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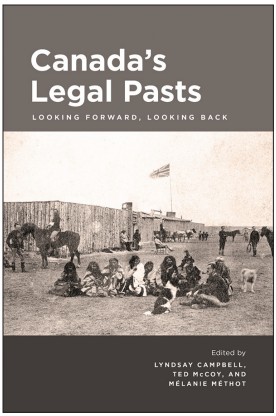

CANADA'S LEGAL PASTS: Looking Forward, Looking Back

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8

Practising Law in the "Lawyerless" Colony of New France

Alexandra Havrylyshyn

For more than a century, historians have, to varying degrees, clung to the myth that there were no lawyers in New France. This chapter investigates that claim specifically as it applies to early Canada, or the French colony centering around the Saint Lawrence River Valley. The French monarchy laid claim to this geographic space between 1534, when Jacques Cartier first began exploring the Saint Lawrence River, to 1763, when King Louis XV ceded the colony of Canada to Britain as part of the Treaty of Paris to end the Seven Years' War. Today, early Canada is known as the province of Québec. Although French speakers had also settled in the places we now call Maine, New Brunswick, Nova Scotia, and Prince Edward Island, the French monarchy referred to that region as "Acadia," to distinguish it from "Canada."

One of the first historians of the Canadian legal profession confidently declared in 1897 that under the French regime, "il n'y avait pas d'avocats."[1] This historian, indeed, argued that the Canadian legal profession only began to exist with the transition to British rule in 1763.[2] A recent study, published in 1997, dates the origin of the Québec Bar Association to 1779, and fails to explicitly reject the claim that there were no lawyers in New France.[3]

The assertion that there were no lawyers in early Canada, however, rests on a misreading of primary sources. First, the myth depends upon a

narrow and anachronistic definition of the lawyer as a university-educated legal expert who belongs to a professional bar association. It is true that in 1678, three members of the colony's highest court, or Sovereign Council, reported that "in this country neither advocates, attorneys, nor practitioners are to be found."[4] Advocates (*avocats*), attorneys (*procureurs*), and practitioners (*praticiens*) might today all be known as lawyers, but in early Canada and in Ancien Régime France they constituted three distinct categories of professional legal representatives. Professional here means both experienced in and paid for one's services. To clump advocates, attorneys, and practitioners all together into the modern Anglo-American category of "lawyer" obscures cultural and historical differences. Indeed, one goal set in this chapter is to elaborate on the meanings of these terms within their socio-historical context and ensure that we impose neither early modern English nor modern categories of legal practice.[5]

To understand what the members of the Québec Sovereign Council meant by the categories of advocate, attorney, and practitioner, I first consult Ancien Régime French legal dictionaries. University-educated advocates ranked above formally-trained attorneys, who in turn ranked above informally-trained legal practitioners. Appreciating the variety of legal representatives in Ancien Régime France expands the definition of "lawyer," thereby helping to dispel the myth that there were no lawyers in New France. Just as historians have identified many legalities in colonial North America, we can identify many modalities of legal representation in New France, where a mixture of paid and unpaid, trained and untrained individuals did the work of representing people in court.[6] This is not to say that the categories of advocate, attorney, and practitioner functioned the same way on the books as they did on the ground, or that they operated in Canada the same way as they did in France. Disentangling these terms, however, allows us to begin to describe more precisely the hierarchy of legal representation in the French colony of Canada.

The myth that there were no lawyers in New France further springs from a misreading of the Sovereign Councillors' remark, in 1678, that "it is even to the advantage of the colony not to allow any [advocates, attorneys, or practitioners]."[7] Historians have wrongly extrapolated from these words that the administration of New France officially banned French lawyers from immigrating to the colony of Canada. However, the primary

source merely states a policy recommendation, and should not be taken as evidence of a policy that was actually implemented. The councillors reasoned that the colony would be better off without these various kinds of Ancien Régime legal representatives, not only because of the inexperience of judges and process-servers, but also because of the difficulty of travelling during winter months. As in other colonial spaces, this suggests that judges travelled from place to place to perform their duties.[8] Furthermore, the councillors described the colonial inhabitants as both ignorant and impoverished.[9] Greedy lawyers, the councillors insinuated, could easily persuade colonial inhabitants to undertake frivolous lawsuits, and this would increase the cost of justice in a colony whose administrative resources were already scarce.[10]

In the end, the councillors never did ban advocates, attorneys, or practitioners from the colony.[11] Thus Canada differs from French Caribbean colonies such as Martinique and Saint Domingue, where royal ordinances and colonial decrees explicitly prohibited advocates and attorneys from even making the transatlantic journey.[12] In fact, Canadian authorities explicitly recognized the profession of the attorney in 1693 and 1732.[13] Furthermore, the claim that there were no lawyers in New France fails to account for change over time. Although advocates, attorneys, and practitioners may have been scarce or even absent in 1678, this changed with time. By 1740, one-third of claimants hired someone who identified himself as an attorney or legal practitioner to represent them before the Québec Provost Court.[14]

This chapter, finally, dispels the myth that there were no lawyers in New France by looking beyond the official regime of licensing that operated in France, and instead at what individuals actually did in their communities. While emerging literature on the legal profession sheds light on notaries and attorneys, I focus on the Ancien Régime's lowest-ranking representatives: legal practitioners (*praticiens de droit*).[15] Trial records, notarial records, and sacramental records reveal that at least seventy-six men in early Canada identified as professional, but informally-trained legal practitioners before 1764, the first full year of British rule. Although these lowest-ranking representatives lacked formal training, they professed proficiency in legal practice and were paid for their services. The names of these seventy-six men present further evidence weighing against the claim

that lawyers emerged in Canada only with the British Regime. Perhaps the history of early Canadian legal practitioners has been underwritten because many did not settle or die in the colony. Telling their full life stories will require conducting research beyond Canada, whether in the former French Empire or elsewhere. Attorneys and legal practitioners are worth studying because they facilitated access to justice for the ordinary people of early Canada.

The Hierarchy of Ancien Régime Legal Representatives

We must first seek to understand what the Sovereign Council members meant when they referred to the three categories of legal representatives: barristers, attorneys, and practitioners. The Ancien Régime lexicography (or dictionary-writing) movement provides an introduction to this question.[16] Precursors to encyclopedias, Ancien Régime dictionaries described the fundamental elements of various fields of study.[17] Although more encyclopedic than modern dictionaries, Ancien Régime dictionaries are by no means exhaustive.[18] Other sources, such as Jean Imbert's *Institutes de practique en matiere civile et criminelle* (1547), Laurent Bouchel's *Bibliothéque* [sic] *ou Thr*ésor *du droict français* (1615), and Pierre Jacques Brillon's *Dictionnaire des arrests, ou Jurisprudence des Parlemens de France, et autres tribunaux* (1711), more closely resemble textbooks, providing more comprehensive explorations of Ancien Régime jurisprudence and legal practice.[19] Lexicographers, in contrast, intended their works either as starting points for novices, or as reference manuals for experts. Claude-Joseph de Ferrière, for instance, described his dictionary as a "key to law and to practice."[20] His dictionary, therefore, offers an entry point into historical debates surrounding the practice of law in early Canada.

This is not to say that dictionaries should be viewed uncritically. Lexicographers claimed to describe rather than to prescribe; to explain rather than critique; to inform rather than reform.[21] However, it is in their descriptions of the way "the world was" that we can see their biases and, in turn, learn much about the hierarchy of legal representatives in the Ancien Régime. The subjectivities of dictionaries make them rich historical

sources—whether for understanding society, norms, or legal institutions and procedures.[22]

I analyze three dictionaries, all of which were widely circulated and frequently reprinted. Containing entries on law as well as many other fields of study, *Le Dictionnaire universel françois et latin* covers the widest breadth of material. Ten editions printed between 1704 and 1771 reflect the dictionary's popularity as a general reference source.[23] Although this dictionary reached the most general audience, it still excluded the largely illiterate public. Because this dictionary synthesized three predecessors, Ancien Régime historians prefer it to other general dictionaries.[24] It emerged out of a fraught political conflict between Catholics and Protestants. When the dictionary's first editor, Abbot Antoine Furetière, died, the Protestant Henri Basnage de Bauval revised the religious entries and republished the dictionary in the Netherlands. Incensed by the changes, certain French Jesuits sought to reclaim the dictionary, restoring the religious entries to fall back in line with Catholicism. For the most part Jesuit authors retained anonymity, but historians know that Robert Simon and Etienne Souciet took leading roles in the first and second editions, respectively. Many laypeople also collaborated.[25] The first two editions of the dictionary were published in the French town of Trévoux, in the province of Ain, near Lyon.[26] The dictionary thus became colloquially known as the *Dictionnaire de Trévoux* and is the only dictionary of the period to bear the name of a place.[27] This dictionary reveals how lettered non-specialists understood the hierarchy of Ancien Régime legal representatives.

A more specialized legal dictionary, Claude-Joseph de Ferrière's *Dictionnaire de droit et de pratique* was published eleven times between 1734 and 1787.[28] The son of an advocate in the Parlement of Paris, Claude-Joseph was a jurist and legal scholar.[29] From such a highly-educated member of the legal profession, we might expect a bias against lower-ranking members. Intending a more specialized audience than did the authors of the Trévoux dictionary, de Ferrière wrote for both the law student and the seasoned advocate.[30] When de Ferrière died in 1747, Antoine-Gaspard Boucher d'Argis took over editing duties. D'Argis also collaborated with the century's two most famous encyclopedists, Denis Diderot and Jean le Rond d'Alembert, on over four thousand entries concerning jurisprudence. The dictionary attained an even more encyclopedic quality.[31]

Finally, I consult one dictionary that postdates the French regime in Canada, Joseph-Nicolas Guyot's *Répertoire universel et raisonné de jurisprudence civile, criminelle, canonique et bénéficiale*, which was first published between 1775 and 1783 and republished in 1784–85. Like Boucher d'Argis, Guyot participated in the encyclopedia movement, for instance publishing the *Encyclopédie méthodique* in 1782. Although published after the British Conquest, the dictionary still signals an Ancien Régime barrister's subjective views of attorneys and practitioners, as Guyot became a barrister in 1748 and gained his professional experience during the Ancien Régime period.[32]

When seeking to understand the rise of the early Canadian legal profession, it makes most sense to consult the editions that appeared as closely as possible to 1740, when the number of litigants who hired professionals to represent them at the Québec Provost Court rose to one in three.[33] Therefore, I rely on the fifth edition of the *Dictionnaire de Trévoux* (1740), the third edition of de Ferrière's *Dictionnaire de droit et de pratique* (1749), and the first edition of Guyot's *Répertoire universel et raisonné* (1775–1783).[34]

In the highly stratified society of France during the Ancien Régime France, the practice of law was a very attractive—if not always successful—means of social mobility. Of course, in an absolutist regime, the king claimed a position at the very top of society's pyramid-like structure. He granted privileges, or private legal agreements, to various subjects. Justice emanated from him; judges and magistrates merely administered justice in his name. Below judges and magistrates, the highest-ranking legal representatives (advocates) could hope to gain honour, dignity, and personal nobility as a result of their profession.[35] Attorneys occupied the next rank down, enjoying comparatively less honour and dignity.[36] Practitioners enjoyed very little status, thus occupying the bottom rung of the hierarchy.[37] A close reading of the dictionaries demonstrates that as we move down the status ladder, levels of education, social prestige, and political power diminish.

Advocates studied law (*droit*) at university. De Ferrière writes, "in order to become an Advocate, one must have obtained a Bachelor's degree in Letters and a License in a Faculty of Law."[38] In response to corrupt law faculties that sold licenses to students, Parisian advocates in 1693 further

required that any aspiring advocate complete an apprenticeship (*stage*) of two years and obtain the approval of six senior advocates before beginning legal practice.[39]

Following the medieval Bologna law school model, French universities initially taught only Roman and canon law.[40] This began to change with the Edict of Saint-Germain-en-Laye in April 1679, which required the appointment of professors specializing in French ordinances and customs. This edict required law students to complete five hours of training in French customs each week during the third year of study.[41]

Among legal representatives, barristers claimed exclusive expertise in law, which the *Dictionnaire de Trévoux* defined as a "a principal of that which is just and unjust."[42] We might think of this as substantive, as opposed to procedural, law. Like English barristers, French advocates did not interact directly with clients.[43] Rather, a prospective client first approached an attorney, who in turn consulted with an advocate for substantive legal advice if necessary.[44] Advocates wrote legal briefs and made oral arguments in court.[45] They claimed the exclusive right to orally argue certain kinds of cases, such as appeals, civil requests, royal cases, and questions of the state.[46]

By operating in the domain of "high law," in the language of Shelley Gavigan (chapter 10 of this volume), advocates enjoyed social prestige. The elite sub-stratum of the Third Estate, Parisian advocates were united in their desire to achieve upward social mobility through the practice of law.[47] Ancien Régime lexicographers, similarly, esteemed individuals who had been educated at law schools. Guyot adulated the excellence of the "profession of the Advocate." "In order to merit such a distinguished title," he confidently declared, "one must have talents and qualities which do not at all belong to common men."[48] De Ferrière similarly praised barristers. He warned that young men should not pursue the demanding profession of the advocate unless they knew themselves to be full of genius, probity, and honesty.[49]

Throughout the Ancien Régime period, advocates successfully resisted venality, or the sale of public offices.[50] In this way, advocates differed from attorneys, who needed to either purchase or inherit a venal office before being able to practice law.[51] Under the venal system, the crown monetized the total value of each office. A buyer advanced a partial sum of money

to the king in exchange for an office, which was a form of immovable property that could be bequeathed, sold, or even rented out. Three main advantages accompanied the purchase of an office: 1) the right to perform specific governmental functions in the name of the king; 2) a promise by the king to make a payment of 1 percent to 12 percent of the value of the buyer's initial investment if the office-holder ever chose to sell the office; and 3) privileges such as tax exemptions, honour, and dignity. The latter, in particular, led to elevated social status.[52]

Integral to the Ancien Régime socio-economic system, venality was well-established by the sixteenth century.[53] The number of offices for sale ballooned under the reign of King Louis XIV, as the king found himself embroiled in war and desperate for revenue.[54] Near the end of the eighteenth century, the price of offices skyrocketed.[55] Although revolutionaries abolished offices in 1789, the French state today continues to sell some public offices, such as those of notary and process-server.[56] Ancien Régime French aristocrats abhorred venality since it jeopardized a social system in which blood and birth determined status.[57] Historians today appreciate the opportunities for social mobility that venality offered to those not lucky enough to be born into the nobility.[58] As royal officers, nevertheless, attorneys had a duty to represent the French state and were subject to discipline if they failed to do so. The sale of offices to individuals who became attorneys meant they never could enjoy the degree of political autonomy that advocates did.[59]

In a country with a highly censored press, furthermore, legal briefs (*mémoires* and *factums*) produced by advocates were one of the few forms of printed material to evade censorship laws.[60] Advocates not only submitted briefs to the court but circulated them widely, contributing to the birth of a public sphere where opposition to monarchical absolutism could be challenged. High-profile lawsuits or *causes célèbres* soon became as popular as novels.[61] In this way, law courts "were the only part of a free people's education furnished by the old regime."[62] Beginning in 1730, advocates increasingly saw themselves as the spokespersons of the public, becoming the vanguard of reform in the two decades leading up to the French Revolution.[63]

While the three lexicographers explained the superior status of advocates, they made clear that attorneys did not enjoy the same prestige.[64]

Claire Dolan finds in her study of attorneys in the South of France that like advocates, this class of legal representatives used their legal practice as a source of economic and social mobility.[65] However, attorneys occupied significantly lower social positions than advocates. A myriad of ritual acts reflected this professional distinction. For instance, legal procedure required attorneys to bend one knee in court while a barrister was speaking.[66] An edict of 1549 forbade wives of attorneys from wearing the velvet hoods that signified the status of an advocate's wife.[67] Although an attorney traditionally wore a black robe to distinguish himself from laypeople, he tended to own only one. Extremely worn, it had often been passed down from office-holder to office-holder.[68]

Unlike an advocate, an attorney had not necessarily studied law at a university. Guyot explained that "because of his rank, the attorney is not at all obliged to study law."[69] Nevertheless, the state required a professional attorney to be at least twenty-five years old and to have trained with a more senior professional attorney for at least ten years.[70] An aspiring attorney could therefore begin his training at the age of fifteen.

While an advocate specialized in law, an attorney specialized in practice. Ancien Régime lexicographers distinguished law (*droit*) from legal practice (*pratique*). The title of Claude-Joseph de Ferrière's *Dictionnaire de droit et de pratique* implies this distinction, as does the following definition:

> PRACTICE. In Palace terms, the science of preparing a trial according to the forms prescribed by Ordinance, the Customs of the country, & relevant regulations. In this way [Practice] is opposed to Law. An attorney must know practice well, and a Barrister the law.[71]

With an emphasis on legal forms, this excerpt demonstrates that an attorney specialized in legal procedure, while a barrister excelled in knowing legal substance or jurisprudence.

De Ferrière, likewise, described attorneys as "masters of procedure," tasked with guiding barristers on all the legal formalities that differed from jurisdiction to jurisdiction.[72] Under a regulatory *arrêt* of the Parlement de Paris, the state forbade attorneys from making oral arguments in appeal

cases and other comparable cases of high law. Attorneys could only defend parties in civil cases where the legal question hinged more around fact and procedure than around jurisprudence.[73] Similarly, the state forbade attorneys from arguing about the guilt or innocence of the accused in criminal trials.[74] However, the state required attorneys to intervene if a procedural question arose during a criminal trial.[75]

Some lexicographers derided attorneys as manipulative and conniving. For instance, Guyot wrote,

> [T]he Advocate, who necessarily holds honour and public esteem in light of his work, would almost never make use of the chicaneries and subtleties characteristic of the Attorney's science. For their profit and for the ruin of their parties, Attorneys assiduously multiply acts and make trials last eternally.[76]

Of course, as an advocate Guyot had an interest in elevating his professional rank. But culturally, he was not alone in ridiculing attorneys for their purported chicanery, as the 1678 Sovereign Council quotation demonstrates. Guyot may have been trying to differentiate himself from members of other, purportedly dishonest, members of his profession. De Ferrière, likewise, warned that attorneys must remember their lower rank within the legal profession: "[An Attorney] must never forget that his function does not at all extend to that which belongs to Advocates. His share is ample enough that he should content himself with it."[77]

The lower rank of attorneys helps explain why early Canadian authorities ultimately tolerated the growth of the legal profession's lower branches.[78] If they were simply paper-pushers, they would be unlikely to disrupt the colony's order. Of course, even procedure is political, but more subtly so than substantive law. Perhaps it was precisely through masquerading as masters of procedure that attorneys proliferated, despite the regime's initial antipathy towards them. In France, attorneys continued to buy and sell offices until the Revolution, at which time they refashioned themselves as *avoués*.[79]

French categories illuminate the social and professional significance of the terms advocate, attorney, and practitioner, but these categories did

not apply precisely in Canada because the king prohibited the sale of venal offices in the colony. Nor could French office-holding attorneys import their offices (which were forms of immovable property) to the colony.[80] It is not entirely clear what process replaced the purchase or importation of an attorney's office. Perhaps attorneys and legal practitioners claimed their professional titles in much the same way that individuals in New France claimed noble status: by acting in a way that made their rank believable to the people around them. Perhaps, like the esquires (*écuyers*) and knights (*chevaliers*) who carried around folders of the various legal acts evincing their noble status, attorneys and practitioners clutched these valuable papers as they moved through their daily lives.[81]

Since attorneys and practitioners in New France did not hold offices, the king did not pay them or hold them accountable for representing his interests. Rather, ordinary members of the public paid attorneys and practitioners in New France to represent their interests.[82] In this way, the colony may have been a sort of laboratory for a new, liberal conception of the profession, based not on status or allegiance to a monarch, but on merit and performance in a market economy.[83]

In France, office-holding attorneys received pay from clients for their work, unless they chose to work without compensation for friends or family.[84] Using a legal device called a *procuration*, clients and family members could grant an attorney power to act on their behalf in all legal affairs, or only in one particular legal matter.[85] The *Dictionnaire de Trévoux* explained that the *procuration*, "by which one gives charge to someone or something . . . makes it as valid, as if one were doing it in person."[86] A good translation for *procuration*, therefore, is power of attorney agreement.

Ordinary members of the public could also empower amateurs to act on their behalf, whether in courts of law or in commercial transactions. Lacking legal training, a one-time attorney was simply a person who, by virtue of a power of attorney agreement, acted on behalf of another, usually a friend or family member. Parties could orally agree on a power of attorney but often agreed in writing. A power of attorney could extend for an unlimited or a limited time period, whether the duration of a person's absence or of a particular legal dispute.[87] Although not office-holding attorneys, ordinary members of the public who held power of attorney agreements performed legal work by representing others in legal disputes.

By looking beyond venal office-holding as a marker of legal representation, we can see that in the colony of New France, a mixture of paid and unpaid, trained and untrained individuals did the work of representing others at law.

Ancien Régime lexicographers observed, perhaps with some surprise, that "even women" could act as attorneys.[88] In the colonial setting of New France, power of attorney agreements were an early form of women's empowerment.[89] Following the Custom of Paris, the law in New France typically deprived a married woman of independent legal capacity, essentially treating her as a minor. With a power of attorney agreement, however, a married woman could temporarily escape these limitations.[90] Exceptionally mobile, men from the town of Québec might sojourn for months or even years at a time. Men travelled east to Louisbourg and across the Atlantic Ocean to France, west to the fur trading Great Lakes region, or south to Louisiana and the French Caribbean. In such instances, men had the option to empower another person to act on their behalf in commerce and at law.[91]

For the period 1700 to 1765 in the town of Québec and its environs, 265 power of attorney agreements with women survive.[92] *Procuratrices* generally represented their husbands, but 20 percent represented their sons, brothers, or even fathers. On rare occasions, men entered into power of attorney agreements with women outside their families.[93] Usually members of the bourgeoisie, *procuratrices* performed a variety of legal and commercial tasks, such as recovering debts, buying and selling real estate, executing wills, and (should it become necessary) representing the absentee in a dispute before a court of law.[94] Although not paid directly, *procuratrices* benefited from power of attorney agreements, which in the patriarch's absence allowed these women to control the family's enterprise, worldly assets, and legal affairs.

The lexicographer de Ferrière claimed that one-time attorneys were especially prevalent in the colonies, which he labeled "subaltern jurisdictions."[95] Because they lacked formal legal training, one-time attorneys were less well-equipped than advocates to challenge the monarchy. This further explains why early Canadian authorities tolerated amateur attorneys while successfully preventing the growth of a vibrant community of advocates.

Legal practitioners occupied the lowest rank of the legal profession.[96] Unlike one-time attorneys, legal practitioners were trained, but informally. The *Dictionnaire de Trévoux* explained that a practitioner, "knows style and usage, the forms, procedures and regulations of the court [and] knows how to draft a contract, to prepare a trial for judgment."[97] De Ferrière and Guyot provided almost identical definitions. Through frequenting legal spaces, practitioners acquired enough familiarity with legal style, usage, procedure, forms, and regulations to claim professional legal knowledge.[98] Advocate-lexicographers deemed practitioners capable of preparing legal papers such as acts and summons.[99] Practitioners faced no explicit requirement to obtain a license or even train under another practitioner for a certain period of time. Many regulations forbade practitioners from signing civil requests and legal briefs. Barristers claimed exclusive ownership over these duties.[100] The law on the books forbade practitioners from acting at law in the name of clients.[101]

Because of their lowly status, practitioners stood to gain from venturing outside of continental France to its newly claimed colonies, where formally trained legal professionals were scarce. In general, the state appointed only highly-educated men as judges. Under the Ordinance of April 1667, practitioners could only step in to judge a case if a jurisdiction lacked both advocates and office-holding attorneys.[102] As Miranda Spieler remarks, "under the monarchy the colonies were extensions of France in a legal sense but governed by protocols distinct from those that applied to domestic territory."[103] Advancing in the legal profession might therefore mean crossing the Atlantic Ocean. Far from the metropole with its rigid on-the-books distinctions among advocates, attorneys, and practitioners, early Canada provided some men with opportunities to achieve upward social mobility through the practice of law.

Early Canadian Legal Practitioners

Legal professionals in colonial Canada indeed followed a different protocol from that of France. Advocates occasionally ventured to the colony to assume senior judicial positions, but for the most part they did not represent clients, either by writing legal briefs or orally arguing cases.[104] Louis-Guillaume Verrier, for instance, studied law in Paris, worked as a barrister

in the Parlement of Paris beginning in 1712, and left for Canada in 1728 when an opportunity arose to join the Superior Council.[105] As one of the only advocates in the colony, Verrier offered free lectures on the basics of French jurisprudence to colonial officials and members of the Superior Council, who did not necessarily possess a deep knowledge of the law.[106]

Québec archives provide a promising means to learn much more about legal practitioners. Not only is this the group of Ancien Régime legal representatives that historians understand least well, but they are also a more discrete group than attorneys. Whereas a search for the word *procureur* will mix in instances of the king's attorney, the fiscal attorney, commercial attorneys, and one-time attorneys, the term *praticien de droit* clearly refers to a professional legal representative. First, *Pistard* digitally catalogues records held in the *Bibliothèque et Archives nationales du Québec* ("BAnQ"). First-instance tribunals exercising jurisdiction over towns and seigneuries created records that eventually ended up in BAnQ's TL group. The records of appellate tribunals are found in BAnQ's TP group. During a given legal proceeding, court clerks collected petitions and summons. If a case reached the trial stage, they transcribed oral arguments and testimony. Generally, judges did not issue reasoned judgments but rather ordinances and decrees. In an absolutist regime, judges were less motivated by justifying their opinion than they were by resolving a particular legal dispute. BAnQ archivists have meticulously catalogued the primary sources, including the names of professional attorneys and legal practitioners who appear in the record. We can therefore identify the legal representatives who, some historians have argued, did not "exist" at all in this time period.

Second, notarial records preserve the names of attorneys and practitioners. In both their private and professional lives, attorneys and practitioners visited notaries to record contracts such as marriages, land sales, and power of attorney agreements. In fact, a notarial act was "among the most common forms of the written word that early modern urban populations came into contact with."[107] Notaries did not represent clients in litigation but did review, verify, and record legal agreements. In an era before credit reporting agencies existed, notaries wielded power because they provided potential lenders with information on the creditworthiness of potential borrowers.[108] The state charged notaries with the task of record-keeping, while private clients paid them.[109] In this way, notaries

mediated relations between state and society, between literate king and his often illiterate subjects.[110] Notaries kept contracts within their own office (*étude*), but today the province of Québec holds their papers as part of the public record. Archivists initially organized this collection of papers according to the notary who recorded the act, not according to the parties to the contract. This can make research in notarial records cumbersome, for unless one happens to know the name of the notary who recorded the marriage of Jean and Marie, one cannot easily find their marriage contract. To address this problem, the group *Société de recherche historique Archiv-Histo* created a database called *Parchemin*, which organizes notarial records between 1626 and 1801 by the names of the parties. The *Parchemin* database includes various identifiers which the original record uses to describe the parties. Hence, by simply searching for the term *praticien de droit*, we can uncover more names to counter the myth that there were no lawyers in early Canada.

Third, church records provide a glimpse into the social lives of attorneys and practitioners. In a heavily Catholic society, clergy recorded life events such as births, marriages, and deaths. The names of attorneys and practitioners appear when they were involved in baptisms (as parents or godparents), marriages, and deaths. Although produced as religious records, these documents are also rich sources for social historians. The *Programme de recherche en démographie historique* (PRDH), initiated by the *Université de Montréal*, indexes Catholic parish records of baptism, marriage, and burial between 1621–1849. In using this catalogue, of course, we must take into consideration what groups it excludes. First, it generally excludes non-Catholics who did not participate in the sacraments, although PRDH has recently added Protestant marriages for this entire period. Second, the catalogue excludes any individual who did not stay in the colony long enough to partake in such ceremonies. We may tend to imagine societies of long ago as being rather stationary, but Atlantic literature demonstrates that the early Canadian population was indeed quite mobile.[111] Legal practitioners itinerated not only throughout the French Atlantic world, but also dabbled in various occupations within the legal profession, as discussed below.

Together, all of these archives provide evidence weighing against the argument that professional legal representatives arose only with the

British regime. As French lexicographers instructed their readers, the law forbade lowly practitioners from performing the functions of advocates or office-holding attorneys. In early Canada, however, men who identified as legal practitioners frequently entered into power of attorney agreements, gave clients legal advice, and represented them in court when civil disputes arose.[112]

The humblest of legal representatives, practitioners were also the least threatening to an absolutist regime, which helps to explain their growth as a community in a colony whose administrators had initially expressed antipathy towards legal representatives. The appended table (8.1) presents the names of seventy-six men who identified as practitioners of law well before the end of the Seven Years' War. Their names, along with the denotation "praticien de droit," appear in records held either in *Pistard*, *Parchemin*, or PRDH. These seventy-six names alone present powerful evidence to rebut the claim that there were no lawyers in New France. Widening the lens of inquiry illuminates a longer, more francophone history of the practice of law in Canada.

One of the most striking features of this group is their permeability among ranks and roles. Ancien Régime lexicographers distinguished attorneys from practitioners in terms of their social rank and day-to-day tasks, but Québec's archival sources demonstrate a different reality. In the absence of venal offices, the distinctions between attorneys and practitioners blurred. When a practitioner entered into a power of attorney agreement, he became known as the attorney of that person. Although not an office-holding attorney, the practitioner differed from a one-time attorney in that he was a repeat player. In the 1740s, when the number of litigants hiring a legal representative grew rapidly, men like Jacques Nouette de la Poufellerie, Pierre Poirier, and Jean-Claude Panet frequently entered the record as "praticien, son procureur."[113] Court clerks identified them as practitioners, sometimes also specifying whose attorney they were at that time. As shown in the appended table below, at least twenty legal practitioners at some point bore the title of attorney not by buying a royal office, but by entering into a power of attorney agreement with an ordinary person in New France.

As in early Louisiana, where anyone with a smattering of legal knowledge might flex their skills to practise legal representation, individuals

in early Canada also floated among different kinds of legal roles.[114] For instance, notaries (*notaires*), process-servers (*huissiers*), and court clerks (*greffiers*) at times put themselves forward as practitioners. Pierre Cabzie even acted as a judge in Montréal in 1703, yet still identified three years later as a practitioner. This permeability complicates the hierarchy that Ancien Régime lexicographers dictated.

Although Ancien Régime lexicographers purported to describe clear delineations among advocates, attorneys, and practitioners, they did not acknowledge gradations among legal practitioners. In the absence of a rigid line between attorneys and legal practitioners, the colony developed distinctions among legal practitioners. While some men merely called themselves practitioners, others claimed the titles of senior practitioner (*ancien praticien*) or master practitioner (*maître praticien*). As Table 8.1 shows, at least eight men were designated senior practitioners. Because the title "master practitioner" appeared only once in this search, this was probably the highest rank.[115] Ancien Régime protocol dictated that the most experienced practitioners could fill the roles of even higher legal officials.[116] For instance, the senior practitioner Jean-Baptiste Adhémar of Montréal (who was also a notary) acted as a substitute for the Royal Prosecutor in a 1743 criminal trial.[117] Similarly, the senior practitioner of the town of Québec, Christophe-Hilarion Dulaurent, rendered a judgment in a 1750 civil dispute between Germain Chalifou and Jean-Baptiste Savard, two inhabitants of the seigneurie Notre-Dame-des-Anges.[118] Early Canada provided an escape from certain Ancien Régime rigidities, but not without recreating its own distinct hierarchy of legal representatives. The importance of rank and status persisted, even in the colony.[119]

Practitioners did not enjoy the elite status of colonial administrators or magistrates, but practising law helped them secure a social rank above the general population. In a largely illiterate society, legal practitioners' literacy alone distinguished them from most inhabitants. In 1750, only 43 percent of residents in the town of Québec could sign their names. An even smaller proportion of inhabitants would have been able to use written words to communicate ideas.[120] Combining written words with technical legal knowledge, practitioners wielded powerful tools.

Neither practitioners nor attorneys generally belonged to the nobility. First, members of the nobility enjoyed a higher social rank. Second, the

crown exempted members of the nobility from taxation.[121] In New France, the second advantage was meaningless, because the crown exempted all colonists from taxation.[122] In France, one could prove nobility by producing a letter from the king granting noble status, by exercising a certain public function for a prescribed period, or simply by belonging to a family that had been known as noble for such a long time that no one would dare question it.[123]

Individuals could and did claim noble status without actually possessing any of these three means of proof. Because all colonists were exempt from taxation, however, colonial administrators had little incentive to clamp down on the *faux-noble* problem.[124] In practice, consistent designation as an *écuyer* or *chevalier* sufficed to secure the social advantages of noble status in early Canada.[125] For example, when the senior practitioner Jean-Baptiste Decoste de Letancour's son married in 1759, the notary recognized both him and his son as noble when he followed both of their names with the term *écuyer* (literally meaning esquire) in the marriage contract.[126] This designation was rare among practitioners, but not unheard of.

Other practitioners probably integrated themselves into the bourgeois class through marriage and land purchase. For instance, the practitioner Pierre Panet married a daughter of the bourgeois family, Trefflet dit Rautot.[127] The son of a bourgeois gentleman himself, the practitioner Jacques Bourdon bought a piece of land from his father-in-law one year after marrying.[128]

In addition to shifting upwards through social ranks, practitioners relocated more than one would have expected given the difficulty of travel in this period. PRDH records provide a window into the geographic mobility of legal practitioners. At least forty-seven practitioners migrated to the colony from France, and no less than fifteen were from Paris. One practitioner even found his way to Canada from his homeland in Portugal.

An Atlantic perspective, furthermore, raises the question as to where these legal practitioners died. The historiography of early Canada has largely privileged the study of those who came and stayed, over the study of those who came and left. Many practitioners did marry and have children in the colony, signifying their rootedness there. However, limiting our study of practitioners to founding families would be a mistake,

because the itinerary of leaving France to settle and procreate in Québec was not necessarily typical of legal practitioners. At present, we can only determine that forty-six of seventy-six practitioners died in the colony. The others may have died in France, in other French colonies, or elsewhere altogether. In a new setting, they might have performed different legal work. Gabriel Lambert, for example, refashioned himself as a notary and royal surveyor in Guadeloupe, where he likely died.[129]

Long before the formal establishment of the Québec bar association, legal practitioners in the French colony along the Saint Lawrence River Valley represented individuals in their civil disputes. A critical examination of Ancien Régime dictionaries first disentangles the terms advocate, attorney, and practitioner, helping us grasp the many modalities of legal practice in the early modern world. The superior status of the advocate helps explain why colonial authorities tolerated the development of the legal profession's lower branches, whose members were less well-equipped in terms of legal knowledge, social prestige, and political power to overtly challenge an absolutist regime. Second, Québec's archives—whether trial records, notarial records, or parish registers—present powerful evidence against the claim that there were no lawyers in early Canada. In addition to providing the names of seventy-six men who identified as legal practitioners before 1764, this chapter shows that legal practitioners were more mobile, both professionally and geographically, than we might expect. Finally, the mobility of members of this group explains why their history has been underwritten.

Table 8.1 Practitioners of Law in New France, 1670—1763

YEAR	NAME	ALTERNATIVE PROFESSIONAL IDENTIFIER	BIRTHPLACE	CHILDREN BORN IN COLONY	DIED IN THE COLONY
1670	Gosset Buisson, Jean-Baptiste	*Huissier au Conseil souverain*	France	Yes	Unknown
1672	Bourdon, Jacques		France	Yes	Yes
1678	Marnay, Jean		Unknown	Unknown	Unknown
1681	Genaple (Belfond), François	*Huissier et procureur* (1681), *notaire, procureur général* (1707)	France (Paris)	Yes	Yes
1681	Hubert, René	*Huissier au Conseil souverain et procureur fiscal* (1684), *greffier et procureur* (1701)	France (Paris)	Yes	Yes
1681	Métru, Nicolas	*Huissier de la Prévôté de Québec* (1691)	Unknown	Unknown	Unknown
1681	Roger, Guillaume	*Procureur* (1680), *juge de la seigneurie Notre-Dame-des-Anges* (1688)	France (Paris)	Yes	Yes
1682	Marquis, Charles	*Huissier et procureur* (1694), *procureur* (1697)	France	Yes	Yes
1683	Petit, Jean	*Huissier de Montréal* (1712)	Unknown	Unknown	Yes
1688	Dupuis, Guillaume		Unknown	Unknown	Unknown
1688	Prieur (dit Cusson), Joseph	*Huissier* (1702), *procureur du Roi* (1704)	France	Yes	Yes
1689	De Lamarre, Jean		Unknown	Unknown	Unknown
1689	Perrot (Perrault), Charles		Unknown	Unknown	Unknown
1693	Quesnevillé, Jean		France	Yes	Yes
1694	Pruneau, Georges	*Huissier* (1700), *commis procureur du roi* (1703)	Unknown	Unknown	Unknown
1695	Barbel, Jacques	*Procureur (1711), notaire en la Prévôté de Québec (1714)*	France	Yes	Yes
1697	Galipau (Galipeau on PRDH), Antoine		France	Yes	Yes

Table 8.1 (*continued*)

YEAR	NAME	ALTERNATIVE PROFESSIONAL IDENTIFIER	BIRTHPLACE	CHILDREN BORN IN COLONY	DIED IN THE COLONY
1699	Barette (Baret), Guillaume		France	Unknown	Yes
1699	Corda, Jérôme		France (Paris)	Yes	Unknown
1699	Rivét (Rivet Cavelier), Pierre	*Procureur* (1701), *notaire royal en la Prévôté de* Québec (1710), *greffier en chef de la Prévôté de Québec* (1714)	France	Yes	Yes
1700	Genouzeau (Genouseau, Jenouzeau), Michel		Unknown	Unknown	Yes
1701	Lepailleur, Michel	*Procureur* (1699), *juge prévôt* (1702), *notaire royal de l'île de Montréal* (1711),	France (Paris)	Yes	Yes
1702	Meschin, Jean	Huissier audiencier de la *Prévôté de Québec* (1711)	France	Unknown	Yes
1703	Cognet (Coignet), Jean (-Baptiste)	*Huissier au Conseil supérieur de Québec* (1723)	France	Yes	Yes
1703	L'aperche (Laperche), Jean	*Procureur* (1702)	France	Yes	Yes
1703	Huyet (Huguet), Pierre	*Procureur* (1705)	Unknown	Unknown	Unknown
1704	Rageot (de Beaurivage?), François	*Protonotaire* (1704)	Québec	Yes	Yes
1705	Fillieu (Filleul) (Fily), Pierre		France (Paris)	Yes	No
1706	Cabzie (Cabazié), Pierre	*Juge de Montréal* (1703) *huissier de Montréal* (1712), *ancien praticien* (1717)	France	Yes	Yes
1706	Lefebvre, Edmond		France	Yes	Yes
1707	De La Cettière (LaCetière), Florent	*Procureur* (1703)	Unknown	Unknown	Unknown
1707	Lambert, Gabriel (*fils*)	*Procureur* (1719)	Québec	Unknown	No
1708	Bega (Bégat), Jacques		France (Paris)	Yes	No

Table 8.1 (*continued*)

YEAR	NAME	ALTERNATIVE PROFESSIONAL IDENTIFIER	BIRTHPLACE	CHILDREN BORN IN COLONY	DIED IN THE COLONY
1710	Gaillard, Guillaume	*Conseiller* (1713), *Procureur* (1719)	France	Yes	Yes
1711	Adhémar (St-Martin), Jean-Baptiste	*Notaire royal de Montréal* (1743)	Unknown	Yes	Yes
1715	(De) Dessalines, Jean-Baptiste	*Procureur fiscal* (1730)	France	Yes	Yes
1716	De Bled, Charles	*Procureur* (1712)	Unknown	Unknown	Unknown
1718	David, Jacques		Québec	Yes	Yes
1725	Dulaurent, Christophe-Hilarion	*Procureur et notaire* (1734), *protonotaire* (1734–1759), *notaire* (1750)	France	Unknown	Yes
1727	Chetivau de Rouselle (Chetinau de Roussel), Claude		Unknown	Unknown	Unknown
1728	Jacquet, Pierre		France	Unknown	Yes
1730	Balthazar Pollet (Paulet), Arnould	*Notaire royal en la Prévôté de Québec* (1734)	Unknown	Unknown	Unknown
1735	Mercier, Pierre-Simon		France (Paris)	Yes	Yes
1739	Girouard (Giroire), Antoine	*Ancien praticien* (1746)	France	Yes	Yes
1739	Simonet (Simonnet), François	*Protonotaire* (1737-1778), *ancien praticien* (1757)	France	Yes	Yes
1740	Thibault, François		Unknown	Unknown	Unknown
1740	Nouette, Jacques de la Poufellerie	*Procureur* (1741)	France (Paris)	Unknown	Unknown
1741	Canac, Marc-Antoine (*père*)		Québec	Yes	Yes
1741	Poirier, Pierre	*Procureur* (1741)	France	Yes	Unknown
1743	Ferrand (Ferrant), Jacques		Unknown	Unknown	Unknown
1743	Panet, (Jean)-Claude	*Procureur* (1741)	France (Paris)	Yes	Yes

Table 8.1 (*continued*)

YEAR	NAME	ALTERNATIVE PROFESSIONAL IDENTIFIER	BIRTHPLACE	CHILDREN BORN IN COLONY	DIED IN THE COLONY
1745	Esnard, Jean		Unknown	Unknown	Yes
1745	Guillet (dit Chaumont), Nicolas-Auguste	*Notaire royal et ancien praticien de la juridiction royale de Montréal* (1745)	France	Yes	Yes
1745	Guyard (Guyart), Jean-Baptiste (de Fleury?)	*Ancien praticien* (1765)	France	Yes	Yes
1745	Pinguet (dit Bellevue) Nicolas		Unknown	Unknown	Unknown
1746	Leproust (Le Proust-Prou-Leproulx), Jean	*Notaire* (1746)	France	Yes	No
1748	Lanoullier des Granges, Paul-Antoine-François	*Juge prévôt* (1758)	France (Paris)	Yes	No
1748	Laurent Lortie Coquot, Jean-Baptiste	*Maître praticien et procureur fiscal de la Prévôté de Notre-Dame-des-Anges* (1748)	Québec	Yes	Yes
1748	Turpin, (Antoine)-Charles	*Ancien praticien* (1748)	France (Paris)	Yes	Unknown
1749	Saulquin (Solquin St-Joseph), Joseph	*Huissier royal et praticien de la juridiction royale de Montréal* (1749)	France	Yes	Unknown
1750	Decharnay (De Charnay), Jean-Baptiste	*Procureur* (1750), *procureur et notaire royal* (1759)	France	Yes	Yes
1751	Hastier (dit Desnoyers), Pierre		Unknown	Unknown	Unknown
1752	Cassegrain (Casgrain), Jean		France	Unknown	Yes
1752	Lévesque, Nicolas-Charles-Louis		France	Yes	Yes
1752	Masson, François		France	Unknown	Yes
1753	Merle, Jean		Unknown	Unknown	Unknown
1754	Panet, Pierre	*Notaire et procureur* (1755)	France (Paris)	Yes	Yes

Table 8.1 (*continued*)

YEAR	NAME	ALTERNATIVE PROFESSIONAL IDENTIFIER	BIRTHPLACE	CHILDREN BORN IN COLONY	DIED IN THE COLONY
1754	Saillant, Antoine (Jean)	*Notaire et procureur* (1753)	France (Paris)	Yes	Yes
1757	Hianveu (Hyianveu) (Lafrance), Mathieu	*Greffier de la juridiction de Notre-Dame-des-Anges* (1759)	France	Yes	Yes
1758	Daunay (Daunais), Nicolas-Charles	*Substitut du procureur fiscal* (1758)	France	Unknown	Yes
1758	Giniée, François		Unknown	Unknown	Unknown
1759	Decoste (de Letancour) (De Moussel), Jean-Baptiste	*Huissier audiancier au siège de la juridiction royale de Montréal* (1742); *ancien praticien* (1759)	France (Paris)	Yes	Yes
1759	L'hoste, Laurent-Vincent		Unknown	Unknown	Unknown
1762	Amiot (Villeneuve), Jean-Baptiste	*Ancien praticien* (1749)	Québec	Yes	Yes
1763	Dumergue, François	*Huissier au Conseil supérieur de Québec* (1758)	France	Unknown	Yes
1763	Perrot (Perrault), François		Unknown	Unknown	Unknown
(1670–1763)	**Total: Seventy-six**	**At least forty-six fulfilled alternative professional roles**	**At least forty-seven migrated from France**	**At least forty-four had children in the colony**	**Forty-six for certain died in the colony**

NOTES

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1 Joseph-Edmond Roy, *L'ancien Barreau au Canada* (Montréal: C. Théoret, 1897), 20.

2 Roy, *L'ancien Barreau*, 28.

3 Christine Veilleux, *Aux origines du Barreau qu*ébécois, 1779–1849 (Sillery, QC: Septentrion, 1997), 16–17.

4 *Édits, ordonnances royaux, déclarations et arrêts du Conseil d'État du Roi concernant le Canada*, 95. All translations are my own. Established in 1663, the Québec Sovereign Council recorded royal ordinances and issued regulatory rulings (*arrêts* or decrees). The Québec Sovereign Council controlled finances, the fur trade, and commerce, and appointed judges, judicial officers, and notaries. See André Vachon, *The Administration of New France, 1627–1760* (Toronto: University of Toronto Press, 1970), http://admin.biographi.ca/en/special.php?project_id=49&p=16. For sovereign councils in France, see Serge Dauchy and Véronique Demars-Sion, *La justice dans le Nord: trois siècles d'histoire, 1667–1967* (Lille: Centre d'histoire judiciaire, 2001).

5 Translating the three terms *avocat*, *procureur*, and *praticien* into English is not a simple task. A standard translation for *avocat* within French legal history is barrister. To be sure, there were similarities between French *avocats* and English barristers, who did not busy themselves with procedural paperwork leading up to trial. However, newer literature reveals inadequacies with this translation. To modern ears, the term "barrister" might imply membership in a national bar association, but Hervé Leuwers demonstrates that the term *barreau français* only emerged in the 1760s, and that the regional *ordres d'avocats* were distinct from what eventually became the national French bar association: Hervé Leuwers, *L'invention du barreau français, 1660-1830: la construction nationale d'un groupe professionnel* (Paris: École des hautes études en sciences sociales, 2006). The translation of *avocat* as barrister is especially problematic in the Canadian context, as both primary and secondary sources reveal. The best reference point is an early Canadian translation of the word *avocat* into English. When Governor James Murray encountered legal representatives in Québec at the very beginning of the British regime in 1764, he recognized a difference between the barristers of England and the *avocats* of Québec. In the same document, Murray referred to advocates and barristers as two distinct groups. "Ordinance of September 17, 1764, establishing Civil Courts," in Adam Shortt and Arthur G. Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791* (Ottawa: Dawson, 1907), 149–50. Staying close to the primary source, authoritative sources within Canadian legal history translate *avocat* as advocate and not as barrister: Philip Girard, Jim Phillips, and R. Blake Brown, *A History of Law in Canada*, vol. 1: *Beginnings to 1866* (Toronto: University of Toronto Press, 2018), 267–74; Vachon, *The Administration of New France*. These secondary sources also translate *procureur* as attorney and *praticien* as practitioner. Although the English legal system distinguished between an attorney who practised in common law courts and a solicitor who practised

in chancery courts, the absence of chancery courts in early French Canada makes attorney a better alternative than solicitor as a translation for *procureur*.

6 In "Many Legalities of Colonization: A Manifesto of Destiny for Early American Legal History," in *The Many Legalities of Early America*, ed. Christopher L. Tomlins and Bruce H. Mann (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 2001), Christopher Tomlins reconceives of law not as narrowly defined doctrine, but as more encompassing legality. His essay inspired a generation of colonial historians to move away from traditional sources of legal history (such as printed sources and appellate cases) towards sources of law in action (such as trial manuscripts and local records). At the local level, historians have found legality where law was absent or inchoate.

7 *Édits, ordonnances royaux, déclarations et arrêts du Conseil d'État du Roi concernant le Canada*, 95.

8 As Martha McNamara has shown, purpose-built structures devoted exclusively to judicial proceedings did not emerge in Massachusetts until the late eighteenth-century. These buildings, in turn, enhanced the standing of the legal profession: *From Tavern to Courthouse: Architecture and Ritual in American Law* (Baltimore: Johns Hopkins University Press, 2004). Similarly, Laura Edwards finds that in the post-revolutionary Carolinas, there was still "no single location for law": *The People and their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 67. Rather, judges travelled to litigants who gathered in multi-purpose public buildings such as taverns. William Eccles dates the construction of a purpose-built *Palais de Justice* in the town of Québec to 1689: *Government of New France* (Ottawa: Canadian Historical Association, 1971), 11. Perhaps this much earlier date helps explain the relatively early appearance of professional legal representatives in early Canada.

9 *Édits, ordonnances royaux, déclarations et arrêts du Conseil d'État du Roi concernant le Canada*, 95.

10 On the scarcity of administrative resources, see Eccles, *Government of New France*. Eccles, who accepted the myth that lawyers were forbidden from practicing in the colony, viewed the ban as a good thing because of the "rapacity of the legal profession" (15).

11 Jean-Philippe Garneau draws this conclusion based on a thorough reading of the royal edicts, ordinances, declarations, and decrees in, "Devenir porte-parole durant l'ère des révolutions: le lent et (parfois) difficile parcours des avocats du Québec colonial," *Criminocorpus: revue hypermédia* (novembre 2016), 2–3, http://journals.openedition.org/criminocorpus/3391.

12 For citations to the relevant decrees of 1713, 1766, and 1776, see Charles Bataillard and Ernest Nusse, *Histoire des procureurs et des avoués, 1483–1816*, vol. 2 (Paris: Librairie Hachette et Cie, 1882), 92. This is not to say that this ban was followed. A class of legal representatives emerged in response to popular demand, especially by local merchants: Bataillard and Nusse, *Histoire des procureurs et des avoués*, 92–93.

13 Garneau, "Devenir porte-parole durant l'ère des révolutions," 3, 22.

14 John Dickinson, *Justice et justiciables: la procédure civile à la Prévôté de Québec, 1667–1759* (Québec: Les Presses de l'Université Laval, 1982), 84. Dickinson bases this conclusion on his sample study of civil records from the Québec Provost Court, which served as a court of first instance for the town of Québec and an appeals court for surrounding seigneurial courts in the colony.

15 The best examinations of legal professionals in early Canadian courts include Claire Dolan, "Regards croisés sur les auxiliaires de justice, du Moyen Âge au XX^{e} siècle," in *Entre justice et justiciables : les auxiliaires de justice du Moyen Âge au XX^{e} siècle*, ed. Claire Dolan (Québec: Presses de l'Université Laval, 2005), 15–32; Donald Fyson, "Judicial Auxiliaries Across Legal Regimes: From New France to Lower Canada," in Dolan, *Entre justice et justiciables*, 383–403; Garneau, "Devenir porte-parole durant l'ère des révolutions"; Jean-Philippe Garneau, "Appartenance ethnique, culture juridique et représentation devant la justice civile de Québec à la fin du XVIIIe siècle," in Dolan, *Entre justice et justiciables*, 405–24; David Gilles, "Le notariat canadien face à la Conquête anglaise: l'exemple des Panet," in *Les praticiens du droit du Moyen Âge à l'époque contemporaine: approches prosopographiques (Belgique, Canada, France, Italie, Prusse)*, ed. Vincent Bernaudeau (Rennes: Presses universitaires de Rennes, 2014), 189–207; Girard, Phillips, and Brown, *History of Law in Canada*, 112–16; Louis Lavallée, "La vie et la pratique d'un notaire rural sous le régime français: le cas de Guillaume Barette, notaire à La Prairie entre 1709–1744," *Revue d'histoire de l'Amérique française* 47, no. 4 (1994) : 499–519; André Vachon, *Histoire du notariat canadien, 1621–1960* (Québec: Presses de l'Université Laval, 1962).

16 The classic background source on this movement is Bernard Quemada, *Les Dictionnaires du français moderne, 1539–1863* (Paris: Dider, 1968).

17 On dictionaries as precursors to encyclopedias, see Luigi Delia, "L'encyclopédisme du *Dictionnaire de droit et de pratique* de Ferrière," in *Les Encyclopédies: construction et circulation du savoir de l'Antiquité à Wikipédia*, ed. Martine Groult (Paris: L'Harmattan, 2011), 331. On the ambitions of lexicographers, see Isabelle Turcan, "Les panneaux de l'exposition 'Trésors de la Principauté de Dombes' à Trévoux du 18 au 25 septembre 2004," in *Quand le* Dictionnaire de Trévoux *rayonne sur l'Europe des Lumières*, ed. Isabelle Turcan (Paris: Harmattan, 2009), 81.

18 Turcan, "Les panneaux de l'exposition 'Trésors de la Principauté de Dombes,'" 82.

19 Jean Imbert, *Les institutes de practique en matiere civile et criminelle* [etc.] (Paris: Jean Ruelle, 1547); Laurent Bouchel, *La Bibliothéque ou Thrésor du droict français* (Paris: D. Langlois, 1615); Pierre Jacques Brillon, *Dictionnaire des arrests, ou Jurisprudence universelle des Parlemens de France, et autres tribunaux* [etc.] (Paris: G. Cavelier, 1711); Delia, "L'encyclopédisme du *Dictionnaire de droit et de pratique* de Ferrière," 336. As these dictionary titles make clear, seventeenth- and eighteenth-century authors did not share uniform practices around spelling or capitalization. In this chapter, I have not updated orthography or capitalization to modern standards, preferring instead to preserve the authenticity of the primary sources.

20 Delia, "L'encyclopédisme du *Dictionnaire de droit et de pratique* de Ferrière," 333.

21 Delia, "L'encyclopédisme du *Dictionnaire de droit et de pratique* de Ferrière," 335.

22 Delia, "L'encyclopédisme du *Dictionnaire de droit et de pratique* de Ferrière," 329–30.

23 Turcan, "Les panneaux de l'exposition 'Trésors de la Principauté de Dombes,'" 74.

24 The predecessors are: Pierre Richelet's *Dictionnaire François* (1679–1680), Antoine Furetière's *Dictionnaire Universel* (1690), and the *Dictionnaire de l'Académie française* (1694): Wionet, "L'esprit des langues dans le *Dictionnaire universel de Trévoux* (1704–1771)," 284; Turcan, "Les panneaux de l'exposition 'Trésors de la Principauté de Dombes,'" 72.

25 Turcan, "Les panneaux de l'exposition 'Trésors de la Principauté de Dombes,'" 73.

26 Turcan, "Les panneaux de l'exposition 'Trésors de la Principauté de Dombes,'" 71.

27 Michel Raymond, "Le mot du président de l'association Astrid et maire de la ville de Trévoux," in Turcan, *Quand le* Dictionnaire de Trévoux *rayonne*, 5.

28 Delia, "L'encyclopédisme du *Dictionnaire de droit et de pratique* de Ferrière," 343.

29 Delia, "L'encyclopédisme du *Dictionnaire de droit et de pratique* de Ferrière," 330–31.

30 Delia, "L'encyclopédisme du *Dictionnaire de droit et de pratique* de Ferrière," 333.

31 Delia, "L'encyclopédisme du *Dictionnaire de droit et de pratique* de Ferrière," 333.

32 Von Schulte, "Guyot, Joseph-Nicolas," in *Die Geschichte der Quellen und Literatur des canonischen Rechts von Gratian bis auf die Gegenwart*, vol. 3 (Graz: Akademische Druck- und Verlagsanstalt, 1956, originally published in 1875), 650.

33 Dickinson, *Justice et justiciables*, 84.

34 *Dictionnaire universel françois et latin, vulgairement appellé Dictionnaire de Trévoux* (Nancy: P. Antoine, 1740) [hereafter *Dictionnaire de Trévoux*]; Claude-Joseph de Ferrière, ed. *Dictionnaire de droit et de pratique, contenant l'explication des termes de droit, d'ordonnances, de coutumes & de pratique* (Paris: Brunet, 1749) [hereafter *Dictionnaire de droit et de pratique*]; Joseph-Nicolas Guyot, ed. *Répertoire universel et raisonné de jurisprudence civile, criminelle, canonique et bénéficiale* (Paris: J. D. Dorez, 1775–1783) [hereafter *Répertoire universel et raisonné*]. Although the *Dictionnaire de droit et de pratique* was published in Paris in 1740, this edition has not been fully digitized and therefore is not easily accessible.

35 Personal nobility did not transfer inter-generationally. Leuwers, *L'invention du barreau français, 1660–1830,* 160.

36 There is some confusion among the works reviewed here as to whether attorneys enjoyed dignity or honour, but all of them agree that attorneys held less social and economic status than advocates. Referring to a "ladder of honorabilities" (échelle des honorabilités), Robert Descimon writes that exercising the office of a *procureur* in the Châtelet de Paris from the sixteenth to the eighteenth centuries could eventually lead to honour but never to dignity: Robert Descimon, "Les auxiliaires de justice du Châtelet de Paris: aperçus sur l'économie du monde des offices ministériels (XVI^{e}-XVIII^{e} siècles)," in Dolan, *Entre justice et justiciables*, 324. In contrast, Claire Dolan refers to a "dignity ladder" (échelle de dignité), emphasizing that when an attorney sold his office, he would lose whatever temporary dignity he had gained by buying it. However, she stresses that in reality having practised law as an attorney would promote that individual's status within the community: Claire Dolan, *Les procureurs du Midi dans l'Ancien Régime* (Rennes: Presses universitaires de Rennes, 2012), 259–60.

37 Dolan, *Les procureurs du Midi*, 39.

38 De Ferrière, *Dictionnaire de droit et de pratique*, I: 197.

39 David Bell, *Lawyers and Citizens: The Making of a Political Elite in Old Regime France* (New York: Oxford University Press, 1994), 34.

40 Marie Seong-Hak Kim, "Civil Law and Civil War: Michel de l'Hôpital and the Ideals of Legal Unification in Sixteenth-Century France," *Law and History Review* 28, no. 3 (2010): 792. For a general background on the dissemination of the eleventh-century Bologna law school model throughout western Europe, see Manlio Bellomo, *The Common Legal Past of Europe: 1000–1800*, trans. Lydia G. Cochrane (Washington, D.C.: Catholic University of America Press, 1995), 55–71 and Franz Wieacker, *A History of Private Law in Europe with Particular Reference to Germany*, trans. Tony Weir (New York: Oxford University Press, 1995).

41 Jean-Louis Thireau, *Introduction historique au droit*, 3rd ed. (Paris : Flammarion, 2009), 251–52.

42 *Dictionnaire de Trévoux*, II: 1583.

43 Girard, Phillips, and Brown, *History of Law in Canada*, 272.

44 David Bell, *Lawyers and Citizens*, 30.

45 De Ferrière, *Dictionnaire de droit et de pratique*, I: 197.

46 De Ferrière, *Dictionnaire de droit et de pratique*, I: 197; II: 590.

47 Bell, *Lawyers and Citizens*, 29–38.

48 Guyot, *Répertoire universel et raisonné*, IV: 53.

49 De Ferrière, *Dictionnaire de droit et de pratique*, I: 200.

50 Bell, *Lawyers and Citizens*, 38–40.

51 This became a formal requirement under the Edict of 1620. See Bataillard and Nusse, *Histoire des procureurs et des avoués,* 92.

52 David Bien, "Les offices, les corps et le crédit d'État: l'utilisation des privilèges sous l'Ancien Régime," *Annales: Histoire, Sciences Sociales* 43, no. 2 (March-April 1988): 379–404.

53 William Doyle, *Venality: The Sale of Offices in Eighteenth-Century France* (New York: Oxford University Press, 1996), 3.

54 Doyle, *Venality: The Sale of Offices in Eighteenth-Century France*, 26–57.

55 Doyle, *Venality: The Sale of Offices in Eighteenth-Century France*, 221–38.

56 Doyle, *Venality: The Sale of Offices in Eighteenth-Century France*, 312.

57 Bien, "Les offices, les corps et le crédit d'état," 382; Doyle, *Venality: The Sale of Offices in Eighteenth-Century France*, 90.

58 Ralph E. Giesey, "Rules of Inheritance and Strategies of Mobility in Prerevolutionary France," *American Historical Review* 82, no. 2 (April 1977): 271–89; Jean Nagle, *Un orgueil français: la vénalité des offices sous l'Ancien Régime* (Paris: Odile Jacob, 2008).

59 Bell, *Lawyers and Citizens*, 39–40.

60 Bell, *Lawyers and Citizens*, 15, 31.

61 Bell, *Lawyers and Citizens*, 163–74; Sarah Maza, *Private Lives and Public Affairs: The Causes Célèbres of Prerevolutionary France* (Berkeley: University of California Press, 1993), 1–17.

62 Bell, *Lawyers and Citizens*, 21 (quoting Alexandre de Tocqueville, *The Old Regime and the Revolution*, originally published in 1856).

63 Bell, *Lawyers and Citizens*, 164–215.

64 This paper focuses on legal attorneys (*procureurs "ad lites"*), who represented people in court. In contrast, *procureurs "ad negotia"* represented people in business transactions. On this distinction, see de Ferrière, *Dictionnaire de droit et de pratique*, II: 590.

65 Dolan, *Les procureurs du Midi*, 128.

66 Dolan, *Les procureurs du Midi*, 71.

67 Dolan, *Les procureurs du Midi*, 75.

68 Dolan, *Les procureurs du Midi*, 187.

69 Guyot, *Répertoire universel et raisonné*, XLVIII: 431.

70 De Ferrière, *Dictionnaire de droit et de pratique*, II: 595.

71 *Dictionnaire de Trévoux*, V: 1042. For a virtually identical explanation of practice, see de Ferrière, *Dictionnaire de droit et de pratique*, II: 509–10.

72 De Ferrière, *Dictionnaire de droit et de pratique*, II: 591–92.

73 De Ferrière, *Dictionnaire de droit et de pratique*, I: 197.

74 To be clear, the accused had no right to counsel in Ancien Régime France. Advocates did not argue in criminal cases either, but unlike attorneys, they could file amicus briefs on behalf of the accused; Bell, *Lawyers and Citizens*, 30, note 48.

75 De Ferrière, *Dictionnaire de droit et de pratique*, II: 596.

76 Guyot, *Répertoire universel et raisonné*, XLVIII: 431.

77 De Ferrière, *Dictionnaire de droit et de pratique*, II: 596.

78 I borrow this term from C.W. Brooks, *Pettyfoggers and Vipers of the Commonwealth: The "Lower Branch" of the Legal Profession in Early Modern England* (New York: Cambridge University Press, 1986).

79 Hervé Leuwers, "La fin des procureurs: les incertitudes d'une recomposition professionnelle (1790–1791)," *Histoire, économie & société* 33, no. 3 (2014): 18–31.

80 Dickinson, *Justice et justiciables*, 84.

81 On this practice among écuyers and *chevaliers*, see Lorraine Gadoury, *La noblesse de Nouvelle-France: familles et alliances* (LaSalle, QC: Hurtubise, 1991), 18–19. Although *écuyer* translates roughly to esquire, esquire carried different connotations in early America, where nobility was despised.

82 Vachon, *The Administration of New France*, 78.

83 Bataillard and Nusse have made this argument of French Caribbean colonies in *Histoire des procureurs et des avoués*, 98.

84 De Ferrière, *Dictionnaire de droit et de pratique*, II: 591.

85 De Ferrière, *Dictionnaire de droit et de pratique*, II: 591.

86 *Dictionnaire de Trévoux*, V: 1116.

87 *Dictionnaire de Trévoux*, V: 1116; De Ferrière, *Dictionnaire de droit et de pratique*, II: 590.

88 De Ferrière, *Dictionnaire de droit et de pratique*, II: 590; *Dictionnaire de Trévoux*, V: 1116–17.

89 Benoît Grenier and Catherine Ferland, "'Quelque longue que soit l'absence': procurations et pouvoir féminin à Québec au XVIII^{e} siècle," *Clio: Femmes, Genre, Histoire* 37, no. 1 (2013): 199.

90 Grenier and Ferland, "'Quelque longue que soit l'absence': procurations et pouvoir féminin à Québec au XVIII^{e} siècle," 200–1.

91 Grenier and Ferland, "'Quelque longue que soit l'absence': procurations et pouvoir féminin à Québec au XVIII^{e} siècle," 200.

92 Grenier and Ferland, "'Quelque longue que soit l'absence': procurations et pouvoir féminin à Québec au XVIII^{e} siècle," 202.

93 Grenier and Ferland, "'Quelque longue que soit l'absence': procurations et pouvoir féminin à Québec au XVIII^{e} siècle," 214.

94 Grenier and Ferland, "'Quelque longue que soit l'absence': procurations et pouvoir féminin à Québec au XVIII^{e} siècle," 203–4.

95 De Ferrière, *Dictionnaire de droit et de pratique*, II: 590.

96 Guyot, *Répertoire universel et raisonné*, XLVI: 324.

97 *Dictionnaire de Trévoux*, V: 1041.

98 De Ferrière, *Dictionnaire de droit et de pratique*, II: 509; Guyot, *Répertoire universel et raisonné*, XLVI: 324.

99 De Ferrière, *Dictionnaire de droit et de pratique*, II: 509.

100 *Dictionnaire de Trévoux*, V: 1041.

101 *Dictionnaire de Trévoux*, V: 1116.

102 *Dictionnaire de Trévoux*, V: 1041; Guyot, *Répertoire universel et raisonné*, XLVI: 324 (citing the Ordinance of April 1667, Title 24, Articles 25 and 26).

103 Miranda Frances Spieler, "The Legal Structure of Colonial Rule during the French Revolution," *William and Mary Quarterly*, 3rd ser., 66, no. 2 (April 2009): 370.

104 Although not technically absent from the colony, advocates did not typically make oral arguments in the courts of New France. On the absence of advocates orally arguing in criminal trials, see Denise Beaugrand-Champagne, *Le procès de Marie-Josèphe-*

Angélique (Montréal: Libre Expression, 200), 57–66. On the absence of advocates making oral arguments in civil trials, see Dickinson, *Justice et justiciables*, 85; Vachon, *Administration of New France*, xxiv. Joseph-Edmond Roy identifies an exception: the barrister Jacques Touzé, who orally argued before the Superior Council in 1703: *L'ancien Barreau au Canada*, 21.

105 Initially known as the Sovereign Council, the colony's highest court was renamed the Superior Council in 1703.

106 Girard, Phillips, and Brown, *History of Law in Canada*, 269; Édouard Fabre-Surveyer, "Louis-Guillaume Verrier (1690–1758)," *Revue d'histoire de l'Amérique française* VI, no. 2 (1952–3): 159–76; Vachon, "Verrier, Louis-Guillaume," in *Dictionary of Canadian Biography*, vol. 3, University of Toronto/ Université Laval, 2003-. http://www.biographi.ca/en/bio/verrier_louis_guillaume_3E.html.

107 Julie Hardwick, *The Practice of Patriarchy: Gender and the Politics of Household Authority in Early Modern France* (University Park: Pennsylvania State University Press, 1998), 42.

108 Philip Hoffman, Gilles Postel-Vinay, and Jean-Laurent Rosenthal, "What do Notaries do? Overcoming Asymmetric Information on Financial Markets: The Case of Paris, 1751," *Journal of Institutional and Theoretical Economics*, 154, no. 3 (1998): 499–530. For the classic study on notaries in Canada, see Vachon, *Histoire du notariat canadien, 1621–1960*.

109 Hardwick, *The Practice of Patriarchy*, 19.

110 Girard, Phillips, and Brown, *A History of Law in Canada*, 268–69; Hardwick, *The Practice of Patriarchy*, ix.

111 Atlantic literature urges us to focus not on today's political boundaries, but on yesterday's. Challenging the notion that the vast Atlantic Ocean separated the colony from the metropole, Atlantic history instead shows how water connected people, goods, and ideas. See for example Bernard Bailyn, *Atlantic History: Concept and Contours* (Cambridge: Harvard University Press, 2005); Nicholas Canny and Philip Morgan, *The Oxford Handbook of the Atlantic World, c.1450–c.1850* (New York: Oxford University Press, 2011); Alison Games, "Atlantic History: Definitions, Challenges, and Opportunities," *American Historical Review* 111, no. 3 (2006): 741–57. The Atlantic turn has modified previous understandings of the early Canadian population. Allan Greer estimates that of 27,000 migrants, approximately two-thirds returned to France before the British conquest: *People of New France* (Toronto: University of Toronto Press, 1997), 12–13.

112 Examples of these various functions abound in the archives described above. For a power of attorney agreement, see Procuration de Damien Quatresols à François Rageot, praticien de la ville de Québec (2 July 1704), notaire L. Chambalon, Parchemin. For an example of a client deferring to a practitioner's legal expertise, see Procuration de Marie-Madeleine Landron à Jacques Nouette (3 March1742), notaire C.-H. Dulaurent, Parchemin, in which the widow Marie-Madeleine Landron empowered Jacques Nouette to act in her name in whatever way he judged appropriate, in order to prevent the sale of a house of which she owned one-seventh. For examples of practitioners representing clients in court, see Appel, Pierre Raymond, *comparant par Nouette, son procureur*,

contre Olivier Abel [emphasis added] (26 June 1741), P19114, S28, TP1, BAnQ. For practitioners appearing in court, see Appel, Geneviève de Ramezay, veuve de Louis-Henri Deschamps, contre François Foucher, conseiller du Roi et son procureur en la Juridiction de Montréal, *comparant par le sieur Nouette, praticien* [emphasis added] (23 October 1741), P19177, S28, TP1 and Appel, François Havy, comparant par le sieur Nouette, contre Marie-Louise Corbin, *comparant par le sieur Poirier, praticien* [emphasis added] (24 July 1741), P19135, S28, TP1, BAnQ. *Sieur* is an early modern French title meaning *Monsieur* or Mister. The early modern French verb *comparoir* or *comparoître* means to present oneself in court or before a notary in order to respond to a summons, or to send an attorney in one's stead. De Ferrière, *Dictionnaire de droit et de pratique*, I: 461–62.

113 Cause entre le sieur Louis Levrard . . . demandeur, comparant par le sieur Jacques Nouette, *praticien, leur procureur,* et dame Marie-Anne Tarieu de la Pérade (LaPérade), veuve de feu sieur de la Richardière, défenderesse, comparant par le sieur Poirier, *praticien, son procureur* [emphases added] (3 October 1743), P34, D84, SS1, S11, TL1, BAnQ; Cause entre la veuve de feu Pierre Joly, boulangère de Québec, demanderesse, comparante par le sieur Jean-Claude Panet, *praticien, son procureur,* et le sieur Jacques Nouette, praticien, défendeur [emphasis added] (14 October 1743), P39, D84, SS1, S11, TL1, BAnQ. In the latter document, the practitioner Jacques Nouette appears as a party to the dispute.

114 Dubé, "Making a Career Out of the Atlantic: Louisiana's Plume," 60.

115 Contrat de mariage, Jacques Parant (19 January 1748), notaire N. Duprac, Parchemin.

116 *Dictionnaire de Trévoux*, V: 1041; Guyot, *Répertoire universel et raisonné*, XLVI: 324 (citing the Ordinance of April 1667, Title 24, Articles 25 and 26).

117 Procès entre Charles Ruette d'Auteuil de Monceaux, et Jacques Nouette de la Pouflerie (Poufellerie) (7 March – 22 April 1743), D4933, S1, TL4, BAnQ. Jean-Baptiste Adhémar is also likely the person referred to in Compromis entre Pierre-Joseph Celoron de Bienville et ? Adhemar, notaire royal et ancien praticien, de la ville et juridiction de Montréal (5 September 1746), notaire F. Simonnet, Parchemin. While the archivist has left a question mark in front of Adhémar's last name, this could not be the then-deceased Antoine Adhémar, and is most probably the royal notary of Montréal, Jean-Baptiste Adhémar. Despite the slightly different spelling, Jacques Nouette is the subject of Édouard-Zotique Massicotte's article, "Nouette dit la Souffleterie [sic]," *Le Bulletin des recherches historiques* 21, no. 1 (1915): 23–25. The mistranscription of Poufellerie as Souffleterie is understandable, given the very similar appearance of early modern PS and SS. Comparing these letters in a document written by the same person, however, determines that this attorney-practitioner's last name actually was Nouette de la Poufellerie. For example in Mémoire des dépens à payer par Jean-Baptiste Larchevêque (1 October – 21 November 1740), D224, S30, TP1, BAnQ, the "P" in Poufellerie on page 3, line 25 certainly resembles the "P" in "Qu'il vous Plaise" on line 16. Similarly on page 1, compare the "P" in "Poufellerie" to the "S" in "Suplie [*sic*] humblement." For an excellent primer on deciphering handwriting in early Canada, see Marcel Lafortune, *Initiation à la paléographie franco-canadienne: les écritures des notaires aux XVIIe-XVIIIe siècles* (Montréal: Société de recherche historique archiv-histo, 1982).

118 Jugement rendu par Christophe-Hilarion Dulaurent, ancien praticien et notaire royal de la Prévôté de Québec (3 December 1750), D3012–32, TL5, BAnQ.

119 In "Problems of Precedence in Louis XIV's New France," in *Majesty in Canada: Essays on the Role of Royalty*, ed. Colin M. Coates (Toronto: Dundurn Group, 2006), Colin Coates argues that rank and precedence in entries, processions, and church seating were the essence of politics in a colony that was part of an absolutist polity.

120 Michel Verrette, "L'alphabétisation de la population de la ville de Québec de 1750 à 1849," *Revue d'histoire de l'Amérique française*, 39, no. 1 (1985): 68.

121 Gadoury, *La noblesse de Nouvelle-France*, 17.

122 Gadoury, *La noblesse de Nouvelle-France*.

123 Gadoury, *La noblesse de Nouvelle-France*, 18.

124 Gadoury, *La noblesse de Nouvelle-France*, 17.

125 Gadoury, *La noblesse de Nouvelle-France*, 19.

126 Contrat de mariage, Charles Decoste de Letencour, écuyer, fils de Jean-Baptiste Decoste de Letancour, écuyer et ancien praticien de la juridiction de Montréal et de Renée Marchand (7 January 1759), notaire F. Simonnet, Parchemin.

127 Contrat de mariage entre Pierre Parret [sic], praticien, de la ville de Québec et natif de la ville de Paris et Marie-Anne Trefflet dit Rautot (29 September 1754), notaire C. Barolet, Parchemin.

128 Contrat de mariage entre Jacques Bourdon, praticien, et Marie Menard (3 January 1672), notaire T. Frérot de Lechesnaye, Parchemin; Vente d'une terre par Jacques Menard à Jacques Bourdon, praticien (9 March 1673), notaire T. Frérot de Lechesnaye, Parchemin.

129 Langlois, "Les Antilles et la Nouvelle-France," 243 (citing a document from the Guadeloupe notarial office of Du Laurent dated 3 February 1751).