JULIAN HOPPIT, *Britain’s political economies: parliament and economic life, 1660-1800* (Cambridge University Press, 2017)

Chapter 3, Legislating economically

‘Trade is the General Concern of this Nation, but every distinct Trade has a distinct Interest. The Wisdom of the Legislative Power consists, in keeping an even hand, to promote all, and chiefly to Encourage such Trades, as increase the Publick Stock, and add to the Kingdoms Wealth, considered as a Collective Body.’ Charles Davenant, 1696[[1]](#footnote-1)

‘Sir Willam Yonge reported from the Committee, who were appointed to enquire into the Laws relating to Trade and Manufactures … [that they] have very frequently met and made a considerable Progress in the Enquiry … but they have found it a much more voluminous Work than they had imagined, though, at the same Time, a very useful and necessary Employment.’ *JHC*, 1751[[2]](#footnote-2)

If the legislative revolution was unplanned, it nonetheless voiced the hopes, fears, and beliefs of political society, especially its economic preoccupations. While parliament’s patchy and uncertain existence in the Restoration era limited how much could be done by statute to affect economic life, in the legislative revolution which followed the ‘economic’ predominated, though admittedly that anachronistic category resists precise definition. Drawing the boundaries tightly, between 1689 and 1800 53 per cent of acts, some 7,545, were ‘economic’; but including private estate acts raises it to 72 per cent. Either way, parliament’s legislative efforts in the period were mainly given over to economic questions.

Hitherto, historians have explored only aspects of this huge effort. Counts of economic bills and acts between 1660 and 1714 were made by Julian in an unpublished thesis; Bogart and Richardson, building on my earlier work, have surveyed in general terms numbers of acts relating to property rights; and there are excellent studies of some major categories of legislation for the whole period.[[3]](#footnote-3) But in the absence of a general quantitative survey of all acts and fails relating to the economy across the whole period, considerable weight has previously been put upon examples, raising obvious enough questions about their typicality. Thus, for example, the statutory basis of imperial trade has usually been considered in relation to a few foundational ‘navigation acts’ in the seventeenth century and a handful of amending acts in the eighteenth, despite the fact that, as will be seen, hundreds of other acts also played a part. If this is understandable, it has led to important features of economic legislation being under-valued or entirely missed. Initially, therefore, this chapter establishes the very broad quantitative contours of all economic legislation – of acts, failures, and success rates. Some attention is then given to the vital distinction between economic legislation that was general (i.e. national or imperial) in scope from that which was specific (i.e. local or personal). This leads in turn to a consideration of the sub-categories of economic legislation, five of which are found to have been especially important. Two of those, public finance and external trade, were mainly general, and their dimensions and main features are then established. The chapter then moves to consider the three main types of specific economic legislation relating to enclosures, turnpikes, and waterways.

What is clear from such statistics is that politics and the economy met at many different points in this period, sought a wide range of ends, and were promoted by a wide array of people, some in government, but most outside. Governmental legislation that can be called ‘economic’ grew much more numerous after 1760. A surge in economic legislation from private interests began earlier and reached greater heights. In both cases, parliament did not rubber stamp proposed legislation, it weighed and judged to accept some and reject others, though with important patterns according to the types of legislation involved.

As with the previous chapter, the aim here is to approach economic legislation comprehensively and systematically, providing some broad contexts and lines of thought within which to place the more detailed studies later in the book. Little attempt is made to judge the importance of economic legislation except in terms of their numbers so as to establish some of the key patterns of success, failure, and subject matter.

Counting economic legislation

Sifting and sorting the statute book and journals to identify ‘economic’ legislation is laborious and somewhat imprecise.[[4]](#footnote-4) But employing the subject scheme described in Appendix 1 there are three major categories of legislation that are obviously economic: ‘Economy’ includes legislation directly affecting the land, farming, mines, manufactures, and internal and external trade; ‘Communications’ relates to the road and water infrastructure through which economic activity passed; and ‘Finance’ includes that relating to money, banking, and public finance. To these three large categories can be added two other small groups of legislation: 40 acts from the ‘labour’ sub-category within ‘Social Issues’ because of their important labour market implications; and 59 acts about property rights from the ‘Law and Order’ category because they looked to structure aspects of exchange.[[5]](#footnote-5)

It is important to stress what is not included in the definition of economic legislation employed throughout this book. One especially important omission is legislation regarding the armed services, which did have an economic dimension to it: substantial public expenditure was directed towards the armed forces, affecting economic life directly, while such expenditure partly sought to secure economic life, partly to expand Britain’s overseas and imperial economies. But legislation about the military was also concerned with many other matters, including dynastic security and the European balance of power, which is why they do not warrant categorizing as economic. Other areas of legislation also had an economic dimension which has been thought to be mainly a secondary consideration: tithes, building regulation, water supply, and the poor law.[[6]](#footnote-6) Private ‘Estate’ legislation comprise a distinctive and voluminous category with rather more of an economic dimension to them as they usually related to the transmission of property between generations and at marriage, via settlements, wills, and trusts.[[7]](#footnote-7)

The rather large Table 3.1 sets out the some of the broad dimensions of economic and estate legislation, both in their own right and in relation to other legislation.

Table 3.1. Economic and estates legislation, by sub-period, 1660-1800

 1660-85 1689-1714 1714-1760 1760-1800 1660-1800

Acts

Economic 165 480 1,546 5,354 7,545

Estates 182 667 813 908 2,570

Other 217 605 1,190 2,090 4,102

All 564 1,752 3,549 8,352 14,217

Annual average number of acts

Economic 6.3 18.5 41.8 130.6 53.5

Estates 7.0 25.7 22.0 22.1 18.2

Other 8.3 23.2 32.2 51.0 29.1

% Acts

Economic 29 27 44 64 53

Estates 32 38 23 11 18

Other 38 35 34 25 29

Fails

Economic 536 683 549 1,597 3,365

Estates 190 249 253 79 771

Other 710 750 480 950 2,890

All 1,436 1,682 1,282 2,626 7,026

% Fails

Economic 37 41 43 61 48

Estates 13 15 20 3 11

Other 49 45 37 36 41

Success rate, %

Economic 24 41 74 77 69

Estates 49 73 76 92 77

Other 23 45 71 69 59

All 28 51 73 76 67

Leaving aside estate legislation, some 10,910 pieces of economic legislation were considered in parliament in this period (7,545 acts and 3,365 fails), or 51 per cent of the total. But this was unevenly spread over the whole period: before 1714 less than 30 per cent of all acts were economic, but after 1760 it was 64 per cent. In the Restoration era on average just 6 economic acts per annum were passed; in the last four decades of the eighteenth century, with the early industrial revolution underway, it was 130, or more than twenty times higher. That is, 71 per cent of economic acts passed between 1660 and 1800 were enacted after 1760. By contrast, in relative terms estate acts peaked markedly in the generation after the Glorious Revolution, but accounted for just 11 per cent of legislation after 1760.

Such counts of economic acts are a little misleading however, for whereas across the whole period 91 per cent of non-economic acts were ‘new’, for economic it was only 73 per cent – with 27 per cent explicitly amending, continuing, explaining, or repealing prior legislation. As will become clear, such chains of legislation were especially important to a number of different sub-categories of economic acts, and not just those concerned with turnpike roads which were initially established for 21 years.

The success rate of economic legislation was close to that for ‘Other’ legislation for all sub-periods save the last when so much economic legislation was not ‘new’. But it is also notable that the success rates for estate legislation rose sharply after the Glorious Revolution, but much less so for economic acts. Why that should have been requires considering different types of economic legislation, beginning by distinguishing the general from the specific (see Table 3.2).

Table 3.2. General and specific economic acts, by sub-periods, 1660-1800

 1660-85 1689-1714 1714-60 1760-1800 1660-1800

General economic acts 116 316 520 1,490 2,442

Specific economic acts 49 164 1,026 3,864 5,103

% general 70 66 34 28 32

Annual average number

General economic acts 4.5 12.2 11.1 36.3 17.3

Specific economic acts 1.9 6.3 21.8 94.2 36.2

General economic fails 356 469 252 344 1,421

Specific economic fails 180 214 297 1,253 1,944

% general 66 69 46 22 42

Success % general economic 25 40 67 81 63

Success % specific economic 21 43 78 76 72

Note: ‘general’ means measures applying nationally or internationally; ‘specific’ means personal, local, or regional.

Across the whole period specific economic acts outnumbered general acts by two to one, but before 1714 those proportions were reversed. The share of economic legislation that was general was high in the Restoration era, peaked in the 1690s, frequently being over 80 per cent, but fell away thereafter usually to be in the range of 20-35 per cent after 1750. Figures 3.1 and 3.2 set out the underlying numbers here.

[PLACE FIGURES 3.1 AND 3.2 ON ONE PAGE, WITH NO INTERVENING TEXT.]

Absolute numbers of general economic acts grew significantly in the 1690s, to reach a peak of 31 in the session 1697-8, a level not surpassed until 1765 (32). Numbers of such acts began to grow noticeably from the late 1740s, with a spurt in the early 1760s, a surge in the three sessions 1784-6, and very large numbers in the late 1790s, peaking at 76 in 1798-9. Strikingly, 61 per cent of all general economic acts passed between 1660 and 1800 came after 1760.

Specific economic acts were generally not passed in great numbers before the 1740s, with the session of 1748-9 the first to have more than 30 such acts – a level reached for general economic acts in 1697-8. A very significant surge in numbers followed, to reach a peak in 1776-7 of 145, followed by a marked falling away in the American war to a nadir in 1783-4 of only 21, followed by an even more spectacular recovery to another peak in the 1790s when seven sessions had more than 120 such acts each. Seventy-five per cent of all specific economic acts passed between 1660 and 1800 came after 1760. All told, some 75 per cent of the overall growth of economy acts between 1714-60 and 1760-1800 was because the dramatic growth of numbers of specific acts outstripped the significant growth of general acts.

Changing success rates are a part of this picture. Overall, the success rate for specific legislation was significantly higher than for general, mainly because a high success rate was achieved earlier. But in the final sub-period, 1760-1800, when so much general and specific legislation was passed, the former had a higher success rate (81 and 76 per cent respectively). Overall, numbers of both general and specific economy acts grew somewhat after the Glorious Revolution, but spectacularly in the last four decades of the eighteenth century, when nearly two-thirds of all acts related to the economy (or three-quarters including estate acts). Both national and specific economic interests were seeking legislative authority in huge numbers in the eras of the American, French, and industrial revolutions. To understand why requires exploring just what types of economy acts were involved (see Table 3.3).

Table 3.3 Numbers of economic acts by sub-categories and scope, 1660-1800

Sub-category General Specific Total % general % economic

 acts

Agricultural production 102 21 123 83 2

External trade 477 35 512 93 7

Food and drink 34 3 37 92 0

Internal trade 98 60 158 62 2

Labour 36 4 40 90 1

Land (mainly enclosure) 20 2,307 2,327 1 31

Manufactures\* 88 20 108 81 1

Mines and quarries 6 7 13 46 0

Money and banking 205 74 279 73 4

Property law 40 24 64 63 1

Public finance 1,229 62 1,291 95 17

Road transport 77 1,895 1,972 4 26

Water transport 30 591 621 5 8

Grand Total 2,442 5,103 7,545 32 100

Note: Manufacture includes all areas except food and drink, e.g. textiles, leather, metals, and candles.

Five sub-categories provided 89 per cent of all economic acts: two, external trade and public finance, were overwhelmingly general in scope; the other three were very largely specific acts: land (mostly enclosure), road transport (mostly turnpikes), and water transport (mostly river improvement and canals). It should not be forgotten that if not especially numerous, other types of economic legislation might have had especially important implications for Britain’s economy – for example about weights and measures or creditor-debtor relations – but the following discussion will concentrate on the five most numerous sub-categories, beginning with the public finance and external trade legislation before considering the three most common types of specific acts.

Public finance and external trade legislation

At first glance, that nearly 70 per cent of general economy legislation concerned public finances and overseas trade confirms established views about the importance of these areas to both central government and the wider political nation, specifically about the financial revolution in government after the Glorious Revolution and of mercantilist legislation, at least before American independence in 1776. Central government’s concerns with power and plenty, well-worn watchwords by 1700, certainly meant that it was active in these areas. But on closer inspection their legislative history suggests modifications to usual accounts, for though rates of such legislation both doubled after 1688, later increases were greater still, while important contrasts in the timing of rising success rates between the two categories hints at differences both in the priorities accorded to each by the executive and the different challenges involved in obtaining legislation in these areas.

Distinguishing between public finance and external trade legislation is inevitably difficult, indeed at times downright artificial: a high customs duty might seek to raise revenue, to reduce imports of a commodity, or a bit of both. As Ralph Davis showed, the ‘rise of protection’ under the Revolution constitution sometimes reflected contemporary anxieties about domestic manufacturing, the balance of trade, and bullion flows, but it was mainly driven by the revenue needs of the state.[[8]](#footnote-8) While such ambiguities also afflicted other categories of legislation, they were especially important to external trade legislation. Because of this, legislation has where necessary been given both a primary and secondary subject code. Thus, looking only at general economic acts there were 1,229 public finance acts with a primary coding, but another 89 with it as a secondary code. For external trade the numbers were 477 and 170 respectively. By including secondary codes numbers of public finance acts are increased by 7 per cent and external trade acts by 36 per cent – though at the cost of some double counting. In the rest of this section the discussion of these sub-categories is based on these increased numbers.

Table 3.4. General public finance and external trade legislation, by sub-period, 1660-1800, using primary and secondary codings

 1660-85 1689-1714 1714-1760 1760-1800 1660-1800

Public finance

Acts 54 179 279 806 1,318

Acts per annum 2.1 6.9 7.5 19.7 9.3

Fails 76 97 36 66 275

Success rate % 42 65 89 92 83

External trade

Acts 21 59 104 463 647

Acts per annum 0.8 2.3 2.8 11.3 4.7

Fails 60 95 54 67 276

Success rate % 26 38 66 87 70

Note: the use of primary and secondary codings means that some acts are counted twice, under both public finance and external trade headigns. Numbers should not, therefore, be summed.

Even when secondary codes are included, twice as many acts were passed relating to public finance as to external trade. It is clear from Table 3.4 that it was very difficult to obtain enactments in both areas before the Glorious Revolution, but especially regarding external trade where only a quarter of attempts succeeded. After then the success rates for both categories improved. This was earlier and more quickly for public finance, though by the final sub-period around 90 per cent of attempts at legislation in both areas were successful. Indeed, by the end of the eighteenth century both areas enjoyed significantly higher success rates than specific economic legislation.

Table 3.5 provides a more detailed view of changes in numbers of public finance and external trade acts.

Table 3.5 Decennial numbers of general public finance and external trade acts, 1660-1800, using primary and secondary codings

 Public finance External trade

1660-88 54 21

1689-99 90 31

1700-9 56 20

1710-9 62 15

1720-9 57 16

1730-9 52 21

1740-9 59 22

1750-9 74 36

1760-9 118 76

1770-9 125 95

1780-9 238 110

1790-9 287 157

Note: the use of primary and secondary codings means that some acts are counted twice, under both public finance and external trade headings. Numbers should not, therefore, be summed.

Broadly, numbers of general public finance and external trade acts followed similar paths, with a surge in the 1690s followed by a falling off, and then by renewed growth from around 1750. Given the overlap which existed between the two areas this is unsurprising and thus only a little weight should be put on differences in specific timings suggested in Table 3.5, especially of the greater growth of external trade acts from the 1750s to 1760s, and of public finance acts from the 1770s to 1780s. A little surprisingly, numbers of acts in both of these categories did not clearly rise and fall in relation to periods of war and peace though clearly the impact of the Nine Years War (1688-97) led to a surge in numbers of public finance acts, while later and ever more expensive wars, required new taxes, all with a statutory basis. Similarly, British defeat of the French in North America and India by 1763 led to realignments of external trade regulations, as did the recognition of American independence in 1783.

 Tables 3.1-5 treated all acts as simple additions to the statute book. Yet ‘Repeals, Alterations, Amendments and Explanations’ afflicted many of them, as Table 3.6 shows.[[9]](#footnote-9)

Table 3.6 Percentage of general public finance and external trade acts continuing, amending, explaining, or repealing existing acts, by sub-period, 1660-1800 using primary and secondary codings

 PUBLIC FINANCE EXTERNAL TRADE

 Continue, amend, Repeal Continue, amend, Repeal

 explain explain

1660-85 6 0 20 0

1689-1714 18 0 22 5

1714-60 21 2 20 1

1760-1800 23 4 37 4

1660-1800 21 3 32 3

Note: the use of primary and secondary codings means that some acts are counted twice, under both public finance and external trade headings. Numbers should not, therefore, be summed.

In both sub-categories, few acts were straightforward repeals. But continuing, amending, and explanatory acts grew significantly for public finance legislation after the Glorious Revolution and surged for external trade legislation in the late eighteenth century. Between 1760 and 1800 there were 184 public finance and 171 external trade acts of these types, suggesting the tentative, piecemeal, and tinkering nature of much legislation in these areas. Thus, for example, 73 ‘corn laws’ were passed between 1660 and 1800, even excluding those simply suspending exports and/or bounties, meaning most fine-tuned prior legislation rather than setting the corn laws on a very different path to the foundational acts of 1673 and 1689.[[10]](#footnote-10) Consequently, much public finance and external trade legislation comprised long chains or involved networks of acts, seeking to modify existing laws but at the danger of creating further complexity, even at times contradiction and confusion. As one Scottish excise commissioner put it in 1790, ‘the Revenue Code of this country [Britain], now contains more absurdities and contradictions, than almost any publick record in the world’.[[11]](#footnote-11)

It is helpful to put such trends in a wider context, first of the scale of Britain’s public finances and then of overseas trade. Much has rightly been made of the ability of Britain’s central government to increase its tax take between 1689 and 1800 to meet the costs of frequent and increasingly expensive wars – through direct expenditure on the military and the support of a national debt that spread the costs of war over time. It is useful, therefore, to compare the scale of changes across the century which was underwritten by public finance acts (Table 3.7).

Table 3.7 British population, public finances (using primary and secondary codes), and public finance acts, 1700-9 to 1790-9 – per centage growth

Population 67

GDP 98

Taxes 134

Expenditure 185

Debt 430

Acts 413

Note: Constant prices are used for GDP, taxes, expenditure, and debt. Britain was at war 1702-13 and 1793-1802.

Source: B. R. Mitchell, *British historical statistics* (Cambridge, 1988), pp. 575-80, 600-1; Julian Hoppit, ‘The nation, the state and the first industrial revolution’, *Journal of British Studies*, 50.2 (2011), p. 313; P. K. O’Brien, ‘Agriculture and the home market for English industry, 1660-1827’, *English Historical Review*, 100, no. 397 (1985), pp. 788-9; Steve Broadberry, Bruce M. S. Campbell, Alexander Klein, Mark Overton, and Bas van Leeuwen, *British economic growth, 1270-1870* (Cambridge, 2015), pp. 239-42.

The figures in Table 3.7 are suggestive of relative changes in general terms only, quite apart from the tentative nature of the underlying statistics. But it is safe to conclude that public finances in the eighteenth century, and of the legislative edifice that supported it, grew much more quickly than population or the economy: people were shouldering a much greater burden on both accounts by the 1790s. It was clearly also the case that numbers of public finance acts grew much more quickly than the tax take and public expenditure, though not of the national debt. These patterns can be refined a little by looking at decade by decade figures, though they must be read as doing no more than pointing at broad changes over time, not as changes of a precise or unambiguous ‘ratio’.[[12]](#footnote-12) But relating numbers of general public finance acts, again using primary and secondary codes, to amounts of taxes collected and the unredeemed national debt is revealing, as Figures 3.3-4 show.

Source: Mitchell, *British historical statistics*, pp. 575-7.

 Source: Mitchell, *British historical statistics*, pp. 600-1

Figures 3.3-4 together suggest that public finance legislation passed in the early eighteenth century raised relatively more money than that raised later. That is, the early years of Dickson’s ‘financial revolution’ or of Brewer’s ‘fiscal-military state’ required relatively little legislative effort.[[13]](#footnote-13) But after 1760, rising numbers of public finance acts outstripped the amounts raised. Put in questionable terms, the ‘productivity’ of public finance legislation reached a peak in the period 1730-50, but declined markedly thereafter. In the second half of the eighteenth century there is a clear suggestion that public finance legislation struggled to meet its objectives; ‘diminishing returns’ had set in.

A similar exercise can be done by relating numbers of general external trade acts, using primary and secondary codes, to the official values of exports and imports into England and Wales – figures for the whole of Britain are unavailable on a consistent or market price basis decade by decade.[[14]](#footnote-14) Between the first and last decades of the eighteenth century imports grew by 333 per cent, exports by 271 per cent, and general external trade acts by 538 per cent. But, as Figure 3.5 shows, decade by decade changes were similar to those regarding public finances.

Source: note 14.

Numbers of public finance and external trade acts grew markedly across the eighteenth century, especially from 1760, both absolutely and in relation to the growth of taxes, national debts, and trade – and much more quickly than Britain’s population and economy. In both cases, these vital areas saw a ‘thickening’ of their statutory basis, albeit one that had usually begun between about 1730 and 1750. Much of this thickening involved extending already intricate networks of acts. The next section offers some explanations for the patterns that have been uncovered.

Understanding public finance and external trade legislation

Both public finance and external trade legislation raised major questions over the source and direction of key areas of public policy. Because no one doubted their importance, or that they usually had to be considered in national terms, the potential for disagreements between the executive and legislature and between central government and society could never be ignored. To control legislative proposals in these areas was in important respects to control fundamental aspects of the central state, such that the success rate for legislative proposals in these areas provides something of an index both of political tensions in general and of those between the executive and parliament in particular. Yet clearly, legislative efforts were made at different levels and with different degrees of success between the two areas. How might that be explained?

Passing public finance legislation was usually a more pressing concern of central government than changing the statutory basis of external trade. Money simply had to be found to pay the military as Britain waged its frequent wars, including the repayment of war debts. By contrast tweaking the navigation laws, a key area of external trade legislation, was rarely a matter of life and death. Moreover, many enactments relating to taxes usually remained in force for only a year or so, in significant part so as to ensure the crown and its ministers had to make annual recourse to parliament.

Money bills always began in the Commons and the Lords could reject but not amend them. Further, supply bills were never printed so as to minimize pressure from without, while petitions against money bills gradually became prohibited by the early eighteenth century. Business in the Commons was concentrated in two committees of the whole house: Supply and Ways and Means. The former first voted for the money needed by central government, the latter then for the means by which it was to be raised. Chairs of these committees undertook considerable work. Usually holding the post for many years, they gained considerable expertise, acting as important mediators between the Commons and the ministry.[[15]](#footnote-15)

Despite such factors, initially the Treasury lacked good control over public finance legislation – though the success rate in this area was consistently higher than other legislation. That was unsurprising in the Restoration era, given the suspicions of mismanagement of crown finance, considerable experimentation in this area (much of it directed by Sir George Downing), and wider political tensions, but it sits awkwardly with current views of the rise of the fiscal-military state from the Revolution.[[16]](#footnote-16) It was certainly important that William III initially refused to appoint a lord treasurer, keeping the department in commission.[[17]](#footnote-17) This allowed proposals for public finance legislation to emanate from various sources, including the floor of the House of Commons, with major problems of co-ordination and control arising. Although in the 1690s some 72 public finance acts were passed, including those establishing the Bank of England in 1694 and the national debt, there were 45 failures (there were 10 in 1697-8 session alone). This prompted the executive to increase its control over public finance legislation. By 1698 petitions against taxes were disallowed, but it was Godolphin’s appointment as lord treasurer for much of Anne’s reign (1702-14) that led to the Treasury’s grip over this legislative area become much firmer.[[18]](#footnote-18) In 1706 the Commons decided to receive money bills only from the executive, turning this into a standing order in 1713; and parliamentary scrutiny of public finance legislation became formulaic.[[19]](#footnote-19) Tellingly, the language of the ‘budget’, perhaps coined during the excise crisis of 1733, entered common usage in the 1760s.[[20]](#footnote-20) The success rate of general public finance legislation consequently rose from 62 per cent between 1689 and 1714 to 91 per cent after 1750. Treasury management of public finance legislation came to constitute, therefore, a rare clear area of ministerial and departmental policy making where very few bills were not enacted.[[21]](#footnote-21)

By contrast, it is notable how little general external trade legislation was passed before 1760, just 184 acts in all: annual averages rose from under 2 before 1760 to 11 thereafter. Ten of the 22 sessions in the Restoration era, supposedly a key period of enacting mercantilism, had no general external trade legislation, and even in the 1720s only 6 of the 11 sessions saw any at all. In fact, this was a complex area of legislation where not until the 1760s did the executive exercise strong control over turning bills into acts.[[22]](#footnote-22) Three major factors help explain this: that what is often put under the umbrella of ‘mercantilism’ actually comprised parts that might clash; the uncertain place of external trade within executive and legislative government; and the ways in which overseas trade became embroiled in both party politics – though the same was also true of much public finance legislation before 1714 – and interest group politics.

It is well-worn commonplace that overseas trade became a major concern of central government in the seventeenth century, with some emphasising within this the executive’s development of ‘mercantilist’ economic policies aiming at bullion inflows via a positive balance of trade: supposedly exports, domestic manufacture, fisheries, and the carrying trade were to be promoted – sometimes in association with colonies; but obstacles were to be put in the way of imported manufactures and exported raw materials. However, if mercantilist policies had been coherent, cogent, executive led, and consistent with the beliefs of propertied society, then statutes should have been generated relatively easy. Yet the success rate rose more gradually than that for public finance legislation, not reaching high levels until the late eighteenth century. One explanation is, as Coleman repeatedly argued, that mercantilist ideas were less reasoned and hegemonic than is often assumed, such that even if certain objectives were generally acknowledged there was considerable disagreement about how they were to be attained and the different interests involved weighed.[[23]](#footnote-23) Increasingly, contemporaries were confronted by the complexities inherent to legislating on such matters. For example, if merchants wielded the sword of free trade to attack the monopolies of the East India and Royal African companies, especially between c. 1670 and 1714, then landowners and farmers might wonder why the export of raw wool was restricted.

Secondly, the high failure rate of external trade legislation before 1714 suggests that it was not well controlled by central government. Part of the problem was that some aspects fell outside the interests or concerns of the Treasury and Admiralty; departmental responsibility was certainly much clearer in the area of public finances. For example, in the 1740-1 sample session four general external trade acts were passed. Two were driven by worries over domestic food shortages – one halted the export of corn, the other eased the import of food into Scotland from Ireland. These were introduced by the Attorney General and Scottish interests (via Lindsay, MP for Edinburgh) respectively. A third act about silk imports was submitted to the Commons by a Treasury lord (Winnington), but the final act regarding trade with Persia via Russia came from a London alderman (Perry).[[24]](#footnote-24) This gives a good sense of the varied origins, mixed nature, and wide implications of external trade legislation – and it might be noted how none directly related to colonial trade.

Had central government taken more of an initiative with external trade legislation then perhaps different patterns might have resulted. But it struggled to find the institutional forms with which to approach this vital area. There was significant chopping and changing in the executive committees that considered trade matters before the establishment of the Board of Trade in 1696, the same year that the Inspector General of Customs was created.[[25]](#footnote-25) But that the Board was created by the crown to pre-empt a parliamentary competitor hints at the tensions surrounding the management of overseas trade, while the Commons’ own grand committee on trade, formally established at the start of each session, appears not actually to have met after the 1660s.[[26]](#footnote-26) Tellingly, a separate committee to survey economic legislation appointed in March 1751 was overwhelmed by the task (see the quote at the head of this chapter). One reason the Commons may have undertaken this enquiry – probably at the behest of Pelham’s administration – was because the Board of Trade was mainly concerned with procedural rather than policy matters after 1714, though there were also attempts to refine other areas of the statute book about then.[[27]](#footnote-27)

A third explanation for the difficulties of legislating in the area of external trade is that it became entwined with wider political divisions between 1660 and 1714. One aspect of this was its foreign policy implications, but it also became embroiled in debates over monarchical powers and monopoly rights. In the 1680s, crown support for some companies with monopoly rights, notably the East India and Royal African companies, made them more attractive to Tories and objects to be attacked by Whigs. These types of divisions remained especially significant until 1714, indeed if anything their intensity grew, climaxing in debates over the commercial aspects of peace with France in 1713.[[28]](#footnote-28) In such an environment, passing external trade legislation was often painfully difficult. Most significantly, the Royal African Company tried hard but unsuccessfully to obtain statutory authority for its monopoly, its failure aiding the development of the British slave trade.[[29]](#footnote-29) The East India, Hudson’s Bay, and Eastland companies all similarly struggled with the legislature in this period.[[30]](#footnote-30) It is notable that with the advent of Whig one-party rule at the accession of George I the number of failed attempts at general external trade legislation fell away dramatically: in the 13 sessions of Queen Anne’s reign (1702-14) there were 31 fails, but in the 14 sessions of George I (1714-27) just 6. Here we sense Walpole, prime minister from 1721-42, seeking to avoid confrontation and division, by letting sleeping dogs lie.[[31]](#footnote-31)

After 1760 there was a rapid growth in numbers of public finance and external trade acts, with both now experiencing very high success rates. There had been no surge in numbers with the end of the War of the Austrian Succession in 1748, but there was with the end of both the Seven Years War in 1763 and the American War in 1783, along with another surge in the 1790s. Looking initially at public finance legislation, by usual accounts the critical phase of their development lay earlier, reaching a degree of maturity under Walpole’s premiership in the 1720s and 1730s. Later developments have by contrast often been ignored.[[32]](#footnote-32) But the difficulties of managing public income and expenditure during and after the Seven Years war (1756-63) were of a wholly new order of magnitude, as were the associated problems of dramatically increased imperial responsibilities. These generated deep worries amongst the political classes, of the imminence of national bankruptcy, of a powerful eruption of smuggling, and of key offices increasingly being turned into sinecures. Critically, pressures were rising both within and outside of central government, sometimes outside of parliament.

In explaining these patterns it is helpful to pick out key developments that occurred from around the middle of the eighteenth century, looking first at public finance and then at overseas trade. Following Walpole’s fall in 1742, Pelham successfully modified key elements of the fiscal state, notably regarding the competitive tendering for loans and the introduction of consols. But he oversaw no great growth in numbers of revenue acts (he died in office in 1754). From 1763, however, numbers grew markedly, to peaks of 20 in the session 1766-7 and 39 in 1785. In the 1750s an average of nearly 7 general public finance acts were passed in each session; by the 1790s it was 28. In the eleven sessions 1790 to 1799-1800, 326 public finance acts were passed, or 25 per cent of the total for the whole period 1660-1800. The sheer volume of such enactments must be stressed, for, quite apart from the enormous strain it put upon parliament, Pitt the younger (prime minister, 1783-1801), the Treasury, and the revenue services, it meant that much of it was very finely grained, if driven by the huge pressure to exploit old sources of revenue better and find new ones. In the session 1795-6, for example, 14 separate acts were passed relating to inland duties alone, including distinct acts regarding levies on malt, hats, and dogs. Somehow, duties on horses required four separate acts in this session.[[33]](#footnote-33) Yet these inland duties acts clearly originated from the pinnacle of government; George Rose, Pitt’s right-hand man, introduced 12 of them into the Commons, and reported from the committee stage for the other two.[[34]](#footnote-34)

Public finance legislation accumulated mainly in small bits and pieces, often through modifying some existing measure in the hope of allowing taxes to be raised more easily and fully. Britain’s central government may have been unusually successful at collecting taxes and contracting national debts, but the legislative effort involved was huge. After 1760 the legislative history of public finances has the air of frantic effort until the introduction of the income tax in 1799 provided a very different solution to funding problems. The growth of the fiscal state did not always overcome its problems readily, and its shortcoming after 1763, not least in terms of widespread evasion and struggles to make ends meet, should be integral not marginal to its characterization.[[35]](#footnote-35) Thus to try to stamp out smuggling in the Irish sea in 1765 the British government paid the Duke of Atholl £70,000 to bring the Isle of Man squarely within the British customs system; in his short-lived ministry in 1782-3 Shelburne initiated reforms into several branches of government, including the revenue services; in 1783-4 the House of Commons issued three major reports into revenue fraud and evasion; and in 1787 because of the efforts of Rose, Pitt managed to consolidate many customs and excise duties, significantly simplifying the statute book.[[36]](#footnote-36)

 After the end of the Seven Years War in 1763 numbers of external trade acts grew even more quickly. In the 4 sessions from 1763-4 to 1766-7 there were 53 acts passed, whereas in the previous 20 sessions (1745-6 to 1762-3) just 49 acts found their way into the statute book. Interpretations of this exceptional legislative effort have generally focussed upon ministers addressing the challenges of managing a significantly enlarged empire, especially because of the defeat of France in Canada and India, and the heavy debts incurred in doing so. As such, within the context of external trade attention has overwhelmingly been upon key changes to the navigation system, including their better enforcement. Immediately at the close of the Seven Years War in 1763 pressures mounted from economic interests in Britain and its empire regarding rice, indigo, beaver furs, and whale, seeking modifications to existing regulations and duties. [[37]](#footnote-37) These fed in to the wider constitutional issues raised by attempts by central government in London to raise revenue in the colonies. This surge in legislative activity regarding Britain’s imperial economy took place, it is worth noting, just when Smith wrote *The wealth of nations*.[[38]](#footnote-38) Certainly there was important legislation in this area from 1763-7, and one that executive government directed, even if ‘Government policy … lacked consistency of direction.’[[39]](#footnote-39) But a heavy preoccupation with the Atlantic perspective and the origins of the American Revolution has obscured other vital considerations.[[40]](#footnote-40)

It is too easily forgotten that Westminster and Whitehall sought trade and empire not as ends in themselves, but as means of maximizing both plenty at home and Britain’s weight within the European balance of power. It is in those contexts that some important changes in the subject matter of general external trade legislation across the period should be noted.

Table 3.8 Subjects of general external trade acts, 1660-1800 – per cent in sub-periods

 1660-1760 1760-1800

General import-export regulations 22 26

Food and drink 29 42

Textiles 25 13

Other raw materials 16 9

Other 8 9

 100 100

The two most significant changes in this table are the rise in the proportion of acts relating to the trade in food and drink (which includes tobacco and sugar) and the decline in the proportion of acts about textiles. In significant part the first reflected growing worries over food supplies, both in the short-term context of harvest failure and, with hindsight, the longer-term context of rising population from 1750 beginning to strain domestic agriculture’s capacity. The corn laws were a particular bone of contention, but trying to improve food supplies in crisis years required other efforts to be made, which could be legislatively complex and involved. Thus, for example, the session following the terrible harvest of 1766 passed ten external trade acts dealing with different aspects of food supplies, including but not limited to corn.[[41]](#footnote-41) The second major change in Table 3.8 is particularly a function of the shrinking efforts to stimulate the domestic woollen industry, especially by prohibiting or limiting the export of its key raw materials, wool and fuller’s earth. As will be seen in Chapter 8, these were especially numerous before 1760, much less common thereafter as legislators became more realistic about what might be attempted, perhaps sensing that the wool industry was of declining relative significance.

An important feature of the growth of external trade legislation is that it came increasingly under the control of the ministry, leading to very high success rates after 1760. In the 1795-6 session, for example, 13 external trade acts were passed, with 7 of them being introduced by George Rose, 3 by Dudley Ryder, Vice-President of the Board of Trade, and two by the Chairman of the Ways and Means Committee which oversaw public finance measures. Only one act appears not to have been governmental, relating to a cotton contract between the East India Company and a businessman.[[42]](#footnote-42) Moreover, as with public finance acts in this session, some of those relating to overseas trade overlapped to a greater or lesser extent: three acts dealt with corn imports (the 1795 harvest had been terrible) and two acts dealt with bounties and drawbacks on re-exported sugar.[[43]](#footnote-43)

Heightened control by the executive over public finance and external trade legislation took place alongside a proliferation of statutes. This was a crucial feature of Britain’s political economies, of repeated attempts not only to raise more money and regulate trade better, but to fine tune existing legislation. Such refinements were necessary both because earlier legislation was not having the desired effect, but also because of the cast of mind of key legislators, anxious not to be too bold or cavalier. Thus a hostile witness polemically said of George Rose, who had such a hand in so many general economic acts at the end of the eighteenth and start of the nineteenth centuries, that ‘It was quite absurd that in a country which has produced such a work as the Wealth of Nations, a man of such limited views should have so great an influence upon almost every branch of the economy’.[[44]](#footnote-44)

To conclude this section, six main factors can be identified as crucial to the great growth public finance and external trade legislation after 1760. Firstly, to provide the funding for increasingly costly wars, through raising taxes and managing the national debt – including measures to tackle smuggling and fraud which successive ministers felt were major problems. Secondly, there were related attempts at reform so as to clarify the statute book in these vital areas, enabling laws to be better known and more easily enforced. These became increasingly necessary as the statute book grew, and such efforts were pushed hard by Shelburne, briefly, and Pitt the younger more significantly. Thirdly, to restructure imperial relations, both with regard to revenue and trade relations. It must be stressed that this was not limited to problems in the Caribbean and North America, but also to those associated with the empire in Asia and, much closer to home, Ireland. Fourthly, population growth from 1750 began to strain domestic food supplies, requiring major legislative efforts following poor harvests. Fifthly, increasing product innovation, both with exports and imports, required frequent redefinitions of commodities to try to ensure public finances did not suffer and that trade regulations remained reasonably meaningful: as Hume noted, ‘The continual fluctuations in commerce require continual alterations in the nature of the taxes’.[[45]](#footnote-45) Finally, fundamental to the character of legislation in these areas was that it was almost always particular and limited, including temporary acts that were repeatedly revived. In significant part this was an attempt to avoid bitter opposition and division, along with the associated loss of legitimacy that reached its zenith with American independence.

General public finance and external trade acts grew more numerous in two main waves: initially between 1689 and 1714, and then on an even larger scale after 1760. Each wave reflected the growth of executive influence in these legislative areas, to reach exceptionally high levels by the end of the eighteenth century. Even so, it is striking that the executive sought so many acts, such that if general they were often also narrowly directed and tightly defined. Minor changes of circumstance might thereby create the need for further legislative refinement. Similarly, the navigation laws that structured colonial trade were the subject of frequent minor alterations – such as a new bounty here, a revised duty there – rather than wholesale reconsideration. Part of the reason for such tinkering was because of suspicions of executive authority, but also important was that new acts often sought to improve old ones. Much legislation about public finances and external trade needs, therefore, to be seen in terms of extended chains of statutes, with new links being forged according to changing circumstances, effectiveness, and ambitions. If certainly the product of some general ideas and hopes, much such legislation is better viewed as frequently indulged refinements, a groping towards something that would work.

Specific economic legislation

A key feature of the general economic legislation just considered was its success rate of around 90 per cent from 1760. This is hardly surprising given the difficulties of defeating a measure the executive was committed to – which is one reason why the excise crisis of 1733, the cider tax controversy of 1763, and the Anglo-Irish trade treaty of 1785 stand out as exceptional moments of successful opposition.[[46]](#footnote-46) Party loyalties, patronage, political arithmetic, and propaganda might all be exploited by the executive to gain their legislative way. By contrast, the powers available to those seeking specific economic legislation were more limited, and their rates of success were lower after 1760, sometimes markedly so. Necessarily, such measures had to be organized and promoted in very different ways, while parliament’s determination that its power not be abused ensured that the plentiful opportunities for opposition were often seized.

As Table 3.2 and Figure 3.2 showed, numbers of specific economy acts grew especially rapidly after 1760, averaging just two a year in the Restoration era, but over 94 from 1760-1800, causing their share of economic legislation to rise from 30 to 72 per cent. In turn, much of this transformation was due to acts about the land, overwhelmingly enclosure, and infrastructure, mainly relating to turnpikes, river improvements, and canal building. But legislating in these three areas did not conform to a common pattern.

Unlike general economic legislation, historians have carefully quantified two of the main aspects of specific economic legislation.[[47]](#footnote-47) In particular, Tate and Turner published definitive studies of enclosure legislation as did Albert and Pawson of turnpike legislation.[[48]](#footnote-48) Only legislation about waterways has been less systematically studied, though Willan and others have gone much of the way.[[49]](#footnote-49) Even so, some summary statistics must be presented of specific economic legislation to allow meaningful comparisons to be made with figures for general economic legislation.

Table 3.9 Main types of specific economic legislation, 1660-1800

 1660-85 1689-1714 1714-60 1760-1800 1660-1800

Land (mainly enclosure)

Acts 12 6 276 2,013 2,307

Acts p.a. 0.5 0.2 5.9 49.1 16.4

Fails 45 12 47 609 713

Success % 21 33 85 77 76

Roads (mainly turnpikes)

Acts 2 33 523 1,337 1,895

Acts p.a. 0.1 1.3 11.1 32.6 13.4

Fails 11 33 88 220 352

Success % 15 50 86 86 84

Waterways

Acts 17 44 139 391 591

Acts p.a. 0.7 1.7 3 9.6 4.2

Fails 45 62 83 261 451

Success % 27 42 63 60 57

Obviously, numbers of land and road acts were very much greater than those relating to waterways. However, 54 per cent of road acts continued, amended, explained, or, very occasionally, repealed prior acts. Mainly this was because turnpikes were usually established for only 21 years, requiring further legislation even just to prolong them. In clear contrast, only 29 per cent of waterways acts and a trivial 2 per cent of land acts were of this type. It follows that apparently new acts relating to the land (2,253) were nearly double the number of the combined total for roads (876) and waterways (418).

A difficulty in analysing general economic legislation was the significant overlap between the public finance and external trade sub-categories. Though ambiguities were much less significant regarding specific economic legislation, they were not entirely absent. Thus certain river improvement acts, falling under the ‘waterways’ heading, might have a drainage dimension (which is within the general category of ‘land’) which only detailed research could identify.[[50]](#footnote-50) (There were in fact 591 specific waterways acts and a further 114 specific acts concerned mainly with issues of land drainage and flooding.) A less obvious overlap may have existed between enclosure and estate legislation, as numbers of acts in these areas after 1760 shown in Figure 3.6 suggests.

What Figure 3.6 shows is that after 1760 ups and downs in numbers of estate acts was similar to the well-known chronology of enclosure enactments – and 34 per cent of all acts (not just economic acts) were either estate or enclosure acts. Private estate acts mainly concerned the webs of contracts which frequently bound landed estates. They dealt with strict settlements, marriage agreements, wills, trusts, and guardianships, often looking to alter legally binding inter-generational arrangements which had been made in increasing numbers since the Restoration. Often they related to indirect inheritances, or allowing sale or reorganization of an estate so as to tackle heavy debts. Critically, they were an alternative to a suit in Chancery, being cheaper, quicker, and more predictable in their outcomes; certainly they enjoyed a very high success rate (see Table 3.1 above). As Defoe put it, ‘an Act of Parliament is *Omnipotent* with respect to Titles and Tenures of Land’.[[51]](#footnote-51) Enclosure, the redistribution of property rights to land within villages usually in pursuit of agricultural improvement and higher rents, had taken place through Chancery in the seventeenth century, but appears to have mainly been undertaken through parliament from 1750.[[52]](#footnote-52) Likely some enclosure acts were driven by the same causes as estate acts – a need to recast holdings because of altered circumstance – and vice versa – and that some estate acts were driven by the desire for lands to be reconfigured so as to extract higher rent, which depended upon higher yields being attainable. But probably more significant was that both were affected by changes in investor confidence, interest rates, prices, and rates of return that Turner carefully detailed.[[53]](#footnote-53)

Bearing these points in mind, the chronology of enclosure and infrastructure legislation needs briefly to be set out. It is clear from Table 3.9 that relatively little legislation was passed relating to either before 1688 – and not much by 1714. New turnpike legislation briefly became common in the mid-1720s, but the main phase was between 1750 and 1770 (with a century-high peak of 39 acts in 1753), though with another peak in the 1790s (and around 1810 and 1825).[[54]](#footnote-54) Enclosure legislation came later than that for turnpikes. Little was passed before 1750, but a major wave followed, peaking in the 1770s – over 600 acts were passed in that decade. A deep trough was then reached in the early 1780s, before the second and larger wave set in, with three ever greater peaks about a decade apart from the mid-1790s. By the 1820s the major phase of parliamentary enclosure was past.

 Much less waterways legislation was passed, and the category was less homogenous than land and road acts. As Table 3.10 shows, by subject 25 per cent dealt with river navigation, 30 per cent with canals, 20 per cent with bridges and other crossings, and 23 per cent with ports, harbours, and docks.

Table 3.10 Numbers of main types of specific waterways acts, by sub-period, 1660-1800

 1660-85 1689-1714 1714-60 1760-1800 1660-1800

Rivers 10 16 61 58 145

Canals 0 0 2 168 170

Bridges and crossings 1 5 34 76 116

Ports, harbours, and docks 6 19 38 75 138

Total 17 40 135 377 569

Numbers of acts for both crossings and ports increased gradually over the sub-periods, but were still not large by the end of the eighteenth century. Those for rivers grew somewhat, from about one every two years before 1714 to one or two a year thereafter. But it was the well-known explosion of canal legislation that was especially striking, rising rapidly in the 1790s.

As ever, in looking to understand the chronology of specific economic acts it is helpful to distinguish demand side factors from those affecting Westminster’s willingness or ability to turn out acts. For the former, four general elements were crucial: problems associated with the status quo; the financial environment; the challenges of organizing a legislative proposal; and expectations of the likelihood of bills becoming acts.

Problems with the status quo were often most apparent and urgent in the case of deteriorating roads. Under Tudor legislation parishes had a duty to maintain their roads, but this burden could become unbearable with rising use, especially where major roads passed through heavy ill-drained land. In those cases, parishes could easily feel all the costs and none of the benefits of growing interregional carrying. Similar problems could also lead to the need for new bridges and docks. Slower natural changes could also play a part, most obviously silting could gradually increase pressure for a new navigation or drainage – while drainage could also create new problems through land shrinkage. In all these cases, the limits of the status quo were being reached. Another type of pressure, however, related to the inefficiencies of existing arrangements, a consideration that was especially important in relation to enclosure.

To its proponents enclosure was a means of raising agricultural yields: land and labour could both be used more productively, especially by redistributing land to carve out more compact farms that could integrate arable and pastoral farming better. Fundamental to enclosure was the belief that the existing order was riddled with inefficiencies and hindered potential improvements. Importantly, in the seventeenth century the old association of enclosure with depopulation was refuted by a new wave of writers on agriculture, coinciding with a considerable amount of enclosure by agreement. [[55]](#footnote-55) It is then important to note that the success rate for parliamentary enclosure was 86 per cent between 1714-60, well before it became common; attitudes amongst political society had clearly shifted such that while there was a revival after 1750 of worries that enclosure depopulated, these were passionately rebutted by ‘expert’ agriculturalists such as Arthur Young and the efforts of the agricultural societies emerging in England.[[56]](#footnote-56)

It need hardly be said that specific economic acts were usually sought for financial reasons, though sometimes also because of a vaguer attachment to the quest for ‘improvement’ or to keep up with the times. But there were significant costs in obtaining and implementing acts. Bills often required considerable preparation and expense, with costs rising sharply if they encountered opposition, especially in parliament. Drafting and printing bills, along with parliamentary fees, might be the least of these.[[57]](#footnote-57) Petitions, witnesses, and counsel might need to be organized for the committee stage of a bill. Pamphlets, advertisements, and handbills could all be judged necessary to attempt to sway opinion generally and parliamentarians specifically. Once enacted, much specific economic legislation required the compulsory sale or exchange of property, with infrastructural legislation especially challenging in this regard. Infrastructure and enclosure legislation also entailed significant surveying, building, and maintenance costs. For example, a proposal in the early eighteenth century to make navigable 17 miles of the River Nene in Northamptonshire was costed at £1,800, to be spent on eight sets of locks, two bridges, the removal of 681 trees, the purchase of land for paths, and dredging.[[58]](#footnote-58)

Expenses were only worth incurring if it was anticipated that they would be outweighed by future income streams. Market conditions obviously affected this, both in terms of the costs involved in implementing an improvement and the prices that could then be charged, such as tolls and rents. Increasing population and prices from c. 1750, along with wider economic growth, was clearly important to this. Opportunity costs, the alternative uses to which money might be put rather than in investing in a piece of specific economic legislation, were also a consideration. Here the low interest rates of the middle of the eighteenth century may have been especially significant in encouraging investment outside of the usual safe havens for savings.[[59]](#footnote-59) That said, while some of those thinking about specific economic legislation had good market data to hand, others surely did not. In any case, limitations of accounting practices gave cost-benefit analyses a fairly speculative element at the time, such that those contemplating such legislation were more likely to be persuaded by evidence of their success elsewhere – the demonstration effect; emulation is always easier than innovation.[[60]](#footnote-60)

The third general factor influencing the demand for specific economic legislation was the capacity of individuals or groups to organize a legislative proposal. While the text of bills was certainly crucial, the wording of many turnpike and enclosure acts became formulaic, with plagiarism no sin. Much more difficult was gathering together the local support – financial, political, and social – to give the measure a good chance of success. This was not as easy for propertied society as might be assumed: identifying potential allies was a challenge, while realizing that potential might require negotiation and treating, as well as guarding against free riders. For parliamentary enclosures, where small numbers of owners were usually involved, who might or might not be an ally was easy enough to discern. For road, bridge, and port improvements, parish, borough, and county obligations also helped to set limits fairly easily. Much harder was organizing groups to take forward schemes which cut across such boundaries and obligations, especially for river improvements, canals, or drainage. A lead might be provided by major landowners, merchants, inland traders, and manufacturers. Towns and cities could also easily see how their well-being depended on better communications. But because such ‘improvements’ had wide implications, geographically and in terms of the interests involved, many others had to be considered. Nor could they be ignored, for through its standing orders parliament stood against bills being submitted previously unannounced. Consequently, letters, dinners, and meetings had to be organized, advertisements, plans, and reasons published, all costing plenty of time and money.

In contemplating whether to develop a legislative proposal, specific economic interests had carefully to consider potential opposition, and of how parliament might react should such opposition be voiced there. Such opposition involved conflicts of interest – the canal should run there, not here – or conflicts of principles – canals are a waste of precious land and capital, or some mix of the two. The former were more likely to be expressed in parliament than the latter. Petitioning parliament for a specific economic act usually meant that success was expected, but significant differences in success rates show that those expectations were met much more easily with some types of legislation than with others, as Table 3.11 makes clear.[[61]](#footnote-61)

Table 3.11 Success rates of selected types of specific economic legislation, 1660-1800 – by rank order of success rate

 Acts Fails Success rate %

Road, specific (mainly turnpikes) 1,840 324 85

Enclosure and wastes 2,185 610 78

Bridges and crossings 116 58 67

Canals 170 105 62

Ports, harbours, and docks 138 109 56

Drainage and flooding 114 96 54

Rivers 145 159 48

These figures immediately give the lie to the idea that parliament always rubber stamped legislative proposals to advance particular economic interests. Even for road and enclosure, where so many acts were passed, there were over 900 fails in total. Between 1730 and 1838 parliament received nearly 5,500 enclosure bills, of which 10 per cent were the subject of counter petitioning and 26 per cent were dropped.[[62]](#footnote-62)

Crudely put, Table 3.11 suggests that it was much more difficult to obtain specific economic legislation involving water than land. Important studies by Willan and Knights have established that river improvement bills were frequently highly controversial, but it is clear that legislating about navigation and drainage more generally was difficult.[[63]](#footnote-63) A key point in explaining this is that in these areas higher numbers of individuals and types of rights were involved. Enclosures, for example, on average redistributed land within just 2.3 square miles.[[64]](#footnote-64) Numbers of landowners involved was often fairly limited – though many other villagers were also bound to be affected, usually adversely, by the changes.[[65]](#footnote-65) Moreover, in enclosure the costs and benefits had little or no indirect consequences for those beyond the area immediately concerned. In contrast, measures for roads, rivers, and canals crossed many miles, involving not only those directly affected, but those further up and down the route.[[66]](#footnote-66) With many people affected, the chances of opposition would have escalated.

Yet had that been all that was at issue, the success rate of road and river legislation should have been similar. One explanation for the marked difference may lie with the greater role of parish and county government in the turnpike movement, ensuring that before entering parliament measures were often effectively negotiated by an authority already possessing a reasonable degree of legitimacy. For river improvements and canals, however, newly formed interests, constituted for the purpose, took a leading role, which might indeed be seen as a threat by those in local government. But also critical was that changes to improve navigation could adversely affect water use (riparian rights) for many others, including farmers, millers, fowlers, and fishermen.[[67]](#footnote-67) Parliament could fairly easily judge the probable negative consequences of the route of a turnpike, but river improvements, canals, and drainage usually raised vaguer worries of droughts and floods. As will be seen in Chapter 6, the tortured history of the draining of the fens, stretching from before the 1640s and involving many bills and acts thereafter, may have been especially important here. Initially, even while there was considerable opposition, drainage could be celebrated within the rhetoric of improvement, but it soon led to serious unintended consequences, including land shrinkage, occasional catastrophic flooding, and challenges to the internal navigations on which the ports of Wisbech and King’s Lynn depended.[[68]](#footnote-68) Thus while both road and river legislation experienced success rates of only 25 per cent in the Restoration era, by 1714-60 that for roads was 84 per cent, but for rivers only 57 per cent, levels maintained for both for the rest of the century.

Conclusion

The majority of all statutes passed in this period concerned the economy. In turn, most of these were specific in scope, being sought by particular individuals and interests so as to do something at the personal or local level, sometimes to make money, sometimes to make some improvement of wider benefit, sometimes a bit of both. Collectively numbers of such acts were so great that they profoundly affected society, especially landownership and infrastructure, and while they emanated from across society they might prompt central action, as in Sir John Sinclair’s efforts to pass a general enclosure act from the 1790s.[[69]](#footnote-69) For many, enclosure changed once and for all the relationship between villagers and the land and between farmers and landlords, not only economically or financially, but also socially, culturally, and politically. John Clare’s poetic laments in the early nineteenth century make that plain enough, all centred on what he called the tyranny of the ‘parish state’.[[70]](#footnote-70) Statutes for roads and waterways, by contrast, introduced hundreds upon hundreds of new institutions within society as the communications network developed to serve trade and commerce and further enable its growth, not least inter-regional and international trade. The politics of local economic life were redrawn through thousands of acts of parliament.

Although less numerous there were still thousands of general acts that directly affected economic life, mainly regarding public finances and overseas trade. A key finding of this chapter is that numbers of both came under a high degree of executive control – around 1700 for public finances, but after 1760 for overseas trade – with numbers for both surging dramatically after 1760. Yet though these acts were very numerous, many of them were short-term and/or finely grained measures, while others sought to correct failings in earlier acts – because of poor drafting, altered circumstances, or unsatisfactory compliance. Thus a good deal of effort was of a piecemeal sort, driven by exigencies as much as policy. Still, structural considerations were important, mainly as executive government sought to maintain or improve Britain’s place within the European states system. This was a feature through the whole period, but it is notable how many more general economic acts were being passed after 1760, in response to important developments within empire – of gain (in Canada and India) and of loss (America) – as well as changes within Europe. The remarkable surge of such acts in the 1790s bears witness to the efforts of Pitt the younger to meet the challenge posed by revolutionary France. When he had become prime minister in 1783, Pitt had tried hard to rationalize public finances, including its statutory basis. But the exigencies of war after 1793 overwhelmed the improvements that had been made by a tidal wave of new legislation, culminating in the introduction of the income tax in 1799.

This chapter has concentrated upon what parliament did, through passing acts or rejecting proposed acts. But it is also worth noting areas where little legislation was considered. There was in fact relatively little directly concerning manufacturing or extractive industries. Certainly there was some, notably with regard to the woollen and worsted industries, but generally efforts were few and far between. Various factors were at play here, notably a belief that central government should be little involved in internal affairs, linked to ideas about liberty and that what could best be done was structure overseas trade so as to ensure manufacturers had ready supplies of raw materials and secure access to overseas markets.

Plainly, parliament was highly responsive to the needs of propertied society generally and executive government particularly. It was capable of handling a vastly increased amount of business to create laws that underwrote taxes, commerce, agriculture, and inland trade. Such openness to the needs of propertied society did not, however, mean that it was uncritical in its handling of legislation. A key finding of this chapter is that it did not simply rubber stamp such proposals. There were many fails, notably within certain categories of specific economic legislation. Moreover, parliament was usually cautious about dispensing powers to others: because no general enclosure act was passed in this period landowners had to resort to more expensive bespoke measures; turnpikes were established for twenty-one years, requiring renewal and amendment acts to continue them; and many acts about public finances lapsed after a year, ensuring that the Treasury was a key body seeking general economic acts. That is, while parliamentarians were certain of the supremacy of statutes to the ordering of society, at both the general and specific levels, they preferred to see long chains or involved networks of particular acts to be made rather than clear policies buttressed by a reasonably small number of broader acts that fitted together, sometimes in a rough-and-ready way, to create a greater whole.

1. *An essay on the East-India-trade* (1696), p. 25. [↑](#footnote-ref-1)
2. *JHC,* 26 (1750-4), p. 292 (21 June 1751). [↑](#footnote-ref-2)
3. M. R. Julian, ‘English economic legislation, 1660-1714’, (London School of Economics MPhil thesis, 1979); Dan Bogart and Gary Richardson, ‘Property rights and parliament in industrializing Britain’, *Journal of Law and Economics*, 54.2 (2011), pp. 241-74. Studies of categories of economic legislation will be noted later as appropriate. [↑](#footnote-ref-3)
4. The definition here differs somewhat from that employed by Julian, who put the number of economy acts 1660-1714 at 638, whereas my total is 645. Julian, ‘Economic legislation’, pp. 175-6, 201. More importantly, Julian counted as failed attempts at legislation only bills, i.e. measures which obtained at least a first reading in parliament, whereas the category of ‘fails’ used in this work is broader. For a discussion, see Hoppit, *Failed legislation*, pp. 2-3. [↑](#footnote-ref-4)
5. These are categories 301-3 and 610-9 in Appendix 1. All acts and fails have been given a primary subject code and, where necessary, a secondary one, but in identifying economic legislation only primary codes have been used. [↑](#footnote-ref-5)
6. Together these numbered 189 acts, or 1.3 per cent of the total. [↑](#footnote-ref-6)
7. S. Lambert, *Bills and acts: legislative procedure in eighteenth-century England* (Cambridge, 1971), ch. 6. I provided a quantitative overview in ‘The landed interest and the national interest, 1660-1800’, in Julian Hoppit, ed., *Parliaments, nations and identities in Britain and Ireland, 1660-1850* (Manchester, 2003), pp. 85-90. The most complete survey is now Dan Bogart and Gary Richardson, ‘Making property productive: reorganizing rights to real and equitable estates in Britain, 1660 to 1830’, *European Review of Economic History*, 13.1 (2009), pp. 3-30, but see also Michael McCahill, ‘Estate acts of parliament, 1740-1800’, in Clyve Jones, ed., *Institutional practice and memory: parliamentary people, records and histories. Essays in honour of Sir John Sainty* (Chichester, 2013), pp. 148-68. [↑](#footnote-ref-7)
8. Ralph Davis, ‘The rise of protection in England, 1689-1786’, *Economic History Review*, 19.2 (1966), pp. 306-17. [↑](#footnote-ref-8)
9. James Earnshaw, *An abstract of various penal statutes relating to the revenue of customs* (2 vols., 1793), vol. 1, pp. v-vi. [↑](#footnote-ref-9)
10. Donald Grove Barnes, *A history of the English corn laws, 1660-1846* (1930), pp. 295-6. [↑](#footnote-ref-10)
11. [Andrew Hamilton], *An enquiry into the principles of taxation* (1790), p. 211. [↑](#footnote-ref-11)
12. Relating figures in this way is rather artificial, not least because it only considers numbers of acts passed in each decade, not the number of acts that were ‘active’, which was usually much more. [↑](#footnote-ref-12)
13. P. G. M. Dickson, *The financial revolution in England: a study in public credit, 1688-1756* (1967); John Brewer, *The sinews of power: war, money and the English state, 1688-1783* (1989). [↑](#footnote-ref-13)
14. Elizabeth Boody Schumpeter, *English overseas trade statistics, 1697-1808* (Oxford, 1960), pp. 15-16. Because figures are missing for 1705 and 1712 I have used average figures per decade. The ‘official values’ applied to goods traded changed little across the period, so are best thought of as reflecting changes in the volume of trade. [↑](#footnote-ref-14)
15. P. D. G. Thomas, *The House of Commons in the eighteenth century* (Oxford, 1971), ch. 4. Sir Charles Whitworth was a very well informed and productive chairman of Ways and Means; see below, p. xxx. [↑](#footnote-ref-15)
16. Pre-1688 developments are set out in C. D. Chandaman, *The English public revenue, 1660-1688* (Oxford, 1975); Michael Braddick, *The nerves of state: taxation and the financing of the English state, 1558-1714* (Manchester, 1996); Henry Roseveare, ‘Prejudice and policy: Sir George Downing as parliamentary entrepreneur’, in D. C. Coleman and Peter Mathias, eds., *Enterprise and history: essays in honour of Charles Wilson* (Cambridge, 1984), pp. 135-50. Brewer, *The sinews of* power, emphasized post-1688 developments in tax collection. The birth of the national debt in the 1690s is set out in Dickson, *The financial* revolution. A very good synthesis of is Henry Roseveare, *The financial revolution, 1660-1760* (Harlow, 1991). [↑](#footnote-ref-16)
17. On the Treasury see S. B. Baxter, *The development of the Treasury, 1660-1702* (1957) and Henry Roseveare, *The Treasury: the evolution of a British institution* (1969). On the pivotal importance of Goldolphin’s tenure as lord treasurer the best study remains J. G. Sperling, ‘Godolphin and the organization of public credit, 1702 to 1710’ (University of Cambridge Ph.D, 1955). [↑](#footnote-ref-17)
18. John Hatsall, *Precedents and proceedings in the House of Commons: under separate titles, with observations* (4 vols., 1818), vol. 3, p. 235. A useful discussion of the development of public finance legislation after the Glorious Revolution is D. W. Hayton, ‘The House of Commons 1690-1715, introductory survey: the business of the house – the “grand inquest”’, *HofP online*. [↑](#footnote-ref-18)
19. Many useful points are made in Thomas, *House of Commons*, ch. 4. [↑](#footnote-ref-19)
20. [William Pulteney], *The budget opened. Or an answer to a pamphlet intitled, a letter from a member of parliament to his friends in the country* (1733); [David Hartley], *The budget* (1764). [↑](#footnote-ref-20)
21. Historians have not focused on the legislative history of public finances, but I provide an overview in Julian Hoppit, ‘Checking the leviathan, 1688-1832’, in Donald Winch and Patrick K. O’Brien, eds., *The political economy of British historical experience, 1688-1914* (Oxford, 2002), pp. 267-94. [↑](#footnote-ref-21)
22. For a discussion of mercantile legislation before 1714 see Perry Gauci, *The politics of trade: the overseas merchant in state and society, 1660-1720* (Oxford, 2001), pp. 220-32. [↑](#footnote-ref-22)
23. D. C. Coleman, ‘Mercantilism revisited’, *Historical Journal*, 23.4 (1980), pp. 773-91; D. C. Coleman, ‘Editor’s introduction’, in D. C. Coleman, ed., *Revisions in mercantilism* (1969), pp. 1-18. [↑](#footnote-ref-23)
24. 14 George II, c. 3, c. 4, c. 7, and c. 36. [↑](#footnote-ref-24)
25. Charles M. Andrews, *British committees, commissions, and councils of trade and plantations, 1622-1675* (Baltimore, 1908); Brian Weiser, *Charles II and the politics of access* (Woodbridge, 2003), ch. 5. [↑](#footnote-ref-25)
26. R. M. Lees, ‘Parliament and the proposal for a Council of Trade, 1695-6’, *English Historical Review*, 54, no. 213 (1939), pp. 38-66; Thomas, *The House of Commons*, p. 268; Kathryn M. Ellis, ‘The practice and procedure of the House of Commons, 1660-1714’, (University of Aberystwyth Ph. D. thesis, 1993), p. 264. External trade legislation was usually handed by committees of the whole house: Gauci, *The politics of trade*, pp. 227-8. [↑](#footnote-ref-26)
27. Lambert, *Sessional papers*, vol. 1, p. 39. [↑](#footnote-ref-27)
28. D. C. Coleman, ‘Politics and economics in the age of Anne: the case of the Anglo-French trade treaty of 1713’, in D. C. Coleman and A. H. John, eds., *Trade, government and economy in pre-industrial England: essays presented to F. J. Fisher* (1976), pp. 187-211. [↑](#footnote-ref-28)
29. Well discussed in Tim Keirn, ‘Monopoly, economic thought, and the Royal African Company’, in John Brewer and Susan Staves, eds., *Early modern conceptions of property* (1995), pp. 427-66 and William A. Pettigrew, *Freedom’s debt: the Royal African Company and the politics of the Atlantic slave trade, 1672-1752* (Chapel Hill, NC, 2013). There are still points to be gleaned from K. G. Davies, *The Royal African Company* (1957). [↑](#footnote-ref-29)
30. There is a large literature here. A good crisp account is provided in Gary Stuart de Krey, *A fractured society: the politics of London in the first age of party, 1688-1715* (Oxford, 1985), pp. 22-5. The party nature of the political contests around overseas trade is very heavily stressed in Steve Pincus, *1688: the first modern revolution* (New Haven, CT, 2009). A more complex picture, stressing the fluid nature of party positions and the importance rather of interests than parties, is offered in Gauci, *The politics of trade*, ch. 6 and Shinsuke Satsuma, *Britain and colonial maritime war in the early eighteenth century: silver, seapower and the Atlantic* (Woodbridge, 2013). [↑](#footnote-ref-30)
31. Edward Hughes, *Studies in administration and finance, 1558-1825 with special reference to the history of salt taxation in England* (Manchester, 1934), p. 291. [↑](#footnote-ref-31)
32. But not by J. E. D. Binney, *British public finance and administration, 1774-1792* (Oxford, 1958) or Patrick K. O’Brien, ‘The political economy of British taxation, 1660-1815’, *Economic History Review*, 41.1 (1988), pp. 1-32; P. K. O’Brien, ‘Public finance in the wars with France, 1793-1815’, in H. T. Dickinson, ed., *Britain and the French Revolution, 1789-1815* (Basingstoke, 1989), pp. 165-87. [↑](#footnote-ref-32)
33. 36 George III, c. 1, c. 13, c. 14, c. 15, c. 16, c. 17, c. 19, c. 52, c. 80, c. 84, c. 117, c. 123, c. 124, and c. 125. Similar was the introduction and evolution of the tax on servants. John Chartres, ‘English landed society and the servants tax of 1777’, in N. Harte and R. Quinault, eds., *Land and society in Britain, 1700-1914: essays in honour of F. M. L. Thompson* (Manchester, 1996), pp. 34-56. [↑](#footnote-ref-33)
34. Sample session database. [↑](#footnote-ref-34)
35. In this context, we lack adequate studies of smuggling and fraud in the eighteenth century. But see Paul Muskett, ‘English smuggling in the eighteenth century’ (Open University Ph. D. thesis, 1997) and William J. Ashworth, *Customs and excise: trade, production, and consumption in England, 1640-1845* (Oxford, 2003), parts 3 and 4. [↑](#footnote-ref-35)
36. Rupert C. Jarvis, ‘Illicit trade with the Isle of Man, 1671-1765’, *Transactions of the Lancashire and Cheshire Antiquarian Society*, 58 (1947 for 1945-6), pp. 245-67; 5 George III, c. 26; John Norris, *Shelburne and reform* (1963), especially ch. 12; ‘Reports from the committee on illicit practices used in defrauding the revenue’, *Reports from Committees of the House of Commons* 1715-1800, vol. 6 (1782-1802); 27 George III, c. 13. [↑](#footnote-ref-36)
37. R. C. Simmons and P. D. G. Thomas, eds., *Proceedings and debates of the British parliaments respecting North America, 1754-1783* (6 vols., Millwood, NY, 1982-7), vol. 1, pp. 457-84; Davis, ‘The rise of protection’, p. 314. A general view is taken in Judith Blow Williams, *British commercial policy and trade expansion, 1750-1850* (Oxford, 1972). See also Stephen Conway, ‘British governments, colonial consumers, and continental European goods in the British Atlantic empire, 1763–1775’, *Historical Journal*, 58.3 (2015), pp. 711-32. [↑](#footnote-ref-37)
38. Smith returned to his home town of Kirkcaldy in 1766 and probably began writing *The wealth of nations* in earnest then, though some of its key points had been developed in the early 1750s. [↑](#footnote-ref-38)
39. J. H. Elliott, *Empires of the Atlantic world: Britain and Spain in America, 1492-1830* (New Haven, CT, 2006), p. 306. Elliott contrasts this with the ‘greater coherence of Iberian reformist policy in America’. [↑](#footnote-ref-39)
40. Again, the secondary literature on this topic is vast. A standard account is Oliver M. Dickerson, *The navigation acts and the American revolution* (Philadelphia, PA, 1951). While valuable, it is notable that, in common with many other historians, Dickerson isolates the American colonial component from the wider body of London’s efforts to govern trade. His discussion of bounties, for example, ignores the most important, the corn laws, and only briefly notes the second most important relating to sugar, because they were largely irrelevant to colonial North America. See below, Chapter 8. [↑](#footnote-ref-40)
41. 7 George III, c. 1, c. 3, c. 4, c. 5, c. 7, c. 8, c. 11, c. 12, c. 22, c. 30. [↑](#footnote-ref-41)
42. 36 George III, c. 120. [↑](#footnote-ref-42)
43. Corn: 36 George III, c. 3, c. 21, c. 56. Sugar: 36 George III, c. 18, c. 106. [↑](#footnote-ref-43)
44. Brian Murphy and R. G. Thorne, ‘Rose, George (1744-1818), of Cuffnells, Hants’, *HofP online*. [↑](#footnote-ref-44)
45. David Hume, *Essays, moral, political, and literary*, ed. Eugene F. Miller, (Indianapolis, IN, 1987), p. 358. [↑](#footnote-ref-45)
46. Paul Langford, *The excise crisis: society and politics in the age of Walpole* (Oxford, 1975); Patrick Woodland, ‘Political atomization and regional interests in the 1761 parliament: the impact of the cider debates 1763-1766’, *Parliamentary History*, 8.1 (1989), pp. 63-89; David R. Schweitzer, ‘The failure of William Pitt’s Irish trade propositions 1785’, *Parliamentary History*, 3.1 (1984), pp. 129-45; Paul Kelly, ‘British and Irish politics in 1785’, *English Historical Review*, 90, no. 356 (1975), pp. 536-63. [↑](#footnote-ref-46)
47. There is a useful count of English road and canal acts for 1701-1830, broken down by regions, in W. T. Jackman, *The development of transportation in modern England* (3rd edn., 1966), p. 743. [↑](#footnote-ref-47)
48. W. E. Tate, *A domesday of English enclosure acts and awards*, ed. Michael Turner (Reading, 1978); Michael Turner, *English parliamentary enclosure: its historical geography and economic history* (Folkestone, 1980); William Albert, *The turnpike road system in England, 1663-1840* (Cambridge, 1972); Eric Pawson, *Transport and economy: the turnpike roads of eighteenth century Britain* (1977). [↑](#footnote-ref-48)
49. T. S. Willan, *River navigation in England, 1600-1750* (Oxford, 1936); J. R. Ward, *The finance of canal building in eighteenth-century England* (Oxford, 1974); D. Swann, ‘The pace and progress of port investment in England, 1660-1830’, *Yorkshire Bulletin of Economic and Social Research*, 12.1 (1960), pp. 32-44; David Harrison, *The bridges of medieval England, 1300-1800* (Oxford, 2004). [↑](#footnote-ref-49)
50. These issues are explored in the case study about the fens in Chapter 6. [↑](#footnote-ref-50)
51. [Daniel Defoe], *An essay upon projects* (1697), p. 109. [↑](#footnote-ref-51)
52. Maurice Beresford, ‘Habitation versus improvement: the debate on enclosure by agreement’, in F. J. Fisher, ed., *Essays in the economic and social history of Tudor and Stuart England in honour of R. H. Tawney* (Cambridge, 1961), pp. 40-69; J. R. Wordie, ‘The chronology of English enclosure, 1500-1914’, *Economic History Review*, 36.4 (1983), pp. 483-505. [↑](#footnote-ref-52)
53. *English parliamentary enclosure*, ch. 5. [↑](#footnote-ref-53)
54. The first turnpike was established by act in 1663, the second in 1696. Of the eventual total mileage of turnpike roads, 15 per cent was in place by 1750, but 55 per cent by 1770. Pawson, *Transport and* economy, pp. 114. [↑](#footnote-ref-54)
55. Beresford, ‘Habitation versus improvement’. [↑](#footnote-ref-55)
56. Goldsmith’s attack in his poem ‘The deserted village’ (1770) was more against the effects of landscape gardens than enclosure. Richard Price made the most important arguments for depopulation. S. J. Thompson, ‘Parliamentary enclosure, property, and the decline of classical republicanism in eighteenth-century Britain’, *Historical Journal*, 51.3 (2008), pp. 621-42; D. V. Glass, *Numbering the people: the eighteenth-century population controversy and the development of census and vital statistics in Britain* (Farnborough, 1973); Nicholas Goddard, ‘Agricultural literature and societies’, in G. E. Mingay, ed., *The agrarian history of England and Wales, 6: 1750-1850* (Cambridge, 1989), pp. 361-83. The first agricultural society in England dates from 1772, but by then eleven had been established in Scotland: Brian Bonnyman, ‘Agrarian patriotism and the landed interest: the Scottish “Society of Improvers in the Knowledge of Agriculture”, 1723-1746’, in Koen Stapelbroek and Jani Marjanen, eds., *The rise of economic societies in the eighteenth century: patriotic reform in Europe and North America* (Basingstoke, 2012), p. 50. [↑](#footnote-ref-56)
57. Even these could spiral. For example, printing costs for four iterations of a Trent-Mersey canal bill cost £125 in 1766 (6 George III, c. 96), or about ten times the annual wages of an agricultural labourer according to Joseph Massie: BL, Add Mss 4880, Strahan papers, f. 146v; Peter Mathias, *The transformation of England: essays in the economic and social history of England in the eighteenth century* (1979), p. 187. This was admittedly unusually expensive: Sheila Lambert, *Bills and acts: legislative procedure in eighteenth-century* England (Cambridge, 1971), p. 48. [↑](#footnote-ref-57)
58. Northamptonshire Record Office, W(A) box 4/parcel XIII, no. 9, ‘A survey of the river Nine als Nen from Oundle to Allerton mill’, n.d. [↑](#footnote-ref-58)
59. T. S. Ashton argued for the importance of this to the timing of enclosure legislation in *An economic history of England: the eighteenth century* (1972), pp. 40-1, a thesis considered in detail in Turner, *English parliamentary enclosure*, ch. 5. For interest rates and turnpike legislation see Albert, *Turnpike road system*, ch. 6. [↑](#footnote-ref-59)
60. For a useful discussion distinguishing phases of turnpike diffusion see Pawson, *Transport and economy*, pp. 111-15. Also Albert, *Turnpike road system*, pp. 117-18. [↑](#footnote-ref-60)
61. Occasionally parliament was formally approached in one session to give notice of a concerted attempt to obtain an act in a later session. In 1795 William Vaughan, who led ultimately successful efforts for an act to build new docks in London, stated that it was intended to introduce but then withdraw a bill ‘in order to give a fair discussion to all parties and all interests’ so that a better drafted bill could be submitted subsequently. [William Vaughan], *Reasons in favour of the London-docks* (1795), p. 3. This appears to relate to Hoppit, *Failed legislation*, 138.031, which was indeed highly controversial, involving 49 petitions. [↑](#footnote-ref-61)
62. Michael Turner and Trevor Wray, ‘A survey of sources for parliamentary enclosure: the House of Commons’ Journal and commissioners’ working papers’, *Archives*, 19, no. 85 (1991), p. 261; W. E. Tate, ‘Members of parliament and their personal relations to enclosure: a study with reference to Oxfordshire enclosures, 1757-1843’, *Agricultural History*, 23.3 (1949), pp. 213-20; J. M. Neeson, *Commoners: common right, enclosure and social change in England, 1700-1820* (Cambridge, 1993) is an important study, concentrating on one major area of opposition. [↑](#footnote-ref-62)
63. Willan, *River navigation*, pp. 28-51; T. S. Willan, *The early history of the Don navigation* (Manchester, 1965); Mark Knights, ‘Regulation and rival interests in the 1690s’, in Perry Gauci, ed., *Regulating the British economy, 1660-1850* (Farnham, 2011), pp. 63-81. Between 1700 and 1730 there were 156 petitions against 22 river bills: Pawson, *Transport and the economy*, p. 118. [↑](#footnote-ref-63)
64. Calculated from Turner, *English parliamentary enclosure*, pp. 176-9 – excluding enclosures under nineteenth-century general enclosure acts. [↑](#footnote-ref-64)
65. For a summary of the rich literature about the concerns of villagers (those with common rights and not) see Douglas Hay and Nicholas Rogers, *Eighteenth-century English society: shuttles and swords* (Oxford, 1997), pp. 99-102. Tithe owners were also a potential source of opposition to enclosure. See E. J. Evans, ‘Tithes’, in Joan Thirsk, ed., *The agrarian history of England and Wales, vol. 5.2, 1640-1750: agrarian change* (Cambridge, 1985), pp. 389-405. [↑](#footnote-ref-65)
66. From 1741-70, new turnpikes averaged around 28 miles in length: Pawson, *Transport and economy*, p. 96. [↑](#footnote-ref-66)
67. Joshua Getzler, *A history of water rights at common law* (Oxford, 2004). [↑](#footnote-ref-67)
68. H. C. Darby, *The draining of the fens* (2nd edn., Cambridge, 1956); Dorothy Summers, *The great level: a history of draining and land reclamation in the fens* (Newton Abbot, 1976). [↑](#footnote-ref-68)
69. Rosalind Mitchison, *Agricultural Sir John: the life of Sir John Sinclair of Ulbster, 1754-1835* (1962), pp. 156-7, 181. [↑](#footnote-ref-69)
70. John Clare, *The parish: a satire*, ed. Eric Robinson (Harmondsworth, 1986), p. 62. [↑](#footnote-ref-70)