transaction. I read each enactment clause and identified the trustees by the phrase: ‘to bee settled and vested in the [names of trustees] upon trust [or in trust]’. Of the 65 acts, 37 named 122 trustees to carry out an economic transaction (on average three trustees per act, with a maximum of seven and a minimum of two).

iii. Characteristics of petitioners and trustees

- Nobility – A petitioner or trustee has a noble title, such as a duke, earl, lord, duchess, countess, viscount, viscountess.
- Upper, i.e. titled, gentry – A petitioner or trustee is a baronet, knight, or dame.
- Lower gentry – A petitioner or trustee is described as an esquire or gentleman.
- Professionals, merchants, and other property owners – A petitioner or trustee is described as a merchant, creditor, ironmonger, alderman, goldsmith, apothecary, woollen draper, tobacconist, citizen, clothworker, doctor in phisick, or haberdasher.
- Lawyer – The petitioner is described as being ‘of an inn of court’.

With the exception of professionals, which is considerably smaller category, the distribution of social ranks reported in Tables 2 and 4 in the main text for petitioners generally reflects the distribution for the country¹¹⁰ and matches previous studies using information from the titles of the population of acts (thousands of acts) and a larger sample of bills (428).¹¹¹

There was a change in this distribution over time. Before 1688, in my sample of 22 petitioners, 6 were members of the nobility, 9 were upper gentry, 10 were lower gentry, and 1 was a professional; after 1688, in my sample of 43 petitioners, 8 were members of the nobility, 11 were upper gentry, 29 were lower gentry, and 4 were professionals: a substantial increase in all types except the upper gentry. The biggest increase, from less than half of the petitioners to about two-thirds, was in the lower gentry class (esquires and gentlemen). This increase was as a result of parliament having more sessions and more time to work.

¹¹⁰ Beckett, ‘The pattern of landownership’.

¹¹¹ See Bogart and Richardson, ‘Making property productive’, ‘Estate acts, 1660–1830’, for descriptive titles and McCahill ‘Estate acts of parliament’ for a sample of bills.

iv. Members of parliament

To discover whether a petitioner was a member of parliament, I used the History of Parliament research project website (www.historyofparliamentonline.org/research/members/). For both male and female petitioners, I searched the database for a common last name. I used the information for MPs' family and background, biography, and place of residence to confirm whether a petitioner was an MP or related to an MP. I also used the biographies to classify the political affiliation (Court, Opposition, Whig, Tory) of MPs who were sitting in parliament when their estate act was passed.

Table A.2.1. *Clauses in preamble section of estate acts*

	n	%	st. dev.	min	max
1. Conveyances					
Life estate-entail settlement	38	0.58	0.50	0	1
Strict settlement	13	0.20	0.40	0	1
Religious corporation	2	0.03	0.17	0	1
Other conveyance (e.g. will, previous act of parliament)	11	0.17	0.38	0	1
2. Appeal: economic condition					
Cost of debts or portions	20	0.31	0.47	0	1
interest rates		0.09	0.29	0	1
Management costs	8	0.12	0.33	0	1
Accident, mistake	14	0.22	0.41	0	1
Opportunity for transaction	13	0.20	0.40	0	1
Incomplete transaction	33	0.51	0.50	0	1
Marriage	7	0.11	0.31	0	1
3. Appeal: legal constraint					
General law	4	0.06	0.24	0	1
Life tenant barred	30	0.46	0.50	0	1
Heir is a minor	26	0.40	0.49	0	1
Trust is constrained	4	0.06	0.24	0	1
Claims can be made	8	0.12	0.33	0	1
4. Proposed reorganization					
Pay debts	26	0.40	0.49	0	1
Pay portions	15	0.23	0.42	0	1
Purchase land or replace	11	0.17	0.38	0	1

Source: Random sample of 65 estate acts, 1660–1702.

Notes: Classification of clauses in estate acts of parliament. Coded as an indicator if act contains specific clause or not. 1. Conveyances – mutually exclusive. 2. Appeal: economic condition – not mutually exclusive. 3. Appeal: legal constraint – not mutually exclusive.

Table A.2.2. *Clauses in enactment section of estate acts*

	n	%	st. dev.	min	max
1. Economic enactments					
Sale	34	0.52	0.50	0	1
Lease	14	0.20	0.40	0	1
Make settlement	8	0.12	0.33	0	1
Mortgage	8	0.12	0.33	0	1
Other	4	0.06	0.24	0	1
Personal bond	9	0.14	0.35	0	1
2. Legal clauses					
Make good at law	25	0.38	0.49	0	1
Protect from claims	19	0.29	0.46	0	1
Address or change title	7	0.11	0.31	0	1
Limits to act	7	0.11	0.31	0	1
Confirm transaction	17	0.26	0.44	0	1
Amend trust	10	0.15	0.36	0	1
3. Settlement amendment clauses					
Discharge or void estates	16	0.25	0.43	0	1
Amend family charges	11	0.17	0.38	0	1
Protect existing charges	10	0.15	0.36	0	1

Source: Random sample of 65 estate acts, 1660–1702.

Notes: Classification of clauses in estate acts of parliament. Coded as an indicator if act contains specific clause or not. 1. Enactment: Economic – not mutually exclusive. 2. Enactment: Legal – not mutually exclusive. 3. Enactment: settlement amendment – not mutually exclusive. All acts have either an economic or a legal clause.

A.4 Correlates of bill success

It is possible that examining evidence found in estate acts (successful bills) may bias conclusions about the effect of the Glorious Revolution on the sponsors and content of legislation. For example, I find that most acts are connected to a Member of Parliament. This could be because they were more successful. Families without connections to an MP may have accessed parliament, but failed because they were not connected to a MP. I also find the Glorious Revolution influenced the content of acts by allowing parliament to address strict settlements. It is possible that bills of this type were introduced from 1660 to 1688 but failed. More information from failed legislation would give insight to even more specific mechanisms by which the Glorious Revolution influenced the sponsors and content of legislation, such as if it mostly influenced how political connections allowed for access to parliament or parliament's capacity or willingness to approve more complex proposals.

Ideally, the full text of failed proposals would be readily available to code the same depth as was done for acts. In the absence of such accessible material, I compare characteristics of failed bills to successful bills (acts of parliament) using information from each bill's first reading in parliament (available in the *Journals*). Bills are coded as having a characteristic, either bill type or a family type, or not. None of the characteristics are mutually exclusive. The characteristics proxy for the types of sponsors and content found in acts.

Table A.4 reports correlates of estate bill success. Estimates are the average marginal effect from a probit model where the outcome is an indicator equal to one if a bill was successful (approved by parliament) and zero if it failed in a legislative session. Columns (1) and (2) report correlations for bill type characteristics by period: Column (1) the period before the Glorious Revolution; Column (2) the period after the Glorious Revolution. Columns (3) and (4) report correlations for family type by period: Column (3) the period before the Glorious Revolution; Column (4) the period after the Glorious Revolution.

We learn that few characteristics explain bill failure, which suggests that examining the content of estate acts is useful for understanding the effects of the Glorious Revolution. The significant correlations of bill success are period specific and may only complement the evidence found in acts. For example, bills with proposals to sell land and 'replace' it with new land were more likely to fail only from 1660 to 1688. This type of bill may be connected to strict settlements (see Section IV in the main text). Only 3 bills were of this type from 1660 to

1688. If the bills were for strict settlements, the evidence suggests that parliament could not break them before 1688 because of conflict in the government.¹¹²

¹¹² See Dimitruk, 'I intend therefore to prorogue'.

Table A.4: *Correlates of bill success: bill characteristics*

	Outcome: bill success (act of parliament)				
	(1)	(2)		(3)	(4)
	1660–1688	1689–1702		1660-1688	1688–1702
sell land	0.09 (0.09)	-0.04 (0.08)	nobility	-0.06 (0.07)	0.00 (0.06)
lease land	0.02 (0.12)	0.08 (0.08)	titled gentry	-0.02 (0.06)	-0.10* (0.05)
raise money	-0.18 (0.12)	0.00 (0.09)	lower gentry	0.14** (0.06)	-0.04 (0.04)
complete transaction	0.15* (0.08)	-0.06 (0.09)	no rank	0.23*** (0.06)	-0.02 (0.05)
for jointure	0.05 (0.11)	-0.09 (0.08)	clergy	0.04 (0.12)	-0.13 (0.11)
for portions	0.02 (0.08)	0.11** (0.04)	other	-0.00 (0.05)	0.01 (0.04)
for debts	0.07 (0.06)	-0.07 (0.05)	petition on bill	-0.12* (0.07)	-0.04 (0.05)
replace	-0.32* (0.18)	0.05 (0.06)	enter HOL	0.08* (0.05)	0.11*** (0.04)
settlement	0.09 (0.09)	-0.01 (0.09)			
indeterminate	-0.44*** (0.07)	-0.40 (0.33)			
restore	0.18 (0.11)	-0.18 (0.21)			
reparation	-0.21* (0.12)				
improve		-0.20 (0.14)			
forfeiture		0.06 (0.09)			
Observations	438	516		438	516

Notes: Standard errors in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$. Table reports average marginal effects from a probit regression of bill success on bill characteristics. ‘Bill success’ means the bill was approved, by Commons, Lords, and the king, in a session of parliament. Characteristics are coded from a bill’s first reading in parliament.