The Barristers of Toulouse in the Eighteenth Century
(1740-1793)

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THE BARRISTERS IN TOULOUSAN SOCIETY AND POLITICS

The Barristers' Sociability

Barristers cultivated an image of seriousness, diligence, and devotion to legal studies. One would have thought they had little time for a private life. But it is important to look behind this facade and examine the barristers' sociability—the purposes, range, and context of their social relations. Such a study provides significant insights into the informal structure of the barristers' social relations.

Despite the somber image they sought, the barristers seem to have been gregarious. They frequently joined voluntary associations with serious, usually charitable, purposes. Such was the Conference of Charity, to which thirty-two barristers belonged in the 1780s. This, however, was a quasi-professional group and was limited in membership. A much better notion of the barristers' social tastes and values comes from an analysis of their participation in Freemasonry and the brotherhoods of Penitents. The barristers were very active in both, and, regardless of the very different ideological orientations of the two, they seemed to derive the same satisfactions from each.

Freemasonry was a widespread movement in Toulouse, attracting 500 to 600 members in twelve lodges by the eve of the Revolution. The barristers' participation may be studied through the surviving membership tables, which provide the names of about 460 Freemasons, 75 to 90 percent of the total. Nearly a fourth of the Toulousan Masons, 114 of them, entitled themselves avocat. Many of these were simply law school graduates, but the practicing barristers were still numerous: they

1The seminal work on sociability is Maurice Agulhon, Pénitents et Francs-Maçons de l'ancienne Provence (Essai sur la sociabilité méridionale) (Paris, 1968). I have drawn extensively from this book at many points in this chapter.


3Bibliothèque nationale, fonds maçonnique. I have deposited a microfilm of these membership lists at the Departmental Archives in Toulouse.
amounted to 15 percent of the total lodge membership (70 of the 460). With such weight in the ranks of Masonry, the barristers must have been able to stamp their values and attitudes on the movement.

Barristers entered the Masonic lodges especially in the decade 1773 to 1783, and those who joined were primarily the young. A sample of 38 barrister-Freemasons for whom age data exist indicates that the average barrister first entered a lodge in his twenty-eighth year. There were numerous Freemasons who were still only law students, and only two in the sample were over forty years old. The impulse to join a lodge had its most profound impact upon the advocates who began their practices between 1760 and 1770; 34 percent of them became Masons. The attraction of the lodges continued during the next two decades, when 30 percent of the new barristers entered Freemasonry. In comparison, the barristers who started practicing before 1760 were hardly attracted to the movement at all.4 As we shall see, their sociability had other outlets.

For what purpose did all these barristers come together in Masonic lodges? Both pro-Mason historians of the Left and their conservative opponents have viewed Masonry as an ideological movement. A belief in social reform, progress, and even equality supposedly brought men into the lodges, where these ideals were discussed and practiced.5 More recently, Maurice Agulhon has suggested that Freemasons were much more conscious of the sociable aspects of the movement—gathering, banqueting, toasting, and talking—than of the serious ideological content of the meetings; if, indeed, there was one.6 In Toulouse, documentary and circumstantial evidence seems to support the sociable view of Freemasonry. Only one register of lodge deliberations has survived, and it contains very little ideological content. The Masons in this lodge, United Hearts, composed of merchants, barristers, and liberal professionals, deliberated almost exclusively about trivial matters or procedural formalities.7 The constitution of the lodge Peace  

4The various local almanacs list the dates at which advocates first entered the bar. See table V-1, below, for an analysis of the attraction which different age groups felt for Freemasonry.
6Agulhon, Pénitents et Francs-Maçons, pp. 203-10.
7B.M.T., MS. 1182.
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la Paix), dominated by barristers, specifically excluded discussions of religion or of the state. Moreover, the one lodge that definitely had a dynamic social commitment, the Encyclopédique, founded in 1787, did not remain within the Freemason movement. By 1789, it had become an "Encyclopedic Society" which held weekly public meetings to debate "the most interesting question to humanity, the support of the poor." On the eve of the Revolution, Toulousan Freemasonry was being mocked for its mysterious and empty rituals. Several Masons created a scandal when they parodied the initiation of a naive peasant into the rites of the lodges. Freemasonry was worthy of such jest in their eyes.

Focusing on the Toulousans in greatest contact with enlightened ideas confirms the essentially sociable nature of Freemasonry. Of the sixty-eight individuals in scientific and literary academies of Toulouse in 1789, only eleven seemed to have been Freemasons, and they were not always the academicians most in tune with new attitudes. The Advocate-General Lecomte, for example, had been criticized for his severe application of the criminal laws; yet he became a member of the lodge Perfect Friendship in 1782. Only three of the nine barrister-academicians were Masons, and they had displayed no particular eagerness to enter a lodge. Indeed, the radical Barère did not become a Freemason until 1788. Barristers like Rouzet, who wrote plays; Espic, whose poems showed him to be an early disciple of Rousseau; Gez, and Sudre, both socially-conscious members of the Conference of Charity, were not Freemasons. All these men, familiar with new ideas and sensitive to the demands of humanity, felt no impulse to enter a lodge.

Only the registers of deliberations, which are nearly all missing, could provide conclusive insights into the ideological content of Masonry. Certainly, we would wish to deny neither the possibility of differences among lodges on this point nor the usefulness of Masonry in diffusing the vocabulary and slogans of the Enlightenment.

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8B.M.T., MS. 1184, fol. 4, article 2. This provision was probably quite common in Toulousan Freemasonry.

9See F. P. Calas, Histoire de la loge l'Encyclopédique de Toulouse, depuis sa création en 1787 jusqu'à ce jour (Toulouse, 1887). Its members were divided into committees in which they studied questions of public usefulness and made concrete suggestions.

10Affiches, annonces, et avis divers ou Feuille hebdomadaire de Toulouse, 20 mai 1789, p. 85. See also the statement of its founder, A.D., L-302, dossier of Delherm.


12Fonds maçonnique, table of "La Parfaite Amitié" (1782); for criticism of Lecomte see Gillaume Martel, "Eloge de M. Lecomte," Recueil de l'Académie des Jeux Floraux, 1787, p. 223.

13These were Jamme, Mailhe, and Barère.

14He joined the lodge "Encyclopédique." Jamme did not become a Freemason until 1778.

15Freemasons used the vocabulary of the Enlightenment without having any real commitment to its meaning. See Régime Robin-Aizertin, "La loge La Concorde à l'orient
However, the indirect evidence strongly suggests that men entered lodges for social contact, not for serious discussion of ideas and reforms among like-minded men. If a sociable impulse brought barristers into the lodges, it becomes important to ascertain with whom they wished to associate. All but three lodges had a distinct social identity, their memberships dominated by one occupational group or social stratum. Two lodges were essentially groups of barristers, and two-thirds of the advocates in Masonry belonged to these. In the True Friends United, twenty-five of the forty-eight Freemasons were barristers, and five others were law students. Twenty-two of the thirty-two members of the lodge Peace in 1782 came from the bar. Barristers also aspired to enter the aristocratic Perfect Friendship lodge, with its twenty-five parlementaires and sixteen gentilhommes. Only very rich or noble barristers, like Jean Baptiste Viguier, Michel Malpel, or Jean Desirat, entered this exclusive circle. Moreover, the social composition of these lodges underscores an important informal cleavage in the social world of the Toulousan courts: the division between the Parlement and the lesser tribunals. Barristers of the Seneschal Court or Merchants’ Court were nearly excluded from the lodges of their colleagues at the Parlement. The pleaders at the lower tribunals entered Masonic lodges that were dominated by merchants, artisans, or shopkeepers. Apparently, the barristers’ social contacts divided along corporate lines.

The barristers at the Parlement openly expressed their exclusive socializing principles. “No one,” declared the constitution of the Peace lodge, written by barrister Londois, “may be received as a Mason or an officiate who is not of a profession nearly equal to that of most brothers in the lodge.” The membership of Peace is, therefore, an indicator of the groups that barristers accepted as their social equals. In 1782, there were six large-scale merchants, one écuyer, a doctor, a “bourgeois,” and a musician, in addition to twenty-two barristers. Thus, the Freemasons of this lodge were from that intermediate stratum just below the aristocracy. The True Friends United lodge was a little more varied in composition, but it too, drew most of its members from the same

These were also the preliminary conclusions of Michel Taillfer, who is currently studying the Enlightenment in Toulouse.

The socially-mixed lodges, “Arts et Sciences libéraux,” “St. Joseph des Arts,” and “Encyclopédique,” recruited members on the basis of professional specialty. The objective was to have all branches of human endeavor represented. Hence, artisans mixed with liberal professionals.


Bibliothèque nationale, fonds maçonnique, Toulouse, table for De la Paix, 1782.
intermediate stratum. Only a few middling professionals gained admittance.\footnote{In 1775, this lodge included twenty-five barristers, five law students, two attorneys, three \textit{greffiers}, two officers of the Parlement, a military noble, a canon, three \textit{écuyers}, two \textit{négociants}, and a watchmaker.} The barristers consciously rejected wide social contacts for a self-imposed social isolation based on a finely-developed sense of exclusiveness.

Ostensibly, the Penitent brotherhoods were very different kinds of associations. But if we take into account that these were older, larger, and less intimate groups, we can observe the same social values and preferences that shaped lodge memberships influencing the social structure of these religious fraternities. The Blue Penitents, known since the early seventeenth century as the aristocratic brotherhood, preserved this social character until the Revolution.\footnote{There was a popular saying, originating in the early seventeenth century: “Noblesse des Bleus, Richesses des Noirs, Antiquité des Gris, Pauvreté des Blancs.” See Abbé P. E. Ousset, \textit{La Confrérie des Pénitents Bleus de Toulouse} (Toulouse, 1927), p. 80, n. 3.} In 1778, over 100 robe nobles were members.\footnote{P. Barranguet, “Les confréries dans le diocèse de Toulouse au milieu et à la fin du XVIII siècle,” \textit{10\textsuperscript{e} Congrès d'études de la fédération des sociétés académiques et savantes, Languedoc-Pyrénées-Gascogne} (Montauban, 1956), p. 297.} Barristers, of course, wished to be Blue Penitents, and many were admitted. There were sixty-one of them, a fifth of the bar, in this brotherhood by 1780. This included most of the rich, noble, or distinguished barristers, like Gary, Laporte, Desirat, and Dirat.\footnote{A.D., E-922. This is a complete list of members, probably from the early 1780s.} The brothers of the Black Penitents were somewhat less socially distinguished. Much of their membership came from the intermediate social stratum of large-scale merchants, barristers, and civil officers, and from the middling professions. In this brotherhood were a few important barristers along with their less distinguished colleagues.\footnote{\textit{A.D.}, E-941-954, \textit{Cérémonial que Messieurs les Pénitents Noirs de la ville de Toulouse doivent observer . . .} (Toulouse, n.d.). At a general assembly in 1782, there were nine \textit{négociants}, six barristers, four \textit{gentilhommes}, three civil officers, three \textit{bourgeois}, one attorney, and an artist. The corporation of attorneys may have had an official affiliation with this brotherhood.} The Grey and White Penitents were more popular in composition, though men of higher rank were sometimes present as officers. It was to these confraternities, dominated by shopkeepers and artisans, that barristers of the lesser tribunals belonged, just as they entered the more popular Masonic lodges.\footnote{For the Grey Penitents, see \textit{A.D.}, E-936-938; for the Whites, E-927-933.} Whether as Penitents or as Freemasons, barristers at the Parlement behaved similarly. They associated whenever possible with the parlementaires; otherwise, they sought their own intermediate stratum. Above all, they avoided contact with the artisans, shopkeepers, and all below the level of the middling professions, leaving these strata to the barristers of the lower courts.
Such affinities between Penitents and Freemasons have led to the suggestion that contemporaries were more aware of the similarities between the two associations than of the differences. Maurice Agulhon has argued that the Penitents' original purpose of mutual emulation in piety and contrition had been subordinated to socializing, and, under these circumstances, simultaneous membership in both fraternities would not have been incongruous. Certainly, the Toulousan Penitents were no longer animated by a deep sense of piety and Christian devotion. Nevertheless, the barristers were not usually both Penitents and Freemasons. The lists of Penitents, which are far from complete, yield the names of ninety-five barristers, only thirteen of whom were members of Masonic lodges. These two fraternal associations were alternative, not complementary, forms of socializing for the barristers. Whether a barrister became a Freemason or Penitent, however, was not a matter of his spiritual condition; the distinct membership of the two associations did not signify a division of the bar into the pious and the freethinkers. Rather, membership in one or the other association depended largely on age. If we examine the bar in 1785 (a convenient year for our data), we find a third of the older advocates—those practicing at least since 1770—to have been Penitents, while less than a tenth of the younger barristers belonged to the order. The proportions were reversed for the Masonic movement (see table V-1). Apparently the barristers were attracted to the penitential groups until the 1770s, when Masonic lodges began to grow. Younger barristers then found the lodges much more appealing forums for their fellowship: meetings were more frequent and intimate, the occasion more conducive to conviviality. It may have been, too, that these younger barristers had a clearer or stronger sense that spiritual matters were less central to their lives. But the older barristers were touched by the new religious attitudes too. As Penitents, they concentrated increasingly on secular, charitable functions. They stayed out of Masonry, not because the lodges were too mondain, but because this was a movement of the young.

If new religious attitudes pervaded both groups, both retained the same social values, prejudices, and patterns. The younger barristers may have found a secular context more suitable to their socializing, but they did not seek a new range of social contacts. The fraternal habits of

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27Barranquet, “Confréries,” p. 301. In 1778, the Blue Penitents decided to wear shoes during their processions because the cobbles hurt their feet!
both young and old proved more enduring than their spiritual commit­ment. 29

Barristers undoubtedly spent much more of their nonoccupational
time socializing among family, friends, and relatives than in voluntary
fraternal associations. Unfortunately, the documentary material on
this aspect of their social lives is particularly weak, so we must rely
heavily on inference and on speculation. The evidence that does exist
points to an intense intertwining of family, neighbor, and colleague in
the barristers' social relationships. With residences so highly segre­
gated along professional lines and with the strong tendency of col­
leagues' families to intermarry, the barristers' circles of friends, rela­
tives, and colleagues must have been nearly coterminous. Even though
many of the barristers were not natives of Toulouse, they settled in the
legal quarter and soon became integrated into this milieu, which
apparently had a considerable capacity for absorption.

Lists of witnesses to the signing of marriage contracts provide some
opportunity to test this speculation about the barristers' social con­
tacts. These lists (see table V-2) indicate the professions of those with
whom barristers had meaningful—though not necessarily genial—rela­
tions. Nobles were probably disproportionately represented by this
source because families prevailed upon their most distinguished con­
tacts to attend the ceremony. Interesting, too, is the near-absence of
parlementaires. They no longer took the trouble to favor a promising
barrister with attendance at his wedding, as they had done in the
previous century. By and large, the witness lists attest to the same

29Voluntary associations in France have supposedly reinforced social divisions, rather
than breached them, down to the present day. See O. R. Gallagher, "Voluntary Associa­
TABLE V-2. Witnesses to Marriage Contracts

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-noble barristers</td>
<td>57</td>
<td>24.2</td>
</tr>
<tr>
<td>Noble barristers</td>
<td>32</td>
<td>14.3</td>
</tr>
<tr>
<td>Négociants</td>
<td>23</td>
<td>9.8</td>
</tr>
<tr>
<td>Clergy</td>
<td>22</td>
<td>9.0</td>
</tr>
<tr>
<td>Simple noble</td>
<td>21</td>
<td>8.9</td>
</tr>
<tr>
<td>Attorney</td>
<td>21</td>
<td>8.9</td>
</tr>
<tr>
<td>Praticien</td>
<td>12</td>
<td>6.0</td>
</tr>
<tr>
<td>Civil officer</td>
<td>10</td>
<td>5.2</td>
</tr>
<tr>
<td>Marchand</td>
<td>8</td>
<td>3.3</td>
</tr>
<tr>
<td>Physician</td>
<td>8</td>
<td>3.3</td>
</tr>
<tr>
<td>Greffier</td>
<td>6</td>
<td>2.3</td>
</tr>
<tr>
<td>Artisan</td>
<td>3</td>
<td>1.2</td>
</tr>
<tr>
<td>Parlementaire</td>
<td>3</td>
<td>1.2</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td>2.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>232</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Source: A.D., 3E, marriage contracts of 87 barristers, 1740-1790.

pattern of sociality observed in the penitential and Masonic brotherhoods. The barristers’ interaction with their colleagues was intense; with others in their intermediate stratum, frequent; and with groups below the middling professions, rare.

It is important, at this point, to examine more closely the extent and quality of relations which barristers had with the aristocracy and the peuple. Such contacts might have had important formative influences on their social and political attitudes. For example, the ties of loyalty and respect between parlementaires and barristers were tested several times during the last decades of the Old Regime. Were professional bonds between the two groups supplemented by personal ties of friendship and familiarity? This question is difficult to answer in view of the dearth of documents. It seems unlikely, however, that barristers, especially non-noble ones, would have been invited to the salons of Mesdames du Bourg, de Cambon, de Resseguiier, or Mengaud de Lahage.\(^\text{30}\) The parlementaire d’Aldeguier noted in his contemporary history of Toulouse that Bertrand Barère was “living in rather great intimacy with a number of parlementaires.”\(^\text{31}\) The very fact that d’Aldeguier mentioned this in his history of Toulouse indicates the singularity of the situation. Barère’s familiarity with the aristocracy was based not on his position as a barrister of importance but on his

\(^{30}\)On these salons, see Roger de Vives de Regie, _Les Femmes dans la société de nos derniers parlementaires toulousains_ (Toulouse, 1901), p. 60.

\(^{31}\)J.-B.-A. d’Aldeguier, _Histoire de la ville de Toulouse depuis la conquête des Romans . . ._, 4 vols. (Paris, 1835), 4: 390. I have also examined the correspondence and family papers of Riquet de Bonrepos, _A.D._, 4–J. There were no references to barristers, suggesting little social contact.
reputation as a man of letters, of wit, and of "bons mots." It was for this reason, too, that the academician Jean Baptiste Mailhe was received in aristocratic salons. A barrister who was simply erudite carried no weight in the social world of the parlementaires.

The barrister who integrated himself most fully into parlementaire circles was Philippe Vincent Poitevin. Born near Montpellier in 1742, he taught lettres in a collège before entering the Toulousan bar in 1769. He soon established contacts in high robe circles. Poitevin became the legal tutor of the future Advocate-General Ressegui and was familiar enough with President du Bourg to participate in his family festivities. Poitevin was well-received in the salons, appreciated there for his "piquant couplets" and, curiously enough, for his ability to make geography humorous. Whether or not these aristocrats viewed this barrister as an "equal," they did demonstrate some affection and concern for him. In return, Poitevin gave them his complete loyalty.

Poitevin's social situation, however, was unique. His acceptance into aristocratic circles placed him in such a rarefied atmosphere that he hardly knew his colleague and fellow academician, Jean Joseph Gez. Nothing could have demonstrated more completely how narrow and stratified the different social spheres within the Toulousan legal world really were. The barristers' identification with parlementaires was not based on familiarity with them. Their most meaningful ties to the magistrates were, as we shall see, professional ones.

The barristers' nonprofessional contacts with the peuple may well have been as limited as their contacts with the aristocracy. Barristers thought of the lower social groups as being disorderly and dangerous by nature. The advocate Soulé, for example, wrote in a brief that police officers deserve sympathy "for their daily exposure to the hatred and resentment of the populace due to its antipathy for discipline and order." Contact between members of the lower strata and barristers occurred smoothly and without discomfort only when each assumed clearly-defined superior-inferior roles (for example, landlord-tenant, maître-sharecropper, lawyer-accused). One petty trial of offended honor illustrates the tensions and formalities that structured the

31Vives de Regie, Les femmes, p. 82.
34Biographie toulousaine, 2: 187.
35Poitevin-Periari, Mémoire, 2: 372-76.
barristers' relations with the *peuple.* Advocate Louis Auguste de la Mothe was engaged to settle a debt owed by a fisherman from a nearby village. The barrister decided to visit the fisherman and urge him to pay the debt rather than have his property seized. De la Mothe wore his professional robes to the fisherman's residence, apparently to inspire fear and respect. When he addressed the debtor, de la Mothe noted that the miscreant failed to remove his hat. This act of disrespect angered the barrister, and he knocked the hat off the fisherman's head. The debtor, enraged by both the attack and the demand for money, declared that he had seen men in robes before and was not awed. He called de la Mothe a "*f--- trickster*" and threatened to throw him in the river. This incident illustrates, on the one hand, popular hostility to legal men, and on the other, the unwillingness of the well-situated to treat the laboring poor as beings worthy of dignity and respect.

Ultimately, the barristers formed a rather isolated social group. This gave the bar a great deal of cohesiveness, but it also inhibited the development of wider frames of reference and obscured the distinction between corporate and individual interests. The consequences of this position for the barristers' political outlook can be seen through their participation in local and national conflicts.

**PUBLIC SERVICE AND MUNICIPAL REFORM**

Men of high social standing and legal expertise, barristers were frequent participants in local government. Indeed, men from the bar were crucial to the administration of the city, for they nearly monopolized the offices of greatest responsibility and power. The leading capitoul, called the *chef de consistoire,* was always an advocate. So was the syndic, whose duties included the supervision of all legal disputes involving the city. This was a permanent office, and most administrative matters passed through his hands. The four assessors of the city were also important public functionaries, aiding the capitouls in their judicial and police duties. Among the assessors were generally one or two barristers of some professional importance. Since the other assessors were chosen more for their connections than for their qualifications, most of their responsibilities must have devolved upon the barristers. The Treasurer of Toulouse, a venal officer, was the barrister-capitoul Prévost during the last decade of the Old Regime, while the Clausolles, a family of barristers, had held the post of *greffier*

38A.D., B—seigneurial justice, Fenouillet. Case of 16 October 1771.
since at least 1770. In addition, three advocates served as officers in the Municipal Tribunal. Thus, with the exception of tax collectors and minor clerks, barristers held nearly every important office at the Hôtel de Ville.

Until the municipal reorganization of 1778, these officers shared their power and burdens with a series of councils and commissions composed mainly of former capitouls. Since barristers were a large component of the former capitouls living in the city (fifteen of fifty-three in 1789), they were prominent in these councils. The Bourgeois Council was the most influential organ of administration; in 1775, the only year for which data exist, barristers held six of the twenty-four regular positions on the Council. All legal problems and conflicts involving the city were considered by the "Council of the Long Robe," composed of six distinguished barristers. One or two more might have served on the financial commissions, but merchants usually dominated these.

The reform of 1778 created two new administrative councils with considerable power, and barristers occupied numerous places on both. On the Political Council, charged with reviewing all matters of pure administration and approving expenses above 100 livres, there were eight advocates among the twenty-eight selected members in 1780. When the royal government reorganized this council once again in 1781—with the express purpose of reducing the barristers' participation—there were still five advocates out of thirty-two members. The General Council, convoked only in unusual circumstances, had fifteen appointed members, and advocates held an average of four of these posts in the last decade of the Old Regime. Service in the Hôtel de Ville was, thus, a very common activity for Toulousan barristers before and after the reform.

The advocates' participation in public affairs extended beyond the municipal government. Their legal expertise and social prominence made them suitable administrators for various quasi-public institu-

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42 Almanach de la ville de Toulouse, 1780-1790. See sections on municipal administration.
43 For details on these councils, see Sicard, L'administration capitulaire, and Edmond Lamouzéle, Essai sur l'administration de la ville de Toulouse à la fin de l'ancien régime (Paris, 1910).
44 Almanach historique de la province de Languedoc (Toulouse, 1790), pp. 213-16.
45 A.D., C-279, list of members of Conseil des Bourgeois.
46 Almanach de la ville de Toulouse, 1780. See the section on "administration municipale." The figures cited here include only the regularly selected members. There were others who held honorary positions on the council by virtue of their rank or position in Toulousan society.
47 Almanach de la ville de Toulouse, 1782.
48 Almanach de la ville de Toulouse, 1780-1790. This, again, includes only the regularly-selected members.
tions. One or two barristers regularly sat on the board of the Royal Collège (formerly the Jesuit school). Others served as legal counsel to the Order of Malta, to which the most important Toulousan aristocrats belonged. As important men in their neighborhoods and parishes, barristers, along with parlementaires and large merchants, were to be found as officers of the hospitals or directors of the parochial charity house.\(^49\)

Public assistance and care for the unfortunate claimed the time, attention, and sense of paternal obligation of several barristers. Toulouse had two major institutions for the poor, the Hôtel-Dieu St. Jacques and the Hôpital général de la Grave, and the barristers served both. The Hôtel-Dieu had a board of directors whose occupational composition was partially fixed by edict; at least eight, and later, six of the twenty-four directors had to be barristers.\(^50\) During the 1780s an average of seven barristers administered the Hôtel-Dieu each year. The General Hospital had a governing board of thirty, and barristers composed nearly a third of it for the last decade of the Old Regime.\(^51\) These administrators performed a task of great responsibility and difficulty, given the perennial shortage of funds to care for a growing number of poor. The monthly or biweekly meetings were only the beginning of their work on behalf of the destitute. Barristers also served as syndic of the General Hospital and counsels for the poor of the Hôtel-Dieu. The amount of time and energy that advocates devoted to the poor through these two institutions, the Conference of Charity, and the religious brotherhoods was considerable.

The barristers who assumed public responsibilities and became local notables formed a restricted, but by no means closed, group. Entry came with wealth or professional distinction. During the last twenty years of the Old Regime, about fifty barristers—one out of six or seven—assumed some public office. Most of these had been ennobled through the capitoulat; until 1778, royal legislation placed most public institutions under the direction of former capitouls. The reform of 1778, however, admitted men to the municipal councils before they became capitouls so they might gain experience in public affairs.\(^52\) The Political Council, for example, selected talented roturier barristers of the Parlement for a role in local administration. Seven such commoners entered the Council prior to the Revolution. Public offices were nearly closed to barristers at the nonsovereign court and to the less

\(^{49}\)Ibid.
\(^{50}\)See François Buchalet, *L'assistance publique à Toulouse au dix-huitième siècle* (Toulouse, 1904), for the administration of the charitable institutions.
\(^{51}\)There were usually nine barristers among the administrators of the General Hospital. See *Almanach de la ville de Toulouse*, 1780-1790.
important avocats at the Parlement. By and large, participation in local administration reflected and enhanced the position of leading barristers as the most distinguished nonaristocrats in Toulouse.

The extensive involvement of the barristers in public administration gave them an interest in any effort to alter the municipal government. When the crown instituted reforms in the 1770s, barristers became actively embroiled in the controversies that ensued. The concerns of the royal government were, at various times, to make the administration of Toulouse more efficient and to reduce the influence of the Parlement. Barristers, however, perceived the reform as an attack on their corporate privileges. Throughout the long dispute, the barristers’ concern was to preserve as many ennobling offices and honors as possible for themselves and their colleagues. Their approach to public affairs was, thus, a narrow, corporate one.

Before examining the municipal reform, it is necessary to discuss briefly the barristers’ corporate organization and habits of association. Strictly speaking, the barristers had no corporate organization at all, for their Order had no letters patent that conferred this legal status. Moreover, the barristers preferred to think of the Order as an association based on honor, mutual respect, and common concerns. Such a conception complemented their claims to independence and high status. They refused even to keep minutes of their deliberations. Nonetheless, the Order did perform the functions of a professional corps. There are indications, too, that corporate attachments were becoming weaker in the context of everyday life. The barristers seemed concerned with separating their family and professional lives, and their expanding cultural horizons brought them a new range of interests beyond the law. Diminishing participation in corporate processions suggests that the barristers’ sense of collective identity was declining. However, advocates continued to relate to political institutions and authorities as members of a corporate body. And when the honors and privileges of this body were in question, barristers were capable of vigorous collective action. The reform of the municipal government elicited just such a response from the barristers.


54 This point is made by Philippe Ariès in Centuries of Childhood: A Social History of Family Life, trans. Robert Baldick (New York, 1962), pp. 365-405. My findings tend to support his claim.

55 Immediately after the Maupeou coup, fewer than a hundred barristers marched with their Order to congratulate the eldest magistrate on the reestablishment of the Court. See Journal de ce qui s’est passé à l’occasion du rétablissement du Parlement... (n.p., n.d.), pp. 7-8.
In the mid-1760s, the royal government began to discuss changes in the municipal administration, a move urged by intendants since the beginning of the century. The Estates of Languedoc precipitated a serious pamphlet war in 1775 by suggesting that Toulouse be given the same form of government as the other cities of the province. Barristers were active pamphleteers, and they became the chief defenders of the existing administration. The distinguished barrister and former capitoul Jean Carrière wrote a very factual, straightforward memoir which attempted to defend the administration by describing it in detail and by praising the integrity of its personnel. He noted, for example, that the commissions were composed of barrister-capitouls, and these were "almost always among the most celebrated of the Parlement." Jean Castillon, the barrister, academician, and librarian, offered a more elaborate apologia for the municipal government. His general contention was that existing abuses were inevitable, and no reform could change certain, possibly undesirable, situations. For example, critics of the existing regime blamed the ennoblement of capitouls for the deterioration of Toulousan commerce: children of ennobled merchants abandoned trade, it was claimed, for professions suitable to their new status. Castillon answered these critics by pointing out that the local economy lacked vitality for other reasons: its inland position and its lack of raw materials, to name only two. The most uncompromising defense of the administration came from Jean Claude Deadde. His was a panegyric on the municipal government, lauding its ancient privileges and respectable origins. For Deadde, the administration was just what it ought to have been.

The terms upon which the barristers defended the municipal status quo merit further attention. Their criteria for evaluating the government were ancient privilege, previous existence, and convenience. The barristers did not consider efficiency, equity, or usefulness. Their memoirs never conceded the need to correct obvious abuses, such as the selection of "foreigners" for capitouls. Apparently, they acquiesced in the process that made the Toulousan municipal government a pawn in a game of influence among Parisian courtiers. In the end, the barristers' defense of the municipal government was a corporate defense of their benefits and privileges. Deadde, Castillon, and Carrière were not defending the capitoul system out of personal interest; the first two were minor barristers and unlikely to become capitouls, while Carrière was already ennobled. As barristers, though, they wanted to retain for their profession and their colleagues as many honors, dignities, and

56Dutil, "La réforme," p. 313.
57A.D., C-284, "Mémoire concernant l'administration de la ville de Toulouse."
58A.D., C-285.
59Ibid.
privileges as possible, and this required the preservation of the existing municipal structure. Hence, they argued forcefully for the continuance of the ennobling powers of the capitoulats but did not discuss its abuses. The narrow, corporate viewpoint of the barristers in this dispute over municipal reform continued into other phases of the controversy as well.

The first phase of dispute ended with the royal reform edict of 1778. Despite the opposition of the barristers, the structure of the administration underwent substantial changes. The incumbency of the capitoulats was extended a year to provide for greater experience and expertise. The actual selection of the capitoulats was returned to local bodies, and fixed social requirements were placed on the nominees. Of the eight capitoulats, two were to be nobles, two, former capitoulats, and only four places were open to commoners of distinction. These commoners had to serve two to four years in administrative councils before they would be eligible for higher office.60 A further provision that was to have some importance in the subsequent disputes was the suppression of the chef de consistoire. Now that there were gentlemen-capitoulats, there was no need for one alderman to lead all the others. Instead, one capitoul, called the “First of Justice,” was placed in charge of the municipal tribunal.

The controversies and reexamination engendered by the reform concerned two different issues. The first involved a squabble over precedence between the gentlemen-capitoulats, already nobles of long standing, and the First of Justice, always an ennobled barrister. Which one would have the honor of receiving commissions from the Parliament? Who would be an honorary member of the Floral Games? The First of Justice claimed these distinctions because he replaced the chef de consistoire, who had previously held the honors, and the gentlemen-capitoulats claimed them on the basis of social rank. The barristers in the municipal administration took this issue very seriously. Pierre Gary and Jean Gouazé, both of whom had devoted many years to public service, wanted to resign rather than submit to the gentlemen-capitoulats. They believed this dispute was important enough to merit the renunciation of honorable positions and the disruption of the city government.61

The second, and much more significant, dispute arising from the reform of 1778 concerned the number of barristers serving in the municipal government. The barristers, as we have seen, were always careful to protect or expand their share of ennobling positions; but their very prominence in public councils aroused the jealousy of other

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occupational groups. Soon after the reform, the Order of Barristers tried to increase their avenues to ennoblement. The Order, together with the large-scale merchants (négociants), claimed that half of the new capitouls had to be chosen among their colleagues alone. This claim was enough to arouse the attorney and former capitoul, Chauliac, to protest to the intendant. He seemed to lead the opposition in the municipal councils to this offensive by the Order of Barristers.

The controversy over the barristers' participation in municipal government easily became enmeshed in a still more serious problem: the subjection of the city administration to the Parlement. The Sovereign Court had long had a "party" among the members of the municipal councils and had strongly influenced the city through its representatives to those bodies. The royal government, on the other hand, had always tried to reduce the influence of the Parlement by selecting capitouls who would not necessarily support the court. In 1782, a trivial incident involving the firing of a city jailor by the capitouls began a series of run-ins between the municipal corps and the Parlement. The Parlement then began to apply stronger pressure to subordinate the city government to its will, and the barristers in the Hôtel de Ville were the main agents of its control. To counteract the influence of the Sovereign Court, the crown once again reorganized the city government in October of 1783. This time, the seats on the council were apportioned to numerous professional groups. The Political Council was to have among its non-noble members two barristers, but also four merchants, three bourgeois, one surgeon, one notary, and so on. The General Council would have only one barrister among its roturier members. Both councils, however, might have—and certainly did have—more advocates, who were former capitouls, so that in the end this aspect of the reform was ineffective. Nonetheless, both the Parlement and the Order of Barristers perceived the threat and reacted accordingly. The Parlement forbade the application of the edict and sent a remonstrance to the king. Individual barristers in the councils, like the former capitoul Pierre Albaret, protested against the new edict. Incited by the Parlement, several barristers demanded a meeting of the

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62A.D., C-287, "Observation sur l'élection des capitouls de Toulouse."
64See, for example, A.D., C-278, "Etat des avocats, ancien capitouls ..." (1767-1768), especially the comments on Gouazé and Pons. Also, A.D., C-287, letter of Marquis de Belesta to Intendant, 29 November 1788.
65Henri Rozy, "Un conflict en 1782 entre le capitoulat de Toulouse et le Parlement ...," Mémoires de l'Académie des sciences ... de Toulouse, 7e série, 7 (1875): 479-98.
66A.D., C-287, letter of Marquis de Belesta to Intendant, 29 November 1783.
67Dutil, "La réforme," p. 344.
68A.D., C-287, arrêt of Parlement, 9 December 1783.
Order to issue an official protest. The batonnier, forewarned by the subdelegate, tried to prevent such a meeting, only to have the younger hotheads threaten to hold a session without him. When the Order assembled, the barristers sent a deputation to the Parlement to express their gratitude for its defense of "the interests of the Order and for having rendered witness to the preference which the Order [of Barristers] merits by its knowledge over all the other corps of the city." Then they voted to present a memoir to the Keeper of the Seals to represent to him the injustices done to the place of First of Justice and the prejudice resulting from the suppression of the second of justice, and at the same time the wrong done to the Order of Barristers in designating such a small number to the Council.

Throughout this five-year controversy, the barristers had regarded public offices as corporate "property" which they had to protect. Wider questions of justice, equity, or efficiency received scant attention. The Toulousan barristers were still too enmeshed in corporate attachments to act as individual citizens, concerned with the public interest. Their intense social interaction and isolation from other groups undoubtedly reinforced this tendency to view public matters from a corporate point of view.

BARRISTERS AND THE PARLEMENT IN POLITICAL CRISSES

The municipal councils and commissions provided a forum for the barristers to play an important role in local politics. Conflicts between the crown and the parlementaires, increasingly intense in the second half of the century, placed the barristers in a much wider political context. These conflicts not only tested the barristers' willingness to act in political crises but also tried their loyalty to the magistrates.

These crises repeatedly demonstrated the fidelity of the barristers to the parlementaires. To be sure, the magistrates received wide support as defenders of provincial liberties against royal "despotism," but the bonds which tied the barristers to their superiors were of a special nature and strength, and they deserve careful examination. Rarely was this fidelity based on familiarity; as we have seen, few barristers made their way into aristocratic circles or even aspired to do so. Rather, the barristers were tied to the magistrates by a complex relationship involving respect, fear, deference, and dependence. The aloofness of the parlementaires did not prevent the barristers from identifying with

69 A.D., C-287, letter of subdelegate Ginisty to Intendant, 24 December 1783.
70 Ibid.
them. The diligent, sober, and serious life style of the significant minority of magistrates who kept the court functioning smoothly won the barristers' deep respect.\footnote{See François Bluche, Les magistrats du Parlement de Paris au XVIIIe siècle (Paris, 1960), pp. 280-83 for the functioning of a Sovereign Court. More research needs to be done on provincial courts. For the parlementaires' image, see Pierre Nicolas Berryer, Souvenirs, 2 vols. (Paris, 1839), 1: 34. This Parisian barrister remembered the magistrates as rich men who, in spite of their wealth, rose at 4:00 A.M. to read legal cases, so great was their devotion to public duty.} Mutual interest in the law and in the study of jurisprudence created cultural bonds between the two groups. The barrister Jean de Poisson, for example, exchanged rare legal manuscripts with Counselor Aiguevives.\footnote{A.D., 3E-1157, fol. 185, testament of Poisson.} The bench and the bar shared more tangible interests, as well. Maintaining the full authority, prestige, and jurisdiction of the Parlement concerned them both; a diminution of any of these might have reduced the barristers' clientele or professional status. Thus, they welcomed the parlementaires' staunch defense of their court.

Professional activities placed barristers in a special patron-client relationship with individual magistrates. To have the favor and "protection" of a powerful officer of the court led to many victorious cases and a successful career. Moreover, prevailing judicial practices and morality permitted the direct solicitation of the magistrate in favor of a client. The evidence suggests that barristers availed themselves of this practice frequently and built up a personal indebtedness to the parlementaires. The barrister Chas, for example, wrote to Counselor d'Albis thanking him for "so many proofs of kindness" in the past and requesting him to take an interest in his client's case.\footnote{Auguste Puis, ed., Une famille de parlementaires toulousains à la fin de l'Ancien Régime. Correspondance du Conseiller d'Albis de Belbèze (Paris, 1913), p. 132.} The advocate Boyer implored Madame d'Albis to influence her husband in his client's affairs. She, in turn, requested her husband to treat the client "as favorably as your equity and insight will permit."\footnote{Ibid., p. 238.} Thus, ties of dependence and patronage united the bar and the bench.

The magistrates, for their part, insisted upon loyalty and support from the bar. When it was not forthcoming voluntarily—as it usually was—they could resort to fines, the threat of suspension, withdrawal of favor, or intimidation. Fines were probably rather common.\footnote{Two very prominent barristers received fines. For Duroux, see B-1681, fol. 333; for Jamme, see his pamphlet, Aux maire et officiers municipaux \ldots{} (n.p., n.d.), p. 5, in the B.M.T. revolutionary pamphlet collection.} The case of a young barrister in the Political Council, François Besaucelle, provides an interesting example of intimidation. As a relative of the capitoul Chauliac, leader of the anti-parlementaire faction in the council, Besaucelle had divided obligations and loyalties. He tried to
resolve these by ceasing to attend the meetings. However, the Advocate-General told him that “not to be for the Parlement was to be against it.” With this warning, the young barrister sided with the court.\(^76\) Usually, however, the ties binding barristers to the magistrates made such intimidation unnecessary.

Until the attack on the Parlement by Chancellor Maupeou in 1771, the Sovereign Court had not been threatened with fundamental changes in its organization or jurisdiction. Until then, the conflicts between the court and the crown concerned the registration of specific laws. Individual barristers may have had important behind-the-scenes roles as legal advisors or as pamphleteers, but there was no collective activity by the bar. Such was the case in 1763, when the Parlement refused to register a fiscal edict and suddenly recessed without royal permission. A barrister defended the court with legal arguments and precedents justifying its action.\(^77\) With the Maupeou coup, however, the power of the Parlement was threatened in such a fundamental manner that collective action was a possible response for the barristers.

After Maupeou’s attack on the Parisian Parlement in February of 1771, the personnel of the Toulousan Sovereign Court were insecure and uncertain. Rumors of Maupeou’s intention to strike in Toulouse circulated, even though this Parlement was not so vigorous as others in protesting his policies.\(^78\) The Toulousan parlementaires apparently feared that Maupeou would expel some magistrates and replace them with barristers and non-noble judges, who would be more readily under his control. Early in May, the court issued a decision that “no one, be he magistrate, barrister, or other, may contradict his oath by taking over the office and functions of magistrates who were not removed from their functions by the proper forms of law.”\(^79\) This declaration was immediately nullified by the Royal Council, but its sense was probably not lost on the bar.

For all the warning they had, the court personnel showed no evidence of having planned decisive action when the coup came. On 2 September 1771 the intendant, St-Priest and the governor, the count

\(^{76}\)Dutil, “La réforme,” p. 360. Voltaire accused the Parlement of intimidating one barrister so much that he refused to defend his own son against accusations in the Calas affair. See François Marie Voltaire, Correspondence, ed. Theodore Besterman (Geneva, 1959), vol. 49, letter 9775.

\(^{77}\)Lettre d’un avocat au Parlement de Toulouse à un avocat au Parlement de Paris au sujet de l’arrêt par lequel le Parlement a prorogé sa séance (n.p., n.d.).


\(^{79}\)Cited in Flammermont, Chancelier Maupeou, pp. 387-88. This may have been aimed more at the Seneschal Court officers than at the barristers.
of Périgord, a known opponent of the Parlements, forced the registration of the edict suppressing the Parlement of Languedoc. The magistrates were ordered to return immediately to their homes and not to receive visitors.\(^{80}\) At the same time a new tribunal, the Superior Council, was created at Nîmes, and this new court seriously cut into the jurisdiction of the Parlement. President d’Aguin, a leader of the magisterial opposition, claimed that the new council reduced the jurisdiction of the Parlement by two-thirds and removed the wealthiest areas,\(^{81}\) but his estimate was undoubtedly exaggerated. A few days later, seventy magistrates were exiled by \textit{lettres de cachet}, while the intendant permitted fifty parlementaires to remain in Toulouse so that he might persuade them to join the new court. In the end, thirty-seven counselors consented to take seats in the Maupeou Parlement.\(^{82}\) These judges came largely from the families who were relatively new to the Parlement, while the older magisterial families, like Resseguier, Senaux, and du Bourg, were adamant in their opposition to the new court.

The barristers were no more organized in their resistance to Maupeou than were the magistrates. If there was any attempt to organize a “strike” at the bar, as was done at other Parlements, there is no evidence for it. On 5 September, when the Maupeou court began its first session, the barristers pleaded as usual, and they continued to appear with the same frequency as before. No pleading advocate retired voluntarily to protest the Maupeou coup.\(^{83}\) Even when the Parlement was reestablished in 1775, the barristers never claimed more than to have “made the most fervant wishes for this happy revolution” while continuing to serve the Maupeou court.\(^{84}\) Only Philippe Poitevin, the personal friend of parlementaires, may have actively resisted the coup; Attorney-General Resseguier worried that Poitevin had been exiled by a \textit{lettre de cachet}.\(^{85}\)

The barristers’ failure to defend the Parlement and their own interests more actively was not the result of any basic disloyalty; rather, it was a bow to necessity, confusion, and fear. The barristers were unaccustomed to taking vigorous and independent political stands. They were under pressure from clients to plead their cases. They feared

\(^{80}\)Ibid., p. 450.


\(^{83}\)A.D., B-registers of \textit{Grand’ Chambre}, 1771–1772. One local historian, Joseph Soulé (\textit{Le coup d’état judiciaire du Chancelier Maupeou} ... [Toulouse, 1896], p. 40, n. 14) claims that barristers retired from the bar in protest. The registers of the Parlement refute this assertion.

\(^{84}\)See the speeches made by the barristers in \textit{Journal de ce qui s’est passé à l’occasion du rétablissement du Parlement} ... (n.p., n.d.).

\(^{85}\)Tournier, \textit{Le Mesmérisme à Toulouse}, p. 70.
the crown's anger against resisting barristers: in Paris, a strike at the bar had been met by allowing attorneys to assume the title and functions of the advocates. Finally, and most important, thirty-seven magistrates had capitulated and were serving the Chancellor. With the magistrates weak and divided, the barristers could hardly have offered effective resistance. They were not daring enough, at this point, to act alone.

The absence of organized resistance did not preclude subtle friction between the bar and the new court. Outwardly, the Maupeou court functioned smoothly. Under the surface, however, there were indications of tensions and anxieties about the loyalty of court personnel. The barristers and attorneys refused to maintain their usual formal discipline in the new court; they stopped wearing their professional robes until they were ordered to do so by the Parlement. Moreover, the court seemed particularly active in attempting to win the favor of the bar— as if it were insecure about the barristers' support. It vigorously suppressed an anonymous pamphlet that mocked the barristers. The First President, hoping to win the favor of the younger pleaders—who tended to be the fomenters of resistance—requested attorneys to give them cases. Finally, the Parlement admitted two practicing advocates to the bench. The admission of two wealthy and noble barristers, Pierre Théodore Delort and Jean Baptiste Lapomerède de Laviguerie, hardly signaled a profound change in the recruitment policy, but it did indicate a limited receptivity to talent. This came in the fourth year in the court's existence and may have represented the ultimate concession to the barristers in an attempt to secure their loyalty.

The evident insecurity of the Maupeou parlement indicates that the barristers accepted the Maupeou coup with resignation, just as they later claimed. They displayed their loyalty to the old Parlement even more forcefully by not taking up practice at the new Superior Council at Nîmes. This court, with its large jurisdiction, might have been attractive to Toulousan barristers, especially with the over-crowding at the bar in Toulouse. Yet, only three young barristers, Claude Castor Bragouse, Joseph Monyer, and Antoine Chas, associated themselves

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87 Soulié, *Coup judiciaire*, p. 73.
89 Soulié, *Coup judiciaire*, p. 69.
91 In Grenoble, the barristers pressured the Parlement to admit some of their colleagues. See Jean Egret, *Le Parlement de Dauphiné et les affaires publique...*, 2 vols. (Grenoble, 1942), 1: 293. There is no evidence that Toulousan barristers made the same demands.
with the new Council. The attorneys' rate of defection was much higher: twelve of the hundred or so went to practice in Nimes. Thus, the fervent claims of fidelity which barristers made when the old Parlement was restored were sincere.

At the very end of the Old Regime, the barristers' loyalty was tested once again, this time under circumstances that bolstered their courage and audacity. Royal authority had been seriously shaken by the Assembly of Notables and by the exposure of the crown's financial difficulties. Just then, the Parlements faced the most serious threat to their autonomy and status from the Lamoignon Edict. On 8 May 1788 the count of Périgord constrained the Toulousan Parlement to register this edict, which transferred the right to remonstrate to a single Plenary Court in Paris, drastically reduced the jurisdiction of the Parlements, and created new, rival tribunals, the Grands Bailliages. This law understandably caused great consternation among the Sovereign Court personnel. Some magistrates tried to protest, and the parlementaires were soon exiled.

The atmosphere of political crisis and the ferocity of the attack on their court united the Toulousan bar in militant defense of the Parlement: the barristers took decisive action. On 17 May, the batonnier of the Order visited the First President to promise him the fidelity of the bar. The barristers took an oath to reject all offers of places in the Grand Bailliage and to expel from the Order any barrister who disobeyed "as having broken the links that attach him to an association the essence of which consists of . . . delicacy and honor." The Order then sent a protest to Lamoignon, Keeper of the Seals. Such action was bold and self-sacrificing. Not only did the barristers carry out the protest without the organized support of the parlementaires, but the oath they took excluded them from ennobling offices in the Grand Bailliage. This was a considerable sacrifice to make and attests to the depths of their devotion to the Parlement in this crisis.

Individual barristers took the protest against the May Edict much further. Three in particular, Joseph Marie Duroux, Alexandre Jamme, and Jean Baptiste Lafage, assumed the lead in organizing public opinion against the judicial coup and against the Grand Bailliage. These distinguished advocates edited a newspaper (Nouvelles affiches

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92 A.D., B-registre d'enregistrement des lettres patents (especially fol. 65); B-plumitif civil des audiences du Conseil de Nîmes (1771-1775). Bragouse became Substitute to the Attorney-General at this court. The other two were barristers.
93 Astre, Procureurs, p. 34.
94 On the background to the May Edict, see Jean Egret, La Pré-Révolution française (1787-1788) (Paris, 1962).
95 Cited in Axel Dubouil; La fin du Parlement de Toulouse (Toulouse, 1890), p. 29.
96 Lettre des avocats au Parlement de Toulouse, à Monseigneur le Garde des Sceaux . . . , (n.p., n.d.).
et courier récréatif) which violently attacked the new tribunal and the ministers. So furious was their rhetoric that they were summoned to Paris where, presumably, the Bastille awaited them. However, the crown was forced to revoke the May Edict before the barristers were punished, and they returned to Toulouse in triumph. Their entry into the city was the occasion for public celebration, and a medal was struck declaring them “defenders of the Patrie.” A “patriotic feast” was held in their honor at the home of Count Jean Dubarry, and poems glorified their names and deeds. In the celebration and excitement, the political significance of the event was lost. For the first time, barristers emerged as the most articulate and forceful defenders of the Parlement and constitutional forms. They no longer hid behind the magistrates. In political crisis, the barristers finally found the courage and independence to act as boldly as the magistrates. From then on, barristers intervened forcefully in national political struggles.

The entire Toulousan legal world was not, however, united in the defense of the Parlement. Even among the barristers there was not complete fidelity: three advocates were suspected of betraying the Sovereign Court. Bertrand Merle and François Senovert, as capitouls, allegedly tried to dissuade the Municipal Council from protesting against the Lamoignon Edict. Michel Malpel supposedly aided the count of Périgord in the forced registration of the Edict. Malpel and Senovert were placed on trial before their peers, but lack of evidence or the unwillingness of a majority of barristers to attack their colleagues—especially since the Parlement had been restored—secured them acquittal. However, so emotional was this issue of loyalty for a number of barristers that they broke with their Order and campaigned for the punishment of Malpel. Ultimately, forty-eight barristers joined this vehemently pro-parlementaire faction, including Duroux, Jamme, Lafage, and many of the younger pleaders. The schism was a serious matter that generated a great deal of hostility. The bar—this cohesive group of colleagues, friends, and relatives—had rarely been so divided.

98Couplets à l'occasion de la fête patriotique donnée par M. le Comte J. Dubarry . . . ; Duboul, Fin du Parlement, p. 59.  
99This was the case in Grenoble, too. See Egret, Le Parlement de Dauphiné, 2: 360.  
102A.M., AA-100. For a list of barristers who joined this faction, see A.D., E-26542, deliberations of the Order of Barristers (8 mars 1789).  
103For example, Duroux expelled the barrister Chas from his private law conferences because he joined the opposing faction. See A.M., AA-100, Principes, progrès . . . , p. 4.
If, in this controversy, the bar displayed varying degrees of loyalty to the Parlement, none of the barristers (except, perhaps, Malpel, Senovert, or Merle) made any attempt to gain personally from the May Edict. Not one practicing barrister even solicited a magistracy in the Grand Bailliage, though barristers would have been obvious candidates, nor did any barrister plead before the new tribunal. The veritable "traitors" to the Parlement were the members of the Senechal Court of Toulouse. The judges of this court registered the Lamoignon Edict with hardly a word of protest and then accepted places on the bench of the Grand Bailliage. The barristers and attorneys of the Seneschal Court became the practitioners at the new tribunal. No barrister of the Parlement did anything comparable to support the enemies of the Sovereign Court.

The May Edict revealed a deep rift in the Toulousan legal world, between the personnel of the Parlement and that of the Seneschal Court. This antagonism was a long-standing one, based on rivalries and tensions of several kinds. The Parlement had always opposed royal edicts which expanded the competence of the Seneschal Court and had never favored the sénéchaussée in jurisdictional disputes. Moreover, the personnel of the lesser tribunal suffered constant humiliation at the hands of those attached to the Parlement. Magistrates and barristers at the Palais did not hide their contempt for the men of the Seneschal Court. Pleaders at the Parlement did not even recognize the barristers of the sénéchaussée as colleagues and social equals, and they excluded them from their Order and from their Masonic lodges. Furthermore, advocates of these two courts competed for clients, public dignities, and prestige. The events of 1788 offered the Seneschal Court personnel an opportunity to settle old grievances.

The developments following the Lamoignon Edict marked an important stage in the political history of the Toulousan legal world. In the face of catastrophe for the Parlement, barristers became forceful and visible leaders of public protest. Though there were a few defections, most advocates refused to consider their personal advantages

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104 A.D., C-62, letter of Subdelegate Ginisty to Intendant, 10 August 1788; letter of 20 August 1788. Jean Alayrac, a former barrister at the Seneschal Court, then a subdelegate, requested a magistracy.
105 A.D., B-registers of Grand Bailliage.
106 Duboul, *Fin du Parlement*, pp. 30-31. For the reaction of the other Seneschal Courts of the region, see *Recueil de toutes les pièces qui constatent ce qui s'est passé au Parlement de Toulouse le 3 mai jusqu'au 20 octobre*, (n.p., 1789).
107 A.D., B-registers of the Grand Bailliage.
108 The Seneschal Court had been disloyal to the Parlement at the time of the Maupeou coup. See Dubédat, *Histoire du Parlement*, 2: 605.
and, instead, championed the Sovereign Court. On the other hand, the Seneschal Court personnel emerged as the leading opponents of the Parlement. Such was the alignment of forces in 1788. It remains to be seen whether the same loyalties and rivalries prevailed as France prepared for its “regeneration” in 1789.