

English Landed Estates in the Making and Unmaking

BY

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ABSTRACT

ENGLISH LANDED ESTATES IN THE MAKING AND UNMAKING

Great estates in England were held together by a variety of legal technicalities, and efforts to break these down were largely unsuccessful until the later 19th century. As a result landed families carried substantial debts, occasionally releasing land and to the market when these became too pressing. At the same time they were peculiarly well placed to take advantage of inheritance when, as occasionally happened, individual families failed to produce heirs. Radicals argued that this combination of circumstances tended to increase the size of estates and to create a class of heavily indebted landowners. This paper offers some correctives, suggesting that the land market was not as constrained as contemporaries may have believed, and that inheritance rather than legal technicalities explains why estates grew larger between about 1660 and the 1880s.

RÉSUMÉ

CONSTITUTION ET DISSOLUTION DES DOMAINES FONCIERS EN ANGLETERRE

Les grands domaines anglais restèrent entiers grâce à maints artifices légaux et les efforts pour les morceler ne réussirent que vers la fin du XIX^e siècle. Le résultat fut que les familles terriennes eurent des dettes considérables et mirent parfois en vente des terres lorsque les créanciers devenaient trop pressants. En même temps elles étaient très bien placées pour faire un héritage si, comme cela arriva parfois, telle ou telle famille ne mettait pas d'héritier au monde. Les radicaux affirmèrent que ces circonstances eurent tendance à augmenter l'étendue des domaines et à créer une classe de propriétaires terriens criblés de dettes. Cet article cherche à apporter quelques correctifs, en avançant que le marché foncier ne fut pas aussi limité que le crurent les contemporains et que c'est l'héritage plutôt que les artifices légaux qui explique l'agrandissement des propriétés entre 1660 et 1830.

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In the reminiscences he wrote early in the 1860s, Benjamin Disraeli commented on what he termed « the difficulty of destroying a family rooted in the land ». He went on to discuss several examples which he had noted over his political lifetime. Each of them helped to confirm his belief that however dire the financial circumstances, such families seemed to have a resilience which defied even the most adverse circumstances. He recalled the Grenvilles, Dukes of Buckingham and Chandos, and friends and political patrons in his earlier years, whose crash « seemed conclusive » in 1848, yet fifteen years later « the Duke of Buckingham is living at Stowe, which is partially furnished, and at Wotton, which is entirely kept up — with five and twenty thousand per annum ». Then there was Lord Lichfield, « a remarkable case of the entire revival of a family, supposed not twenty years ago to be irretrievably ruined »; Lord Chesterfield, who was « said now to be getting rich by coal mines »; and Lord Foley, who, after selling up still had « a surplus of several hundred thousand pounds ». Disraeli found it all rather hard to understand: « it is difficult if not impossible to ruin a family well rooted in the land ». ¹

Disraeli's belief that English landed families were virtually immovable was hardly unique. It pervaded the debates surrounding the findings of the 1861 and 1871 census returns on numbers of landowners, and it lay behind the political discussions leading to the 1872-3 *Return of Owners of Land* the most comprehensive (if flawed) survey of landownership since 1089. Contemporaries believed that property had come unto the hands of a relatively small group of landed families who were something of a punchbag — however hard you hit them they kept coming back for more. Equally obvious, or so it seemed, was the reason for this concentration, the restrictive land laws.

The land laws

Strict settlement, either on marriage, or on the coming of age of the heir, or by will, or by any combination of these methods, became common practice in post-Restoration England. Settlement was a legal device designed to tie up estates into the future in the hope of preventing one spendthrift owner from blowing the whole property, and at the same time to look after the financial interests of the wife and potential children. To do this, in settlements made on marriage,

the estate was « entailed » on the unborn children (preferably sons) of the forthcoming alliance, and arrangements were entered into concerning the sums of money to be paid to any younger children (male and female) as well as to secure a sum of money, called a jointure, payable annually to the wife, should she outlive her husband, until her death. The « settlement » was secured by the appointment of trustees, whose task it was to ensure that the terms of the agreement were kept.

Coupled with primogeniture, which ensured that the landed possessions of an owner dying intestate would descend exclusively to his eldest male heir, the full weight of the post-1660 land laws seemed to be directed towards holding estates together. But contemporaries believed these arrangements went one step further to facilitate property *accumulation*. This was a theme which ran through much of the agitation mounted against the land laws from the later 18th century onwards. It surfaced during the debates over the Corn Laws during the 1840s. One commentator claimed in 1845 that primogeniture, entail and land transfer all needed reforming if land accumulation on terms dictated by the greater owners was to be brought to an end.² In the aftermath of Corn Law repeal Richard Cobden tried to promote a campaign for free trade in land. Had it succeeded, this would have led to the legal abolition of primogeniture, entails and settlements, as well as the simplification of land transfers. However, his campaign made little progress after 1852.³ The idea itself did not go away. English radicals were active during the 1860s and 1870s promoting the cause of land reform, and among their core arguments was the belief most clearly set out by George Brodrick in 1881 that « a land system founded on the Law of Primogeniture and guarded by strict family settlements has a direct tendency to prevent the dispersion of land... it must have the further effect of promoting the aggregation of land in a small and constantly decreasing number of hands ». ⁴ This perverse situation was held to have been further encouraged by the expensive and cumbersome system of land transfer which operated against the interests of purchasers wishing to acquire small estates. ⁵

The problem of debt

The other problem arising from land accumulation was debt. As J.P. Cooper argued some years ago of western Europe generally, « if entailed property survived for several generations it became increasingly burdened from at least the 16th century with long-

term debt ». ⁶ With insurance companies and banks queuing up to lend money to landowners, largely on the strength of their landed security, the result was that estates came to carry an increasing burden of debt. Yet, as Disraeli noted, this never seemed to bring landed families to their knees. « When », wrote Disraeli, « the Duke of Portland, who was a Minister, died, his debts were so vast, & his embarrassments so complicated that it was thought the Bentinck family were finished ». Yet, after sales and severe retrenchment, back they bounced. ⁷ Disraeli did not quite have the details correct, but his overall analysis was about right. The 4th Duke inherited debts of £ 512,000 in 1809, and he did have to sell land, but the real reason for the family's recovery was the spiralling income they enjoyed from a handful of urban acres in the west of London. ⁸

Yet no one needed to look far for even more extravagant examples. By 1871 the Duke of Newcastle's entire estate was mortgaged, and a rent roll of £ 32,169 was supporting mortgages of £ 566,000. The estates were strictly settled, much to the relief of the duke since his creditors could not touch them. All they could do was bankrupt him for his unsecured personal debts of £ 145,000 — mainly accumulated by backing slow horses — which he proposed to repay at 5 shillings in the pound. ⁹ Such cases confirmed Disraeli's fears that the great landed estates were immovable, and seemed to support the views of those who blamed this situation on the land laws. Sir James Caird, a leading contemporary agricultural commentator, took the view that the free transfer of land would ensure that « those only who could afford to perform the duties of landlords would then find it prudent to hold that position », and that this would greatly benefit agriculture. ¹⁰ Yet when, in the wake of the *Return of Owners of Land*, the 1882 Settled Land Act reversed the policy of the previous two hundred years and gave the life tenant the freedom to sell land, this did not undam a massive flow of property on to the market.

The property market

If Caird and his supporters had been correct the property market *ought* to have been flooded. The logic was obvious. Families had for decades, perhaps centuries, been accumulating land, and with it debts. By the 1880s the great landowners therefore represented a flawed group. Enormously wealthy in terms of assets, they were yet beholden to insurance companies and banks because of their vast debts, which were sufficiently crippling to make them agriculturally

inefficient. At the same time they were legally prevented from selling their land. Yet at just this point the land laws were eased to make sales possible, and the agricultural depression cut rents and land values and dried up the loans market. When Lord Carrington considered extending his debts in 1888 he received a dusty response from his agent: « As regards borrowing money on mortgage at all on land the thing is now almost out of the question unless the rental shows that there is about double the amount of income than is required to pay the interest ». ¹¹ In polite terms, forget it.

In these circumstances, land ought to have flowed on to the market. Or course there were cases of sale, as there have been in every generation, but although many loud complaints were voiced about the necessity of sale, when the dust had settled many of those who put land on the market made sure it was outlying properties and not the main estates which were offered to the world. The *Quarterly Review* may have been right when in 1903 it claimed that the landowners had developed « a professional pessimism » about their position, which was not matched in their actions.

Perceptions of the great estate owners among 19th century contemporary commentators were possibly misguided and perhaps just plain wrong. The land laws and the mortgage market were believed to have artificially restricted the flow of land on to the market, and to have created a class of enormously wealthy and simultaneously indebted owners. It was this contradiction Disraeli found hard to understand, reflected as it undoubtedly was in a number of instances he knew well. But was it a correct interpretation of what he could see around him? In fact the *mechanisms* behind estate accumulation were neither simple nor straightforward. We need to look at how families put their estates together and then held them together, and to do so without being influenced by the colouring views of 19th century Liberals which have too easily clouded our vision.

The effects of strict settlement

The critical starting point here is the strict family settlement. 19th-century radicals took the view that herein lay the crux of the problem. Since the mid-17th century landowners had been empowered by the courts to tie up their property into the future, thus restricting the hands of the life tenant and ensuring the continuity of the dynasty and its property. Estates were held together, with younger children being financially provided for through the terms

of the settlement. Settled land could be used as security for raising family charges such as younger children's portions, or for offering a jointure designed to attract a wealthy bride thereby ensuring that a good marriage in one generation laid the foundations for an even better one in the next.¹² In this way the greater landowners accumulated property which they could not sell. This was exactly the point made by the 19th-century radicals, but many of its vital features turn out not to have worked in quite the way anticipated.¹³ It seems unlikely that the strict settlement played any real role in the *accumulation* of property between about 1660 and 1880; in fact, its main function was protective rather than accumulative, and the assumptions, made by 19th century commentators were almost certainly incorrect.

Why was this so? The implicit assumption made by the radical opponents of the land laws was that landed families actually wanted to hold their estates together and to accumulate property. This was not an unnatural assumption in view of the social cachet attached to landownership and the rewards — earldoms, marquessates and even dukedoms — accruing to the wealthiest, if this is indeed what happened. What seems to be wrong about the assumption is that landed families used the strict settlement to promote accumulation. Settlement was evidently used to hold estates together, if only because everyone must have known of (or feared) cases where property out of settlement was squandered. A classic example was the 6th Lord Byron, better known as a poet than as a landowner, and for good reason. In 1798 he inherited, as a minor, the family's estates at Newstead Abbey in Nottinghamshire and Rochdale in Lancashire. He did not come into his unentailed inheritance until 1809, on his 21st birthday, but in the meantime he ran up gambling debts secured against loans from Jews at extortionate rates of interest. After the birthday celebrations at Newstead in 1809 it was time to settle accounts. Byron hoped to sell the Rochdale estate. Legal technicalities prevented the sale and he was forced to part with Newstead in 1817. By then he had left England — and his troubled finances — behind. Had his property been settled between 1798 and 1809 his borrowing capacity would have been much more limited because he would have had no way of convincing his creditors that he would be able to secure debts when he came of age.¹⁴

Byron may have been the exception proving the rule, and his case reflects the reasons why families were anxious to control the fate of their property. This did not mean that they forbade even the contemplation of land sales. It was widely accepted that outlying, and

sometimes not so outlying estates, should be left out of settlement to give a life tenant room for manoeuvre in the event of financial difficulties occurring. Since settled land could only be mortgaged to raise money for paying family charges, leaving land free in this way offered the life tenant either the opportunity of raising capital by selling, or by mortgaging. The latter was preferable because the family could continue to claim the acreage, and because they could convince themselves that one day the debt would be repaid.

Common recovery

Even if a family ran into real difficulties, it was not out of the question to free land from settlement. There were various ways of doing this, the easiest of which was a common recovery. The common recovery was a legal technique dating from the 15th century which the courts accepted as a means of barring an entail. A fictitious law suit was brought, in which a third party was asked to guarantee a title to a freehold. The third party then defaulted and did not offer any guarantee, so that the land was freed from the entail.¹⁵ Common recoveries were frequently used by landowners to straighten out what they regarded as unacceptable arrangements. In 1701 Sir John Lowther of Whitehaven in Cumberland strictly settled his estates on his younger son James, but altered the arrangements in his will so that after his death in 1706 James was able to obtain the fee simple, or freehold, of the estates by suffering a common recovery. He kept them unsettled for fifty years.¹⁶ Viscount Cobham, of Stowe in Buckinghamshire, inherited the strictly settled family estates from his father in 1697. When his marriage proved childless he persuaded the spendthrift distant cousins who stood to succeed him to join him in suffering a common recovery. He was thus able to break the entail and remove his cousins from the inheritance — the price was payment of their debts of £7 000 — in favour of his nephew, Richard Grenville of Wotton.¹⁷

Nor was a family restricted to a single common recovery. William, 5th Lord Byron of Newstead, and uncle of the poet, inherited the family estates in 1736. He came of age in 1743 to discover that his estates were strictly settled and he had no powers to raise money to pay his debts. Had his father been alive, now would have been the time for them to draw up a new settlement under the terms of which William would have had his debt accommodated. Since this was not possible he resorted to a common recovery, broke the entail, and borrowed money on the security of the property. The estate

remained unsettled until Byron married in 1747, when his new in-laws naturally insisted on a resettlement to secure a jointure for his wife. Over the next twenty years children were born and money spent. Byron's debts accumulated, but he waited for his son William to come of age in 1770 as an opportunity to resettle the estate, and at the same time to sort out his debts. In February 1771, after much wrangling, father and son suffered a common recovery to free the estate from settlement.

Byron continued to spend everything he could lay hands on, but any hopes he may have had of meeting his contingencies via further common recoveries were dashed when his son died in 1776 at the age of 26, leaving a four year old son, Byron's grandson. This grandson became the tenant in tail, but at four was incapable of joining in a common recovery. In turn, the grandson died at the siege of Calvi, in Corsica, in 1794, before a new settlement had been arranged. Now, at last, Byron expected to be free to dispose of the estate as he liked. He hurried off to visit his London lawyer, only to discover that « by some unaccountable inadvertence or negligence of the lawyers, the ultimate reversion of the fee-simple of the property, instead of being left, as it ought to have been, in the father as the owner of the estates, was limited to the heirs of his son ». Byron found himself still merely life tenant, « without any legal power of raisin money upon [Newstead] », and perhaps not surprisingly for some time he was to be found « pouring forth his lamentations ». ¹⁸

Common recovery was one way of circumventing the terms of a strict settlement, but little work has been done on the use of these legal instruments so that we cannot yet say how widely or frequently they were used. The standard work on the subject claims that the common recovery was « the usual way of barring an entail until 1833, when it was abolished », but how usual was usual? ¹⁹ If it really was used frequently this at least suggests that the strict settlement was not regarded as inviolable.

A further way of proceeding to break a settlement was through an Act of Parliament. Although this might seem a heavy-handed way of making progress, there is some evidence to suggest that landed families found such proceedings rather less intimidating than we might do. A steady flow of private acts to break or amend entails passed through Parliament at the rate of 20-30 per year during the 18th and first half of the 19th centuries. Private acts were relatively cheap to obtain, and went before both Lords and Commons in a matter of weeks. ²⁰

A crucial moment : the coming of age

Common recoveries and Acts of Parliament could break settlements at any time, but the most obvious point at which to take such action was the coming of age of the eldest son. Here was a moment in time when the settlement could be broken, prior to a resettlement, and land released either for sale or for borrowing against. The technique was simple. The spendthrift life tenant found any number of means to borrow money on personal securities, with the intention of breaking the entail to transfer the loans to the security of landed property, when his eldest son reached his majority. The 2nd Duke of Buckingham made no bones about the issue. In 1841 he insured the life of his son, the Marquess of Chandos, for five years, so that had he died in the meantime the policies — on which he paid an annual premium of £ 717 — would have paid out £ 100,000. If Chandos survived beyond 1844 and the estate was unsettled, creditors could expect to have their loans secured on property. Either way, Buckingham's fortunes were safeguarded.²¹

No time was lost considering a new settlement once Chandos came of age on 10 September 1844, but Jonathan Christie, a Lincoln's Inn barrister employed to vet the proposals, took a very negative view of them. The problem, as Christie saw it, was a simple one. Out of family duty, and loyalty to his father, Chandos — like many an eldest son before and after 1844 — had agreed to help out his father. But it was also more than this. The bottom line for the son was money. Any resettlement stated the sum of money to be paid annually by the father to his eldest son from the time of the resettlement until such time as the father should die and the son inherit. Failure to agree a new settlement might well lead to the father cutting off the money supply. The son could take the risk, perhaps by borrowing on the strength of his life interest in the estate, but this was bound to be at high rates of interest, and was a very uncertain way of proceeding given that he had no idea of how long his father might live. In Chandos's case, so seriously did Jonathan Christie believe he was being sold out by his father that he gave the opinion, « with some hesitation », that the young man should refuse to sign, and if his father cut off finance he should raise money on his reversionary interest « for the purpose of his immediate maintenance. I feel I am bound to advert to this, but I must add that money could only be raised on most disadvantageous terms ». ²²

Had Chandos accepted this advice, and refused to act with his father to break the entails he would have had to borrow on his

reversionary interest until his father's death (another thirteen years, but entirely unpredictable in 1844 when his father was only 47 and in good health). However, in the meantime his father's liabilities were such that he would have had to be treated effectively as an undischarged bankrupt with creditors administering the estates. In other words the estates would have gone into receivership and neither man would have had an income, except that the duke would have been able to sell personal effects such as the contents of the houses, and the timber, leaving a badly neglected and perhaps irretrievably ruined inheritance. Chandos, faced with such a prospect, foolishly trusted his unscrupulous father rather than his lawyers, with tragic results.²³

Portions and jointures

There were ways and means of breaking strict settlements which families were not averse to taking, and this adds weight to the view that settlements were designed not just for the protection of the estate, but to lay out the terms for providing portions and jointures for younger children. It was considerations of *family* which were critical in settlement. Thus the terms agreed for a portion secured the financial future of the recipient, but not necessarily through payment of the portion. When George Grenville, prime minister 1763-5, married Elizabeth Wyndham in 1749, the bride's portion was £10,000, as set out in her father's will of 1740. George Grenville agreed to allow this sum to remain outstanding in trust to Elizabeth's brothers the Earl of Egremont and Percy Wyndham O'Brien, Earl of Thomond. Grenville and his wife were to receive interest on this sum, which was still outstanding in 1770, by which time they were both dead.²⁴ In later generations, two of Grenville's daughters' portions remained unpaid nearly half a century after they became due, and other cases have come to light where payment was made only after the person involved was dead. In the meantime, interest was paid, as it was on the unpaid portions of younger children, or unmarried daughters, and for whom this provided a secure income.

The strict settlement was designed for family reasons. Although it may have prevented land sales it cannot be held responsible for the accumulation of great estates.²⁵ Property accumulation has to be explained in some other way, or ways, but a distinction must also be drawn between the legal mechanism of the strict settlement, and actual family practice. Landed families generally saw themselves as the embodiment of social stability — Edmund Burke's great oaks

of the Commonwealth. Their ethos was to maintain and, if possible, expand their estates, but the critical question for any family was the succession. Most of the landed families enumerated by John Bateman in 1883 were there because they had succeeded, one way or another, in maintaining male line succession.²⁶ The Dukedom of Devonshire was conferred on the Cavendish family in 1694. The property and title descended in unbroken succession until the 6th duke died unmarried in 1858, to be succeeded by his cousin. In 1908 the 8th duke was succeeded by a nephew, but the male succession was maintained. Similarly the Dukedom of Rutland was conferred in 1703, and there was no break in the male succession until the 20th century, although a generation was missed in 1779 and there was a brother inheritance in 1888.²⁷ A slightly different case was that of the Earls of Lonsdale, the most powerful landlords in Cumbria. The extensive estates were an amalgamation brought together partly because three junior branches of the family failed in the second half of the 18th century, leaving all their accumulated property to the senior branch in 1802.²⁸

Other families, deprived by nature of a male heir, adopted all manner of expedients to maintain the fiction of the succession. Perhaps the most blatant was the name change. When the 2nd Duke of Kingston died in 1773 he left his estates to his widow and then, following her death, to his nephew. The nephew, Charles Meadows, eventually inherited in 1788. He promptly changed his name to Pierrepont, with the result that the Thoresby estates in central Nottinghamshire have been owned by the Pierrepont family since the 1640s — except that there has been a silent break.

It was when a family failed to maintain the succession in any obvious way that disaster lurked, and this was by no means uncommon. Between 1700 and 1719 one-third of all peerage marriages were with heiresses, and the total was usually above one-fifth.²⁹ There were well known problems with heiresses, such as fathers who remarried and had second families, but when an heiress was already in possession the rewards could be most gratifying. Consequently, since status and land were tenuously linked together, those of the highest social status would in general terms attract the wealthiest brides, many of them heiresses. Of course this was certainly planned. Anna Eliza, heiress to the 3rd Duke of Chandos, was literally offered by her mother to the Marquess of Buckingham's son in 1786 when she was six and he was ten. Buckingham recognized that « here then it must remain till the young couple can think a little for themselves », ³⁰ but in subsequent years he ensured that they were often in

company together and, when Anna Eliza's guardians tried to postpone the marriage as she approached sixteen, he objected strongly.

Eligible heiresses

In fact, the vagaries of the marriage market can be demonstrated by a closer look at Anna Eliza's family background. Her great-grandfather, James Brydges, was created Duke of Chandos in 1719. He married three times. Through his first wife, Mary Lake, he acquired a considerable estate in Middlesex, and his third wife reputedly had a fortune of £40,000. However, only his sixth and youngest son, Henry, survived to succeed him in the dukedom at his death in 1744. Henry also married three times, but left only one son and two daughters at his death in 1771. This son, James, the 3rd Duke, married twice. Margaret Nicol, his first wife, was an heiress with estates in Middlesex and Hampshire, a fortune reputedly worth £150,000. His second wife was also an heiress, with plantations in the West Indies. But at his death in 1789 he left only Anna Eliza, and the title disappeared. Nor were there any junior branches of the Brydges family to take up the succession. There had been such branches, but they had died out by 1763, leaving estates in Somerset, Hampshire and Ireland to the main line.³¹

Thus an estate largely put together by inheritance came to a young heiress, Anna Eliza, who in 1796 married Richard Grenville, later 1st Duke of Buckingham and Chandos. All the property went with her. The Grenvilles' success was that they maintained a generation to generation male heir from 1710 until 1889, and were extremely successful in the inheritance business. Starting as Buckinghamshire gentry with a pleasant but by no means pretentious house at Wotton near Aylesbury, through marriage in 1710 they eventually came into the estates of the Temples of Stowe in 1749. Also through Temple connections they inherited estates in Somerset and Dorset in 1762. By this time they had achieved an earldom, and the 3rd Earl Temple married in 1775 and heiress, Mary Nugent, with estates in Essex, Cornwall and Ireland. In 1784 Temple was raised to a marquessate and his son, who married Anna Eliza in 1796, was raised in 1821 to the Dukedom of Buckingham and Chandos. The Grenvilles probably owned 3000-4000 acres in 1710; by 1815 the 1st Duke owned nearer 70,000 acres, the great majority of it acquired via inheritance.³²

The Grenvilles' story contained all the elements of success — as compared with the Chandos's. They consistently produced male heirs,

they kept marrying heiresses and inheriting land, and with their booming fortunes came appropriate titles. Of course the last of these heiresses, Anna Eliza, might have expected to dispose of her estates away from the main family line, to a younger son perhaps. But she had only one child, later the 2nd Duke of Buckingham, and so all the property passed in the one direction.

The Grenvilles' fortunes ran aground in the 19th century, but the principles of inheritance to be derived from this excursion into the family histories of the Grenville and Chandos families were the same elsewhere. Indeed, many of the great estates were in effect a coalescence brought together by inheritance, with growing acres matched by rising status. Sir Thomas Gower, a Yorkshire baronet, married Frances Leveson in 1631. She was heiress to estates in Staffordshire and Shropshire, and their son, Sir William Leveson-Gower, married another heiress, Lady Jane Granville. Sir William and Lady Jane had a son, John who married a daughter of the 1st Duke of Rutland in 1692 and was raised in 1703 to the title Baron Gower of Sittenham. In turn, his son was created Earl Gower and Viscount Trentham in 1746, and he married three wealthy wives. Granville, the eldest son of these alliances, married the coheiress of the 1st Duke of Bridgewater, the canal duke, and was created Marquess of Stafford in 1786. The 2nd marquess married the Scottish heiress, the Countess of Sutherland, in 1785, and was created a duke shortly before he died in 1833. « Their four promotions up the social scale were paralleled by four successive pieces of good fortune in the marriage and inheritance stakes. »³³

Similar, if less striking examples of successful inheritance include the dukedoms of Northumberland and Westminster. The great Percy estates in Northumberland looked destined to fall into the hands of the dukes of Somerset after 1722, until the heir unexpectedly died in 1744. Five years later the 7th Duke of Somerset was created Earl of Northumberland, and under the terms of the patent the title and the Percy estates were to pass to his son-in-law Sir Hugh Smithson who assumed the name and arms of Percy, and in 1766 acquired a dukedom to go with them.³⁴ The Grosvenors had a long heritage in the Cheshire landscape, but what really made them wealthy was the marriage in 1677 of Sir Thomas Grosvenor to Mary Davies, daughter and heiress of a London scrivener. Her inheritance, the 430 acres of wasteland west of London, turned into Mayfair and Belgravia and made the family a fortune. Rank accompanied their rising wealth; a barony in 1761, an earldom in 1784, the title Marquess of Westminster in 1831, and the dukedom in 1874.³⁵

Wealth bred wealth, and it was inheritance rather than strict settlements which facilitated land accumulation. Of course there was more to it than this. Many families simply bought land. The Dukes of Northumberland owned 134,000 acres in their native county in 1807, but 161,000 in 1850, and 166,000 by 1868. For those with money to spare the land market operated to their benefit. Or, to put it another way, in the absence of anything anyone could reliably identify as a market, transactions were often privately concluded, with landowners able to choose who they might sell to. When the Marquess of Chandos reluctantly concluded in 1829 that he would need to sell his father's estate at Burton Dassett in Warwickshire to ease the family's financial crisis, through agents he negotiated directly with Lord Willoughby de Broke who eventually became the purchaser.³⁶ Newcomers could occasionally circumvent the privacy which surrounded many transactions. William Harrison-Broadley of Welton owned 14,877 acres in the East Riding of Yorkshire in 1883. His family had been Hull merchants in the 18th century, but they progressed rapidly by buying any size of property in any district, especially if it had development potential. They were particularly successful at selling building land on the outskirts of Hull and reinvesting in greater acreages elsewhere.³⁷

In the longer term a combination of the land laws and the operation of the land market helped the greater owners to restrict the market, and with so much property permanently kept out of the market prices failed to reflect real values. Landownership was an extravagance. In the 1720s Daniel Defoe, and in the 1770s, Adam Smith, maintained that anyone who made money wanted to buy a landed estate and thereby enter the social elite. In the mid-19th century a handful of successful businessmen and merchants were still tempted into acquiring extensive acreages, among them the Guest family, south Wales ironmasters, who by 1883 owned 23,539 acres in England and Wales, and a further 60,000 acres in Scotland. But such examples were not typical. In 1883 fewer than 7 per cent of the 700 or so largest estates had been constructed from business fortunes, and this was hardly surprising. Spending £ 100,000 or more on property which yielded 2½ per cent, and which did not guarantee immediate social status, was hardly good business sense. Despite the much vaunted connection between land and social status, maintained most obviously in the pages of Burke and similar publications, it must have been increasingly obvious to contemporaries that the link was fragile. From the 1870s anyone could buy John Bateman's various books on the great landowners and their estates, and work out that many

of even the most substantial landowners had failed to acquire a noble title. In 1883 less than half the 331 greater owners of land (those with 10,000 acres or more) had a title.

The small estate

Much more attractive was the small estate with a country seat, or land on which to build one. Of 207 Lancashire textile manufacturers who had acquired land by 1873, 30 per cent of those with more than 10 acres owned between 100 and 500 acres. Ironically, some of the new rich seem to have developed a taste for large estates during the agricultural depression after 1873. But the critical point was summed up for Rider Haggard in 1902 when he visited newcomers in Wiltshire :

What they say is : I have a million or half a million, and I am prepared to spend 25 per cent of it upon a suitable landed property with the usual amenities. I care nothing whether it pays me or does not pay me, since for my income I look to my remaining fortune. All I want is sport, the right sort of society, and a place that will be pleasant to live at during the hunting and shooting seasons.³⁸

It would be wrong to suggest that businessmen were not interested in land, but right to say they posed little threat to the greater owners because of their preference for small estates, or even a villa on the urban fringe. Even those who acquired larger estates were not pressing the greater owners.³⁹

Ironically, the greater owners may even have encouraged this trend. In the late 19th century agricultural depression the real losers seem not to have been the greater owners but those with small estates and nothing much to fall back upon. Freed by the 1882 land law changes, greater owners could sell an outlying property — perhaps to a businessman — and use the capital to reorder their portfolio. Rider Haggard's view was that the greater owners rode the storm more successfully than their lesser neighbours. Ultimately the greater owners had rigged the market to their own advantage, although this could not have been the case the burden of debt ever caught up with them. Disraeli's comments are pertinent here. The fact that greater owners, apparently trapped in a web of debt, much of it of their own making, continually bucked all logic by staying in business, inevitably helped to skew the land market. Disraeli was right when he suggested that families seemed to have

an almost limitless capacity for bouncing back from even the most dire straits. But in another sense he missed the point — aristocratic debt was neither newsworthy nor politically significant. Only occasionally did a family fall into such circumstances that even the most creative of accountants was unable to rescue them, and then the matter became news. The 2nd Duke of Buckingham ran his family into the ground, and by 1847 he was effectively bankrupt with debts of nearly £2 million. His case made the national press, and for a few weeks in the summer of 1848 was a real *cause célèbre* as the contents of Stowe house in Buckinghamshire were publicly auctioned.⁴⁰ The family seemed doomed yet, to Disraeli's surprise, back from the brink they came.

The Buckingham case was certainly newsworthy, but mainly because it was unusual, and after some necessary public breastbeating the matter was soon forgotten. Had such cases been more frequent occurrences, bringing vast acreages on to the market, not only would aristocratic debt have been more of a social problem, but also the market in land might have been rather different. That they were not more frequent suggests that the scaremongering about debt had been overdone. Arguably some of the fiercest critics of aristocratic indebtedness were relatively uninformed about the extent of debt, dealing in generalities rather than hard fact,⁴¹ because the first real figures we have — the Inland Revenue accounts based on death duty returns 1904-14 — reveal that debt stood at 27.4 per cent of the value of tenure on all United Kingdom agricultural property.⁴² The problem was serious, but the fact that it was not more than this, even with the combined effects of prolonged and deep agricultural depression, falling land values resulting from the depression, and the introduction of death duties in the 1890s, suggests that the level of debt was not as critical as might have been anticipated from the gloomy prognostications of apparently informed commentators.

The role of inheritance

It should by now be obvious that the strict settlement was not, in itself, the cause of great estate accumulation, whatever 19th-century radicals may have believed. Its essential aim was to protect family interests, not to create the conditions for property accumulation. However, neither contemporaries, nor historians, would disagree that from the mid-17th century estates grew larger, reaching a peak c.1880. Some families went out and bought land; a handful

used the portions acquired with daughters-in-law to acquire property; and some were in a position to buy land by borrowing the capital on the security of existing (unsettled) property. But the most satisfactory explanation of great estate accumulation is inheritance.

For now this must remain a hypothesis supported with some evidence, but not yet entirely developed. The next, and more complex stage in the argument, is to disentangle the archives of a group of landed families in order to see how frequently heiress estates were embedded in great estates in 1883. This is a task beyond the confines of the present paper, but the ultimate test of a hypothesis which takes us beyond the original theory that the strict settlement brought about estate accumulation, to a new standpoint. Disraeli was right to emphasise the durability of landed society, but reason may have had more to do with carefully planned and executed family strategies, including marital inheritances than it did with the simple operation of the land laws, which was where most contemporaries laid the blame.

In the 1980s the British Conservative Party promoted home ownership among all social classes partly on the argument that it would give parents a chance to pass on something to their children, and at the same time provide a sense of continuity and stability in society. It was a principle taken straight from the aristocratic rulebook, but it did not lead to a stifling of the land market because most beneficiaries have sold on the property they inherited, and the policy had little direct influence on the housing market.⁴³ Yet the principle was hardly new. In the past considerable acreages moved between families without ever appearing on the market, and it seems likely that the majority of this property helped to make substantial estates larger. When male lines failed, it was the greater families which stood to benefit through intermarriage, and the consequences were clear, a small elite of great families acquired a large mass of land. Since land and status went together, they held on to this land. Today, land no longer carries the same social cachet so that modern inheritors tend to sell up and reinvest the proceeds elsewhere. Disraeli might well have approved.

NOTES

1. H.M. & M. SWARTZ (eds.), *Disraeli's Reminiscences*, London, 1975, pp. 129-35.
2. *The Emancipation of the Soil and Free Trade in Land*, Edinburgh, 1845, pp. 42-3.

3. D. MARTIN, *John Stuart Mill and the Land Question*, Hull, 1981, p. 36.
4. G.C. BRODRICK, *English Land and English Landlords*, London, 1881, p. 152.
5. G. SHAW-LEFEVRE, *Agrarian Tenures*, London, 1893, pp. 7-9.
6. J.P. COOPER, « Patterns of inheritance and settlement by great landowners from the fifteenth to the eighteenth centuries », in J. GOODY, J. THIRSK & E.P. THOMPSON (eds.), *Family and Inheritance*, London, 1976, p. 304.
7. *Distraeli's Reminiscences*, pp. 133-4.
8. A.S. TURBERVILLE, *A History of Welbeck Abbey and its Owners*, II, London, 1939, pp. 154, 156, 307, 317.
9. *The Times*, 5, 27 January, 13 February 1871.
10. J. CAIRD, *English Agriculture in 1850-1*, London, 1852, p. 495.
11. A. ADONIS, « Aristocracy, agricultural and liberalism: the politics, finances and estates of the 3rd Lord Carrington », *Historical Journal*, 31 (1988), p. 882.
12. The argument was first put forward by H.J. HABAKUKK, « Marriage Settlements in the Eighteenth Century », *Transactions of the Royal Historical Society*, 4th series, 1950.
13. J.V. BECKETT, « The pattern of landownership in England and Wales, 1660-1880 », *Economic History Review*, 37 (1984), pp. 9-10.
14. I am currently completing a study of the Byron family and its finances.
15. B. ENGLISH & J. SAVILLE, *Strict Settlement: a Guide for Historians*, Hull, 1983, pp. 14, 23.
16. *Ibid.*, pp. 74-6.
17. J.A. TEMPLE, *The Temple Memoirs*, 1925, pp. 65-78; *Complete Baronetage*, I, pp. 83-4.
18. The Byron case is recorded in *Notes and Queries*, 1853.
19. ENGLISH & SAVILLE, *Strict Settlement*, p. 14.
20. *Ibid.*, p. 50.
21. Huntington Library, San Marino, California Stowe Deeds, list 2, box 30, STG Correspondence, boxes 385/33-4, 383/14.
22. Huntington Library, STG Correspondence, box 385/13.
23. J.V. BECKETT, *The Rise and Fall of the Grenvilles: Dukes of Buckingham and Chandos, 1710-1921*, Manchester, 1994.
24. Northamptonshire Record Office, Stowe Collection, box 10, papers relating to George Grenville's marriage settlement.
25. L. BONFIELD, « Effective Families', Open Elites', and Family Settlements in Early Modern England », *Economic History Review*, 39 (1986), pp. 341-54.
26. J. BATEMAN, *The Great Landowners of Great Britain and Ireland*, London, 1883.
27. F.M.L. THOMPSON, « English Landed Society in the Twentieth Century: III, self-help and outdoor relief », *Transactions of the Royal Historical Society*, 6th series, 2 (1992), p. 2, suggests that long inheritances may have enabled some families to escape the more pressing consequences of death duties.
28. J.V. BECKETT, « Inheritance and Fortune in the Eighteenth Century: the rise of Sir James Lowther, Earl of Lonsdale », *Transactions of the Cumberland and Westmorland Antiquarian and Archaeological society*, 87 (1987), pp. 171-8.

29. D.M. THOMAS, « The social origins of marriage partners of the British peerage in the eighteenth and nineteenth centuries », *Population Studies*, 26 (1972).
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32. BECKETT, *Rise and Fall of the Grenvilles*.
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37. B. ENGLISH, *The Great Landowners of East Yorkshire, 1530-1910*, Brighton, 1990, p. 31.
38. H. RIDER HAGGARD, *Rural England*, I, pp. 28-9.
39. There has been a lively debate on this: see F.M.L. THOMPSON, « Desirable properties: the town and country connection in British society since the late 18th century », *Historical Research*, LXIV (1991), pp. 156-71.
40. BECKETT, *Rise and Fall of the Grenvilles*.
41. CAIRD, *English Agriculture*, p. 495; F. CHANNING, *The Truth About the Agricultural Depression*, London, 1897, p. 114; Royal Commission on Agricultural Depression, *1st Report*, 1894, C.7400, vol. III, p. 21.
42. A. OFFER, *Property and Politics, 1870-1914*, Cambridge, 1981, pp. 138-40.
43. C. HAMNETT, M. HARMER & P. WILLIAMS, *Safe as Houses: Housing Inheritance in Britain*, London, 1991.