

Contracts and Revolution: The View from the Gard's Notaries, 1779-1808

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Introduction

The Revolution was a complex shock. By ending feudal privileges in 1789, it signaled a progressive set of changes that allowed individuals to either ignore or buy themselves out of a variety of financial obligations (rentes foncière, ...) that were taken to be feudal dues. By expropriating the Church's real estate in 1790 and then confiscating émigré assets, it triggered a boom in real estate sales. By starting war in 1792 and then initiating conscription, it triggered changes in family formation. Finally, by monetizing the Church's wealth via the issue of paper money (*assignats*), it set off an inflation that in turn led to massive decline in indebtedness and a collapse of the credit market. For all these reasons, the kinds of contracts that individuals might have wanted to enter into should have changed over time

There are of course an important alternatives to the chronology of events outlined above, namely that the Revolution was so dramatic an attack on the Old Regime that individuals simply ceased to draw up contracts at all, and in particular ones drafted by notaries, the semi public, semi private legal and financial advisers who kept official copies of all the legal documents they composed or recorded—copies that could then be readily presented as evidence in court. Notaries drafted and preserved copies of virtually all wills, estate settlements, property sales and leases, and medium and long term loan documents before the Revolution. Conceivably, people anticipated that the legal advantages of such notarized contracts would simply disappear. It could also be that French people feared that contracts signed during this period would be invalidated by

whatever regime would follow the times of trouble. In the same vein notaries may have ceased to operate, either because they were perceived as symbols of the old regime (many had been the local agents of more distant magnates) or because they were busy working for the new regime (many notaries took on positions in local government). Yet another alternative situates the Revolution in a cultural realm that left the day to day life of the bulk of the population, in particular the peasantry, untouched.

But notaries' business, as our work on credit has shown, depended on geography, and the arguments that were elaborated for credit would apply to a broader range of transaction (Hoffman, Postel-Vinay and Rosenthal 2011). One might then imagine that the Revolution's attack on formal institutions (the judiciary was in disarray, property rights were under question in a whole variety of ways) harmed arm's lengths contracts the most. What was left then were local transactions, where participants could rely on informal means to enforce contracts. Given that notaries in larger towns dealt with a big population and with clients from a broader geographic range, their business would have been most adversely affected, because the parties involved would be less likely to know one another and therefore less likely to rely on informal means of enforcement in case problems arose.

More specifically, in our work on Paris we charted the path of credit markets over the course of the Revolution, and we argued that the best account of notarial credit was given by considering participants in these markets as finely attuned to the interaction between paper money issue and regime stability. In particular we showed that during the Revolution political transitions were associated with burst of reimbursement precisely because people feared a stabilization that would return credit contract to a status-quo ante. Taking advantage of the *assignat's* inflation required waiting until the currency had depreciated, but one could not wait

too long. For debtors the *assignat* was an offer with an expiration date. But in wielding the *assignats* were provincial debtors rubes or sophisticates?

A fourth, and final, concern guides this investigation as well. From our periodic cross sectional samples of notarial lending, we know that Paris's behavior is atypical—what goes for Paris does not go for the rest of France. That was true in the 18th century when the number and value of loans arranged by notaries grew faster in the capital than elsewhere. It was true as well in the 19th century when notarial credit stagnated between 1807 and 1850 in Paris, while it surged in the rest of the country. Lending in Paris declined dramatically between 1790 and 1795 and then rebound sharply between 1797 and 1807. What was happening in other parts of France? An unusual data source will shed light on all of these issues by revealing what contracts individuals entered into during these turbulent years.

Data

Although published series of notarial business activity do not begin until the 1840s, we are fortunate that Imperial bureaucrat in charge of reorganizing the notarial profession ran a survey in 1806 that required notaries to tabulate annual total of the acts they drew up, back to 1779. The survey included 35 categories of contracts including a hodgepodge residual category. It seems to have been part of Napoleon's effort to rationalize the profession. Notary offices had come into being since the Middle Ages and the profession was a public-private mixture. Only those with the wherewithal to purchase a position from an incumbent and the training required for government approval could hope to become notaries. The government could at will buy back their positions or create new ones if it wanted.

With its general hostility to venality, the Revolution took a dim view of notaries and, for a time at least, sought a government run competition to fill notarial positions. Napoleon reinstated venality but he wanted to rationalize the distribution of notarial offices. In the end the government passed a law requiring that there be at least two and at most five notaries per rural canton and that the number of notaries in cities would not exceed a bound related to the population. The effect of these legal change was to progressively cut the number of notaries in France by XX by the end of the 1860s.

The changes were less severe in the North than in the South, where notaries were far more abundant, because of a legal tradition of making written copies of most transactions. As Map 1 show, notaries were ubiquitous in the southern department of the Gard, one of the one hundred or so roughly county sized departments into which France was divided. In the Gard, the farthest a person would have had to travel to consult a notary was ten kilometers. Some 78 percent of all municipalities were within five kilometers of a notary, and far more of the population was that close to a notary, since all the larger towns had at least one.

Although there is evidence that the survey was a national effort, the only record of it we have only found in the 30 departments where we have looked is in the Gard. There we discovered a complete list of all the notaries who were asked to fill out data schedules as part of the survey; in addition, 178 of the 182 possible schedules survived as well. The survey thus appears quite complete.

The survey bears testimony of the disarray the Revolution had caused to the profession. The number of notaries reporting positive act totals appears in white in Figure 1, while those reporting no acts appear in blue at the bottom, In green at the top are the notaries for whom

reports are missing in any given year. Clearly the sample get smaller as one goes back in time, and in 1779 we have positive totals for only 126 notaries even though at the time there were 232 active notaries active in the department (Rouvière 1887, Vol 4:24-25). The average number of contracts per notary, which oscillates between 150 and 200, shows little change over time. Yet the range of activity for individual notaries shows enormous variation. Some never recorded more than 18s per year, others did over 700 acts annually. On a pure quantitative dimension this was far from a homogeneous profession.

Some of the notaries, it is worth noting, recorded absolutely no contracts in certain years, particular 1793 and 1794. They had no business in those years for three broad reasons. First of all, these years were the height of the revolutionary turmoil, and during them some notaries clearly ceased to work, even though most of them were back on the job by 1795 or 1796. A second reason is that notaries could only legally draw up contracts if they had been formally appointed by the government. Some offices remained vacant for up to five years simply because of Paris' failure to approve successors, who were often the sons of deceased notaries. A third reason is that more than half a dozen notaries were appointed to local but temporary judicial positions that were judged to be 'incompatible' with drawing up contracts. For many of our purposes, however, a zero (no business) does not really matter, even though it is important for understanding of what happened during the Revolution.

A more important problem comes from potential biases in a retrospective survey. The Revolution brought massive changes in the number of notaries. At one extreme we could be facing survivorship bias: of 232 offices extant in 1779 only 182 survived through the Revolution up to 1806. Such bias would take two forms. Presumably, the 50 that closed permanently were

never tallied by the notaries who held those archives while the 56 that closed and reopened were only totaled from the date of their reopening.

If that is the case, then we need to reweight the totals for missing data, which can easily be done if one assumes that market share is relatively stable over time and that every active notarial office is represented at the end. The trouble, however, is that as notaries' offices closed and then reopened their archives went uncounted or were assigned to different localities. The most striking example we have comes from comparing the totals of loans from the survey with those we collected from records of a tax on notarized documents for the same municipality in the Gard, the town of Sauve. In 1807 the survey reports two notaries in Sauve, just as the tax records do, and the number of loans in both sources match closely (21 for the survey, 20 in the tax records). In 1780, however, the survey reports two notaries but the tax registers say four, and the survey counts 22 obligations, while the tax records have 42. Clearly, some Sauve notaries' records are missing from the survey. These records could have been counted elsewhere because the exiting Sauve notaries could have left their archive with a notary not from that town, or they could have been omitted from the survey, but we do not have the elements to determine what happened.

To address these problems, we began with the total number of acts in the Gard (Figure 2). The dark blue reports the 115 that have full reports (one or more act in each year).¹ The red band displays the number of acts for all notaries who did not report in every year (63 notaries); when taken together with the blue band, the total represents the raw data from the schedules. The next, green, band involves the adjustment to 'fill' in the missing observations for those 63 partial

¹ An additional, though minor, issue crops up from the fact that the Revolutionary calendar began with the Fall Equinox. When Napoleon decided to return to the Gregorian calendar on January 1 1806, The year 14 which should have run from fall 1805 through summer 1806 was truncated at 100 days. Rather than lose those counts we have inflated them by 3.65 and displayed them as 1805.IV

schedules. It is calculated by taking each notary and calculating the ratio of his activity to that of the average notary in all years when he did file a report; that ratio is then used to compute his hypothetical number of acts when his reports are missing. The last band details the adjustment for notaries who exited permanently as a result of the reforms of 1792 and the 4 notaries whose schedules were not found. To these 54 notaries we assign a number of acts equal to the lower inter-quartile value of the other notarial businesses (the notaries that were closed were small) [OK?]. Since we do not know when these notaries closed we simply let 10 of them exit in each year starting in 1793. Alternative computations that assign these notaries the median activity or let them exit at a slower rate do not change the qualitative results or the conclusions of the analysis.

The foregoing assumes that nearly half of all notarial records for 1779 were not tallied. Another, less dire possibility is suggested by the legal requirement that notaries' archives be held in perpetuity. Notaries whose offices closed would have had to find someone to hold their records. When the survey request was made these surviving notaries tallied all the contract in their archives. That such handoffs occurred is clear. Consider Marty, a notary in Pont Saint Esprit, who was one of three notaries active in 1806. His schedule contains a length marginal annotation that explains how his report actually tallies the archives of four different notarial offices. When we look at the list established in 1792 it mentioned only 3 notaries in Pont Saint Esprit, so Marty's must have acquired the archives of the colleagues whose offices were discontinued (though not all resigned in 1792 or 93). Marty and the two other notaries thus provide what are actually complete counts over the period for the entire town, even though we cannot disaggregate the data by individual office for every year.

Few notaries made their reports as precise as Marty's. It is clear from the schedules that notaries always filled out totals for the period of their tenure in office. What is less clear is whether they systematically totaled up the records of all the notaries whose archives they had purchased. An example confirms this worry--the municipality of St Gilles. When we counted credit acts there in 1780, we found three notaries Gautier with 14 obligations, Roquelin with 38 and Vergier with 19 for a total of 71, whereas the survey listed Gautier only but gave him 69 loans. That result is consistent with notary Gautier having acquired the archive of all the predecessors. If St Gilles and Pont St Esprit are to be trusted for the whole of the Gard then we easily take the survey results at face value (that would imply ignoring the top two bands in Figure 2). On the other hand, the example of Sauve that we discussed at earlier suggests that such an assumption would be naïve.

The two different approaches lead to substantively different result over the long run. The adjustments would increase totals by 40 percent in 1779 and by 28 percent 1791. As a result, they tone down what the raw data suggest : a massive increase in contracting after the Revolution. Fortunately, the trends the raw data are similar to those of the adjusted series. We prefer the adjusted series simply because it dampens the Revolution; the arguments we present below are thus moderated relative to what we would claim if the raw data were accepted as gospel. Nevertheless much of what we discuss below depends on sharp shock to activity that can be seen in both sets of estimates or in the relative frequency of different types of contract that are not subject to these inflation issues. The one area which might be most sensitive to the vagaries of aggregation involves our discussion of the urban hierarchy, to the extent that notaries totaled not just acts from their own archives but also those of other notaries (and in particular for outlying smaller towns) then differences across the urban hierarchy would be dampened.

Notarial Contracts and the Revolution

Two striking lessons from Figure 3 serve to start our discussion of contracting during the Revolution. The first is the sheer number of contract, even in the absence of adjustments. There were at least 22,000 contract notarized under the Old Regime in the Gard and some 30,000 under the Empire. The contracts were all drawn up for a population of about 320,000, thus a contract for every 15 persons in the 18th century or every 10 by the Empire. If we consider households of four and that there are most often two or more parties to a contract, one out of every three households could have participated each year in a notarized contract. If we add to this that about half the households had no wealth and were thus unlikely to visit a notary at all, it is clear that reliance on notaries was extremely wide spread. Virtually every family with wealth would visit the notary annually.

The second lesson is that notaries were the professional witnesses of the Revolution. Thirty eight of them were members of the assemblies that chose the delegates to Versailles in 1789 and many played major roles in the Revolution, but even if we ignore all that, their archives still tell the history of the Revolution in the Gard. Consider the sharp drops in contracting in 1794, 1796, and 1798 (Figure 2). These years coincided with the rise of the Terror and with the end of the *assignat* inflation. Figure 3 presents the total now broken down by large groups of transactions that would have been affected differently by all the shocks. Real estate does show a marked increased after 1792, when property sales were booming from the sale of confiscated properties. Credit contracts decline dramatically with the *assignat* issue, only to

recover slowly after 1797. Contracts related to the family are the most stable, showing a slight dip at the height of the revolution and then a return to the levels they had enjoyed before.

Looking at these highly aggregated data, misses most of the action because as we shall see different types of contracts were popular at different times. Let us begin with family contracts (see Figure 4). There the two most important contracts were prenuptial agreements and wills. The Gard was a region of Roman law where most individuals of any means had notaries draw up marriage contracts before the nuptials. To put the two to three thousand marriage contracts in perspective, one can perform a rough calculation. The adult population of either sex was roughly 75,000 with a life expectancy at age 25 of 25 years. That would yield a marriage cohort of somewhat more than 4,000 per year. Even if we allow for second marriages, over half of all marriages in the Gard must have involved contracts. The data also show the Revolution's impact as after 1794, in the middle of the turmoil, the number of marriages increased by nearly 50% from a low of 1800 in 1790 to 2950.² The move from the volunteer army of the early Republic to the system of conscription seems to have prompted many to get married to avoid the draft since married men could often avoid serving.³ Marriage could also secure resources to buy one self out.⁴ The brief but sharp decline in marriage contracts during the peace of Amiens is also telling.

² The same trends of a jump of marriage registration (though not marriage contracts has been noted by demographer. *Histoire de la population Française*, T. 3, De 1789 à 1914, J. Dupâquier et al., Paris, Puf, 1988. Voir aussi J. Houdaille, *La nuptialité sous la Révolution et l'Empire*, *Population*, 37-1, janv.-fév. 1982, p. 160-7.

³ Both the initial levee of spring 1793 and in the conscription law of 1798, defined age of conscription as 20 to 25 and exempted married men. The only case where married men were not exempted was the levee en masse of August 1793, but even then local officials remained in control of the rules whereby individuals were drafted (Corvisier 1992 vol 2: 240).

⁴ Starting with the recruitments of the spring 1793, conscripts were allowed to furnish replacements, a rule that endured except for the Levée en Masse of August 1793 (Forrest 1989:31).

Wills followed an almost opposite trajectory, stable under the Old Regime at about 3,000 a year (for a rate of making wills equal to half that of marriages, since it takes two people to make a marriage contract but only one to make a will). After 1792 the number of wills dropped by a thousand a year until it fell below a 1000 and remained a low level until 1801 when a recovery began. Religious turmoil is likely to have been an important force behind the ebb and flow of wills. After all their recovery of wills begins the year before the pope and Napoleon signed the concordat that stabilized the position of Catholic Church in France, there may be other reasons. Notably that in this region of important dowries, parents may have had little surplus to leave in wills if their children had taken their assets in marriage contracts when they wed to avoid the draft. It is also the case that the rise of an estate tax administration in 1792 may have discouraged people from formalizing their final dispositions.

The Revolution also saw a spike in codicils after 1796 and contracts where the surviving source transmitted the whole of the community property to the other heirs (*renonciations à communauté*) after 1800. Most likely these inflections to process of intergenerational transmission reflect the stress and shocks of the Revolution. In particular, individuals who successfully speculated in *biens nationaux* may have had more wealth than anticipated and decided to add to their wealth. In other households the Revolution destroyed wealth, forcing surviving spouses to give up their claims on the community property and live on their dowries wealth so as to provide for their children. The burst of alterations to testamentary disposition was short lived and by 1804 these types of contracts were again negligible. Overall, however, the marriage contracts, testaments, and other family contracts trace out a revolutionary chronology that makes it clear that individuals were deeply affected by the events emanating

from Paris. That is an issue we will return to, and it is also important to note is that different methods of reweighting the survey totals cannot possibly explain this chronology.

Another large area of contracting that shows the mark of the Revolution was real estate. There, the major change involves the persistent increase in real estate sales from 1791 to 1803. Clearly this increase cannot come from our reweighting procedures which add far more acts at the beginning than at the end. At 4000 or so contracts a year, land sales were the most important type of contract under the Old regime. At their peak in 1803 they accounted for nearly as much as the next two most important category. The decade long burst in land sales can find its explanation in sales of land confiscated from the Church and émigré aristocrats. That it lasted so long suggests that the original buyers of biens nationaux were speculators who bought large lots and then put them back on the market after the inflation had subsided.

Leases show the opposite trend. Taken together the trends in sales and leases produced a remarkable change. Under the Old Regime, leases of all kinds were about half as frequent as sales. During the Revolution (1790-98) this ratio fell to a quarter and despite the end of the sale of national lands it fell further to 22% under Napoleon's regime. One might be tempted to attribute this decline to the more even distribution of land that resulted from the sale of the *biens nationaux*. Yet when we examine the three different types of leases other factors clearly intervene. The most important type of contract was the cash rent (72% of all lease contracts before 1800), peaked in 1788 and then declined continuously until 1794 when half as many lease contracts were signed as in 1787. The decline in leasing thus began with the Revolution before either Church's property was confiscated or sold, for by 1790--the year before sales became massive--leases had already fallen by a third. The decline may simply be attributable to landlords extending leases as the Revolution's added uncertainty made them less willing to

consider new tenants, or whether there are other causes. In any case cash leases did rebound somewhat after the end of the inflation in 1795. But even as late as 1808, they were still below their levels of the 1780s. The other standard types of lease—in kind—provided complete inflation protection, at the expense however of greater monitoring of the tenant, as well as a need to be nearby to collect the rent itself. To some extent there is evidence that individuals used these leases to reduce their inflation risk, but it was certainly not a general trend. In kind leases did not decline through 1794, and, although the end of the inflation brought about a temporary jump (in kind leases were 20% of all leases in 1794), they return to a level close to what they had been under the Old Regime by 1800. It seems the transaction costs associated with these contracts were simply too high to make them a general alternative to cash leases. The other type of contract were *baux à locaterie*, these were hybrid contracts between land sales and credit contracts. The contract involved the owner of a property who ‘leased’ it to a tenant. If it were a perpetual contract then the tenant had to pay a fixed rent in cash as long as he wanted to use the land. If the lease was life contingent, then it lasted as long as the ‘life’ specified in the contract. These ‘old regime’ were on the wane in the Gard (falling from some 400 a year to less than 200 by 1790 and then continuing on to a low of 96 in 1794, with a recovery to below 200 at the end of the period).

Credit

The last set of contracts that we detail involves credit. The Gard data have particular value for us because they allow us to straddle two projects. The first, on Paris, analyzed data for one location on a monthly frequency. Paris, obviously, is important, but it is also clearly exceptional. Whatever the historical debates about peasants and their early or late transformation into Frenchmen, one thing is certain: not all French people are Parisians. That was true in

particular of credit markets, which--unlike stock exchanges--remained very local. The fate of notarial credit in France therefore cannot be reduced to what happened in Paris and the path the credit market took there.

To understand credit markets outside Paris, we collected data for a 108 markets in France including six municipalities in the Gard (Nimes, Genolhac, St Ambroix, St Gilles, St Jean du Gard and Sauve) at six dates between 1740 and 1899. We have those data for 1780 and 1807 at two points equidistant from the Revolution. The data show a dramatic contraction of credit as a result of the Revolution, but what was its evolution over time? The survey lets us get at this question.

One possibility is that the Revolution was a moment of massive institutional and financial integration because the shocks it inflicted on credit markets were general. That would be true in particular if the primary change imposed by the Revolution was not the elimination of regional legal variations but rather in the tidal wave of hyperinflation that inundated credit markets throughout France when the Revolution flooded the country with *assignats*. But an alternative and quite different outcome is also possible, for local practices and the inexperience of populations living far from the country's financial center could have made the Revolution have very different effects in Nimes and its environs than in Paris.

To distinguish between these two alternatives, the ideal would have been to have data on lending by quarter (instead of by year, as in the survey we are using) so that we would compare reactions in Paris and the Gard using a finer chronology. It would have also helped to have data not just on new loans taken out, but also on repayments. In the survey, unfortunately, repayments were lumped together in the large residual category. But despite these limitations of

the source we are using, the data gathered from it do show that inflation called the tune for credit in the Gard, just as it did in Paris.

Before the inflation hit, most loans in the Gard were medium-term loans (maturity of a year or so), called obligations. They had replaced longer term annuities that had been common before the late eighteenth century. In the Gard, the obligations were even more common than they were in late eighteenth-century Paris. They in fact accounted for 89% of all new debt contracts in the Gard, instead of 51% in the capital. If we take the obligation, which came to dominate after 1800, as the modern instrument (with annuities being traditional), then lending in the Gard was before the Revolution more modern than in Paris.

Because most obligations were due in a year or two, the Gard's lenders were less exposed to the inflation's ravages than were their Parisian counterparts, many more of whom held long term annuities that borrowers could pay back for pennies on the dollar by waiting for inflation to take its toll. One might therefore expect the Revolution to have had a less severe impact on credit markets in the Gard, because lenders would have suffered less of an unexpected loss. Yet overall, lending patterns in the Gard and Paris are similar. Indeed lending in the Gard declined severely, just as it did in Paris: the number of new debt contracts fell by more than two third during the Revolution (Figure 6). The nadir of borrowing actually occurs in the year the currency was most devalued and the year after 1796 and 1797, the year when the *assignat* touched bottom and 1797 the year after the currency was stabilized. There was then a rapid recovery and by 1803 more debt contracts were signed in the Gard than had been under the Old Regime. This finding is striking because our procedures that correct for missing notaries likely lead us to overstate the number of obligation before 1792.

Figure 7 and 8 compare the Gard's totals with those of similar contacts in Paris. To do so we index all contracts to their average value over the whole period. Obligations show a remarkably similar pattern : rough stability from 1779 to 1789, a nadir in 1796-7 followed by a brisk recovery to 1803 before a decline to 1808. The more aggressive recovery of the obligation in the capital has to do with the consequence not of differences in how Parisians or Gardois treated the inflation, but with continued importance of annuities in Paris on eve of the Revolution. As figure 8 shows, annuities entered a terminal decline both in Paris and in the Gard during the inflation. When the currency was stabilized, the obligation had become the dominant contract, a position it would hold for at least a century. That dominance was slightly larger in Paris where 95% of all new loans were obligation after 1800, while in the Gard the figure had hardly changed (it rose from 89% to 92%). Thus the obligation had more room to grow in Paris after the inflation, since there were loads of annuities that could be replaced. Overall, though, the decline in lending in the Gard traced out a path similar to that in Paris, with a pace that was not dramatically different either.

From the Gard to Notarial Markets

The two sections above suggest that residents of the Gard and Parisians shared common attitudes and beliefs about the inflation. Those common attitudes about the inflation capture most of the variation in behavior, which was common to both markets. We can put this hypothesis to the test in a variety of ways that will help unearth contrasts in behavior in markets with different characteristics. We will look in particular at the size of the community in which the lending took place, because it had a big effect on credit. It also affected notaries, for after 1792 those whose businesses were in larger towns had to have more training than those who were in smaller ones.

This leads us to two sets of questions. The first is to focus on the extent to which there were differences in specialization by the size of the location where a notary's office might be located or the number of competitors in the same locality. A second set of questions will involve looking at key contracts (marriages and wills, sales and leases in cash, obligations) to see whether the patterns that hold for the Gard hold for different settlement size.

Returning to notarial specialization, one might well assume that rural notaries (say the 48 who worked alone in villages of population less than 1000) might behave differently than urban notaries (say the 14 who competed for the business of Nimes' residents). As table 1 suggests notaries in the smallest markets were drawing up on average two contracts a week, while those in the larger places did far more business. Most of this difference can be explained by the greater demand individuals in urban areas had for notarial services. As the last column suggests, individuals who lived in town and cities were actually twice as likely to participate in a notarial contract than their more rural neighbors.

One might also imagine that rural folks would have simpler needs. Yet the evidence for this is limited, as we can see by looking at the Herfindal index, which measures a notary's specialization. To calculate this index for a notary in a given year, we compute the share of his business that involved contracts of each type. The sum of the square of these shares is then a measure of his specialization. The index would be 1 for a notary who did only one kind of contract in the year, while it would be much lower for a notary who spread his business evenly across all the contract types.

When computed, the index reveals no striking difference in specialization by the kind of town the notary lived in, or the number of notaries that competed with each other. One can use

two alternative measures, the share of all contracts that were in major and standard categories (Marriages, Wills, Land sales, cash leases, powers of attorney, obligations, and transactions). That share is indeed smaller in more urban areas, but as Figure 9 shows, the primary reason for this is that notaries in towns were on average busier than notaries in villages, notaries who drew similar numbers of contracts had the same degree of specialization independent of the number of notaries with whom they competed or the size of the population in their locality. One can also look at the number of categories in a year where a notary drew up at least one contract. The maximum would be 34 and the actual number averages 14 in the larger settlements and 11, in the smallest one. Figure 10 shows this is again purely an effect of the size of the activity of the notary. Within the range between 20 and 300 contracts (an interval that covers 90% of all the observations) the trend lines of the different number of notaries in the localities are statistically identical.

Overall the data argue that notaries in the Gard shared a common legal culture and that apparent differences in their propensity to draw up unusual contracts were directly related to the overall level of their activity. Because unusual contracts (like a rescheduling of debt) were infrequent, notaries who drew up few contracts were less likely to have drawn one up in any given year. That does not imply that on a per contract basis they were less likely to draw such contracts up. In fact if we rank the different contract categories by their popularity (that puts real estate sales at the top and divisions of community property at the bottom) no relationship emerges between the popularity of the category and share of such contract carried out in urban or rural notarial offices. Nevertheless, as Figure 11 show differences within the Gard emerge among when we look at arrondissement totals. In Nimes, the more commercially active region, what dominates are powers of attorney, partnerships and other such contracts. Alais's share of

baux à locaterie is over half, while Uzes is equally dominant in livestock leases. Thus the commonalities discussed above in no way prevented notaries from serving their clientele's specific needs.

A different way to assess the commonality of behavior is to examine the chronology of contracting across four different town size categories. We chart these evolutions for six key different types of contracts: Marriages and Wills in Figure 12, land sales and cash leases in Figure 13, obligations and annuities in Figure 14. In each case the verdict is unambiguous: all the series behave in nearly identical ways. In each of these disaggregated series we can read the different relevant events just as we did in the aggregated series. This evidence calls into serious question any idea of a traditionalist, self-sufficient countryside as opposed to more modern and market-oriented urban zones.

Conclusion

Except for a few series, the data from the Gard show a remarkable temporal consistency. The series for most contracts by and large show the same ups and downs in all parts of the department, whether the notary was in a big town or a small one. The reason was the French Revolution, which made even the remote corners of the Gard jump to its complex tune. It triggered the sale of national lands (which left its mark in the jump in land sales and the drop in leases), changes in official practices (echoed in declines and increases in the number of wills), the creation of a conscription army (manifest in the rise in marriages), and, last but not least, the devastation the *assignat* brought to credit markets. As far as we can tell these critical events of the Revolution had a national impact that transcended local legal practices and financial practices. In Paris, the revolutionary inflation was particularly devastating, because many

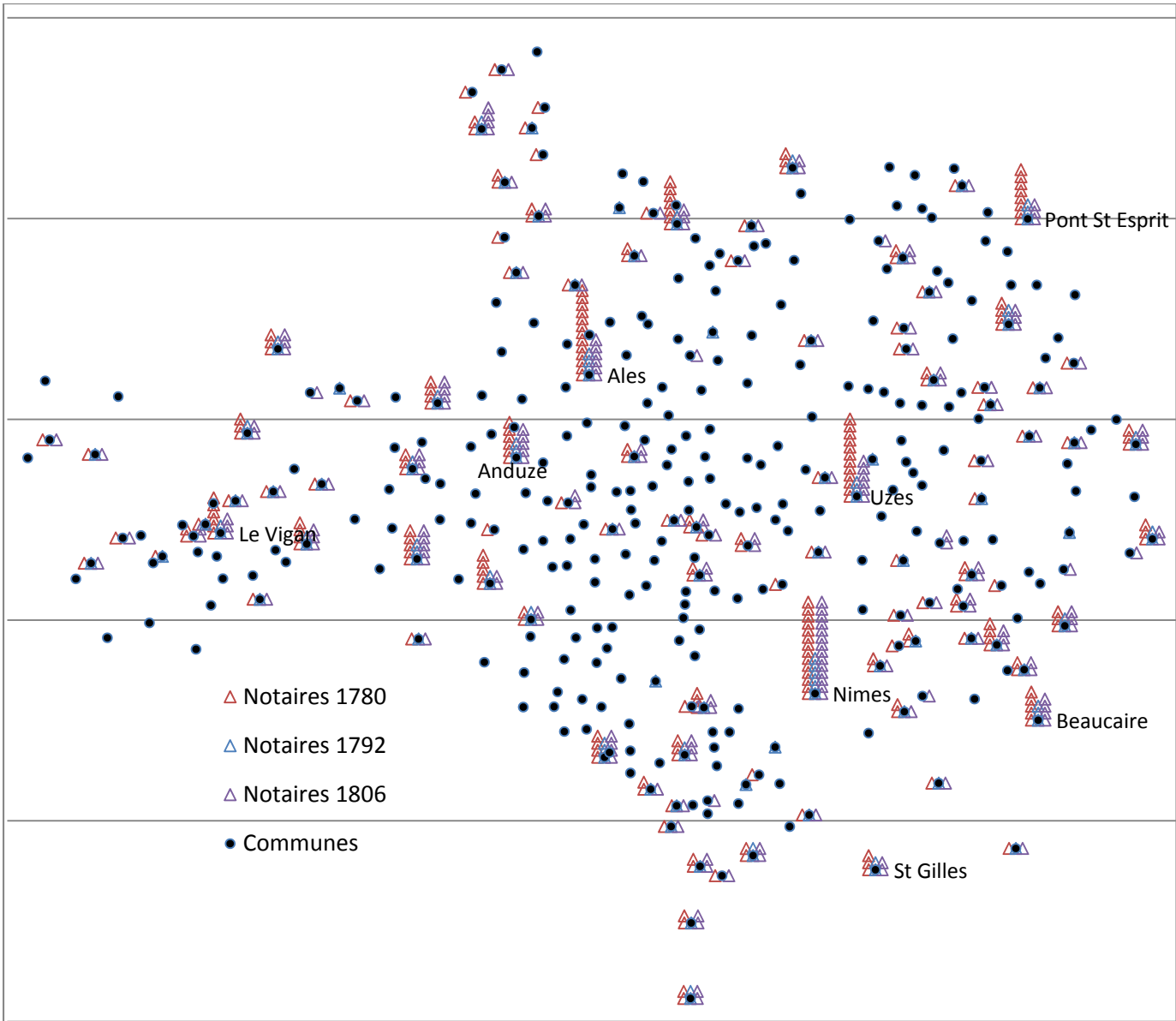
lenders still held long term annuities that allowed borrowers to pay of what they owed for pennies on the dollar. In the Gard, lending had shifted to shorter loan durations, but the inflation still had a similar effect. Despite all the differences in legal regime, wealth, and financial sophistication, both markets were touched in similar ways and at the same time. The same conclusion likely holds for all the other dealings that brought people to notaries, whether the issue was the family or real estate transactions. No one was left unaffected, not even the peasantry in a remote corner of France.

Table 1 market characteristics for the notaries of the Gard

Panel A Market characteristics						
Residence Population	Number Of Towns	Number of Notaries	Average municipal Pop/notary	Average Market pop/notary	Acts per notary per year	Act/100 persons in market area/year
Greater than 5,000	7	42	1778	2085	238	11.41
2000-4999	15	43	1086	1431	173	12.08
1000-1999	24	47	1385	1722	114	6.62
Less than 1000	38	48	577	1594	103	6.04
Panel B Specialization						
Residence Population	Share of contract in top 7 categories (%)	Average Number of different categories with 1 one contract (33 possible)	Average notary Herfindal(by year	Number of Notary years		
Greater than 5,000	56.4	13.84	0.215	1059		
2000-4999	59.6	12.81	0.209	1208		
1000-1999	60.8	11.71	0.213	980		
Less than 1000	61.2	11.19	0.213	1108		

Note:

Because of concerns that many notaries may have been counting not just the acts of the predecessor but those of other notaries whose archives they acquired the analysis was also performed restricting the data to the years 1799-1808. Results are quantitatively close and qualitatively identical.



Map 1: The sample in space---source geogard-map1

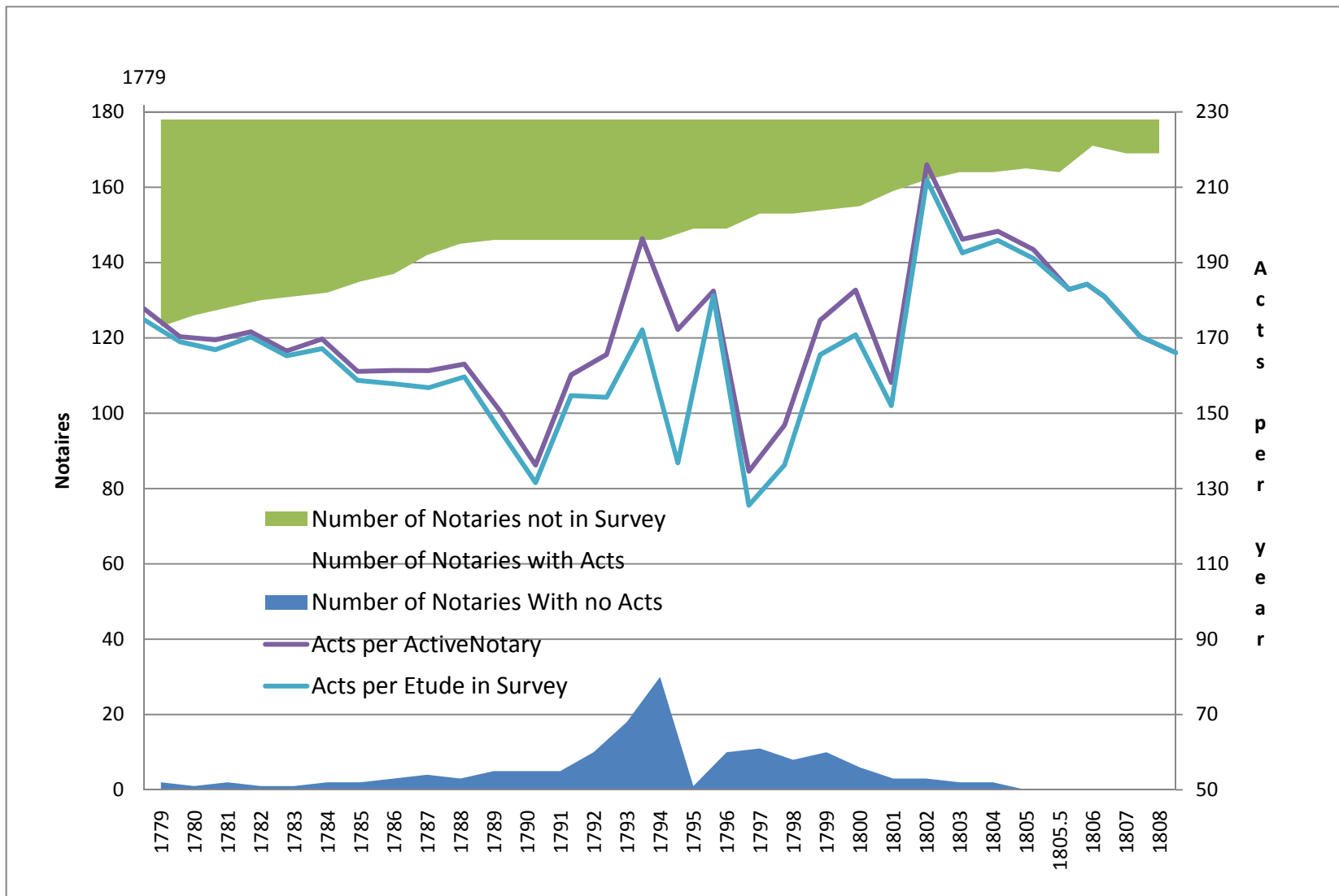


Figure 1 the sample.—source Notadjust—Fig1

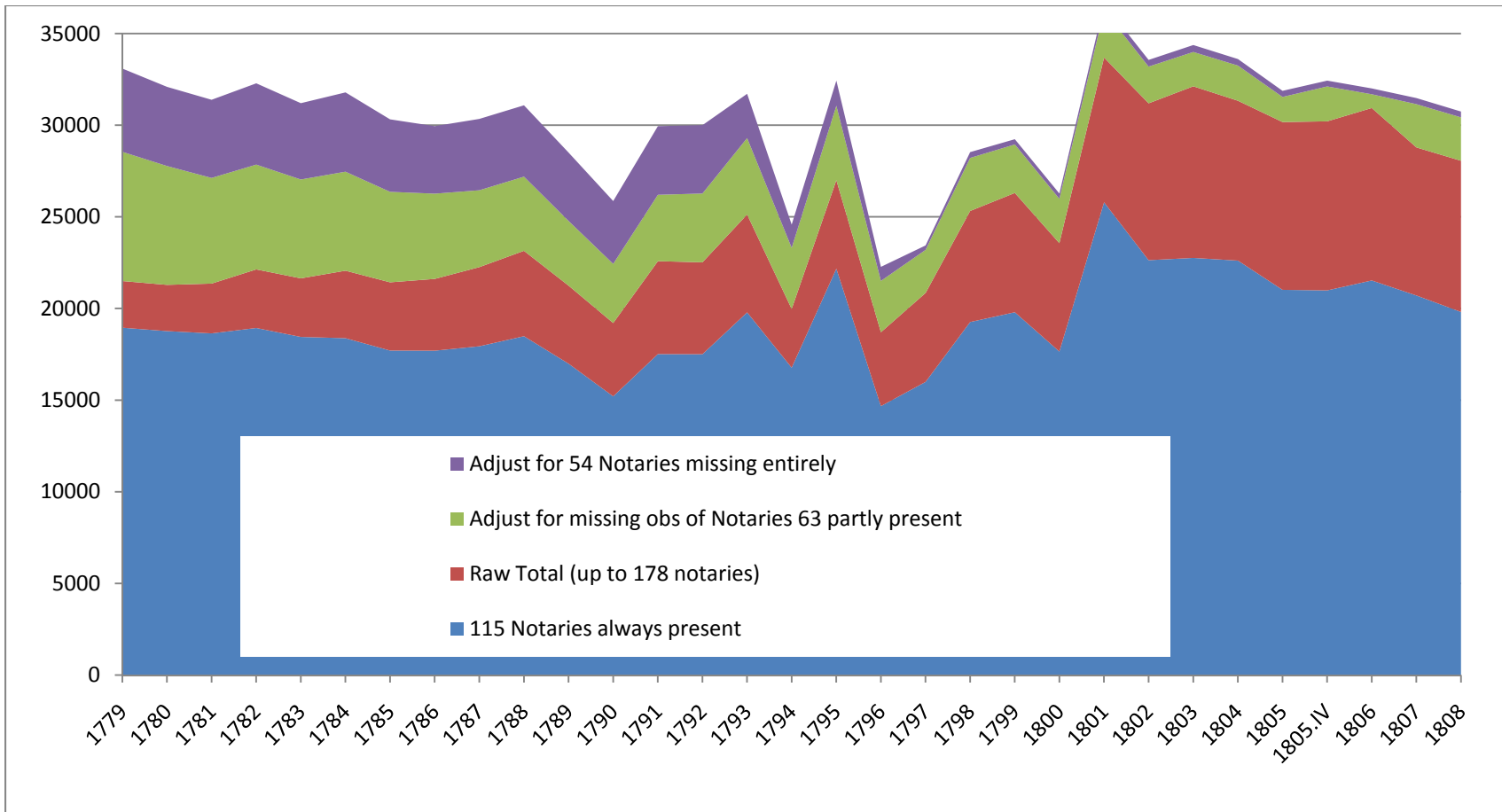


Figure 2: adjusting the total of acts for missing notaries

source Notadjust—Fig2

Adjustment strategy. (1) all those that are known are known (with acts or no acts) are their values. When they have no reported data we use the ratio of their total acts to the average of notary present, averaged over all years where they report, to obtain a relative size. We then use the average size of notary presents to infer the size of notaries missing. For the 54 notaries always missing who seem to have come from smaller towns we gave them the value of 25th percentile of the size distribution. For the 50 that were eliminated by the reforms of 1792 we removed 10 in 1793 and ten in each subsequent four year.

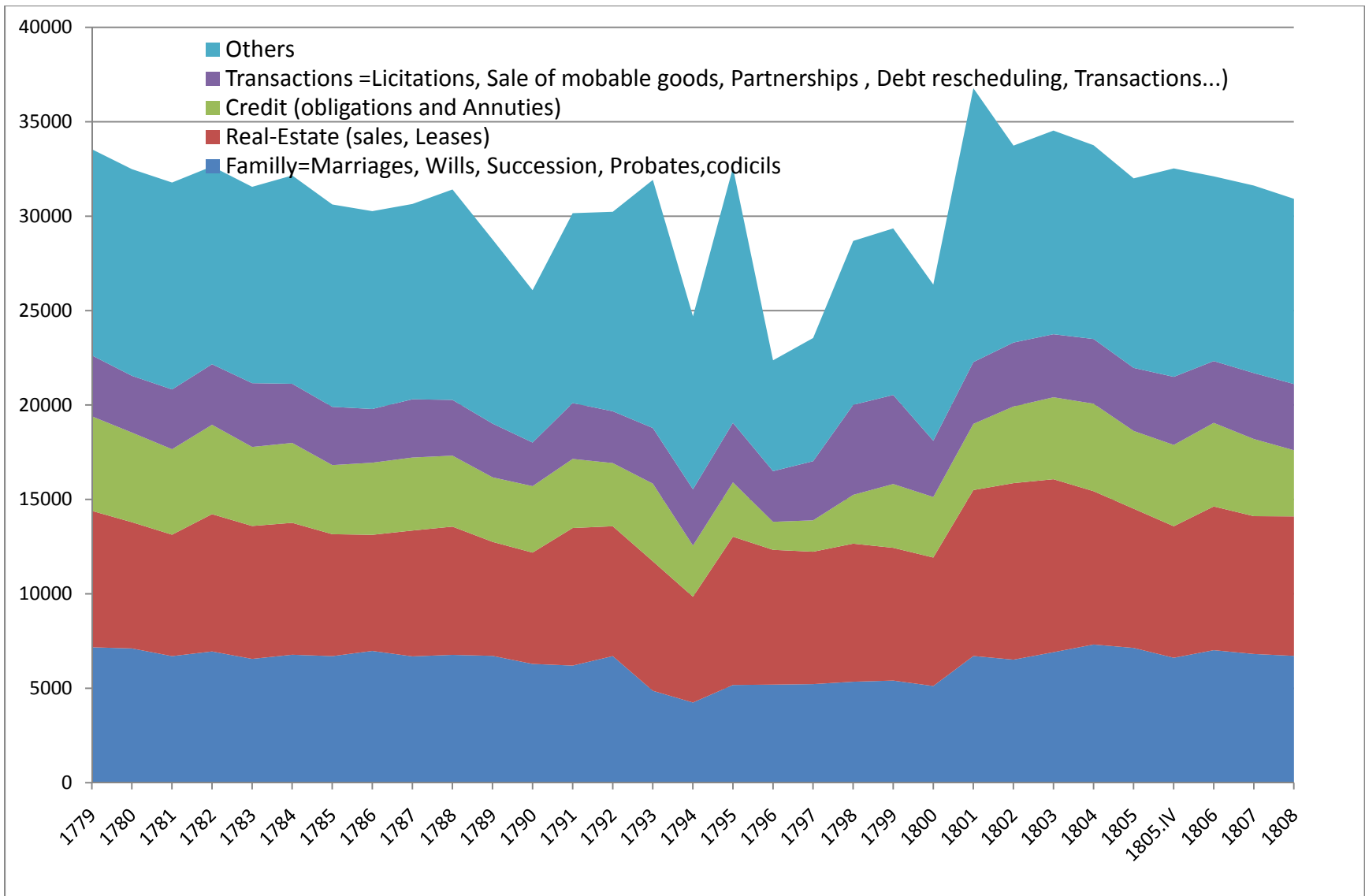


Figure 3: All acts by broad group. Notaries adjusted

source Notadjust—Fig3-5

Contracts related to Family

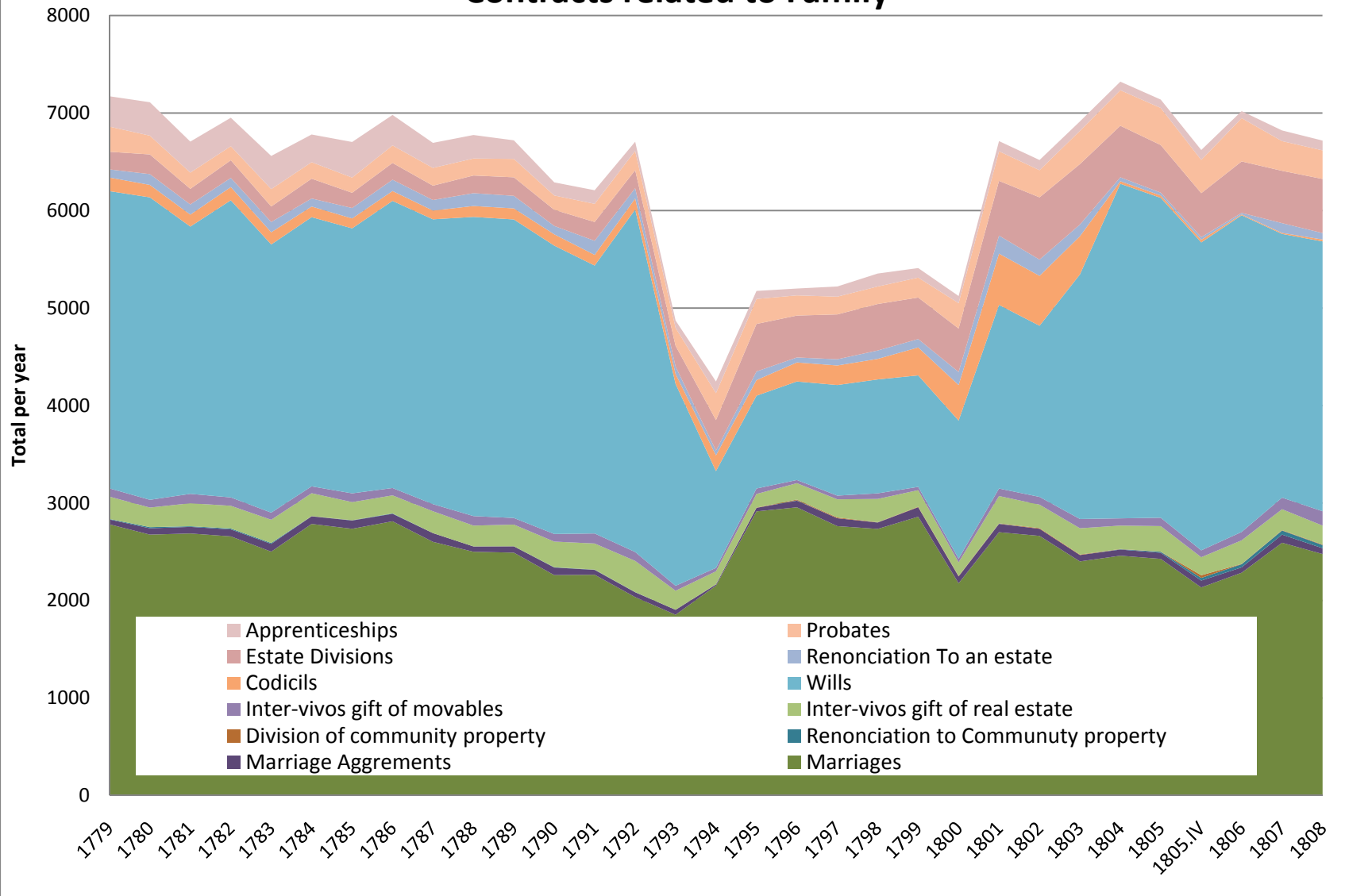


Figure4: Contracts related to family.

source Notadjust—Fig3-5

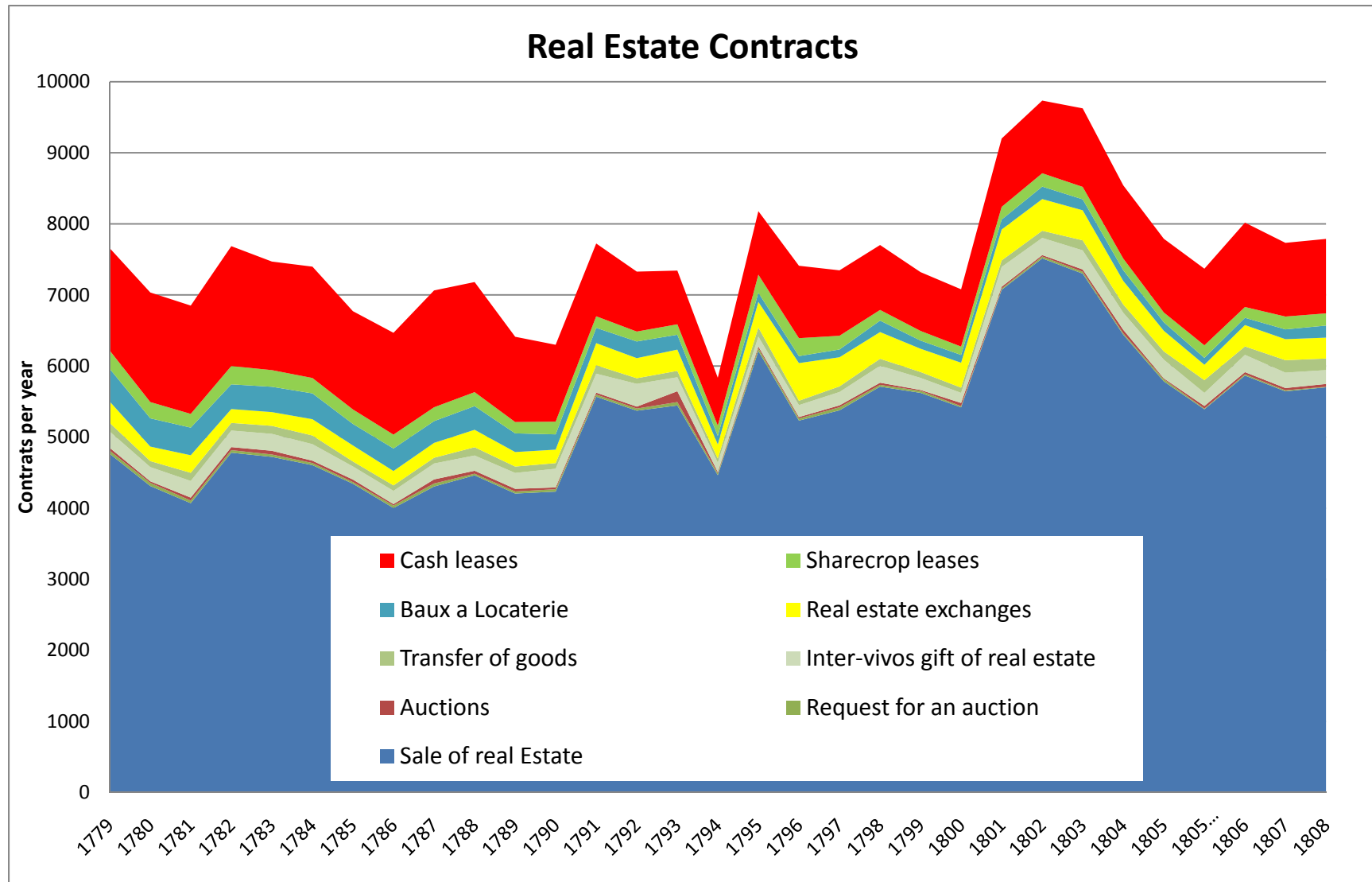


Figure 5: acts related to real estate

source Notadjust—Fig3-5

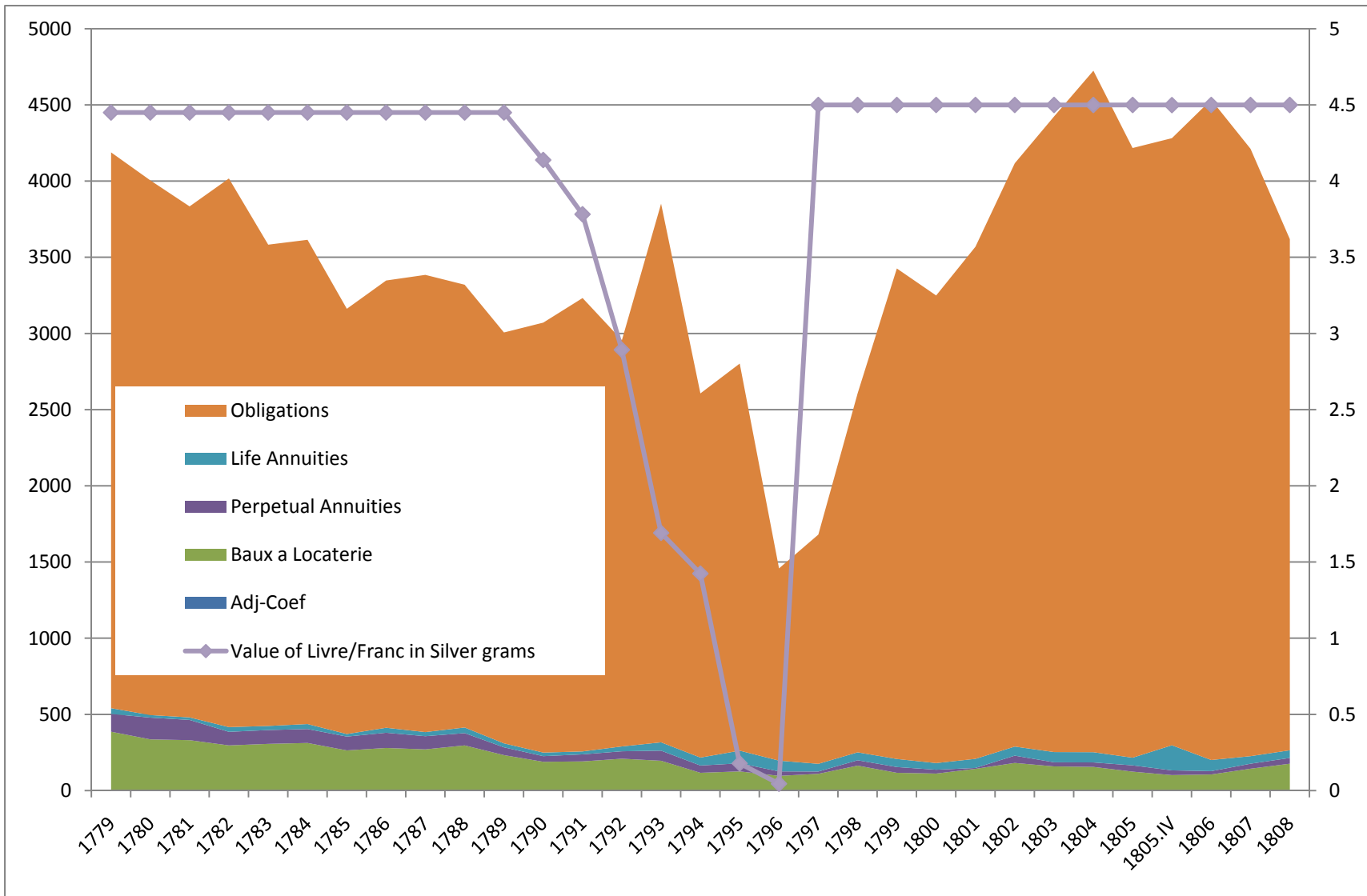


Figure 6: Credit Contracts in the Gard On the right axis contracts per year, on the left grams of silver in the currency source Notadjust2

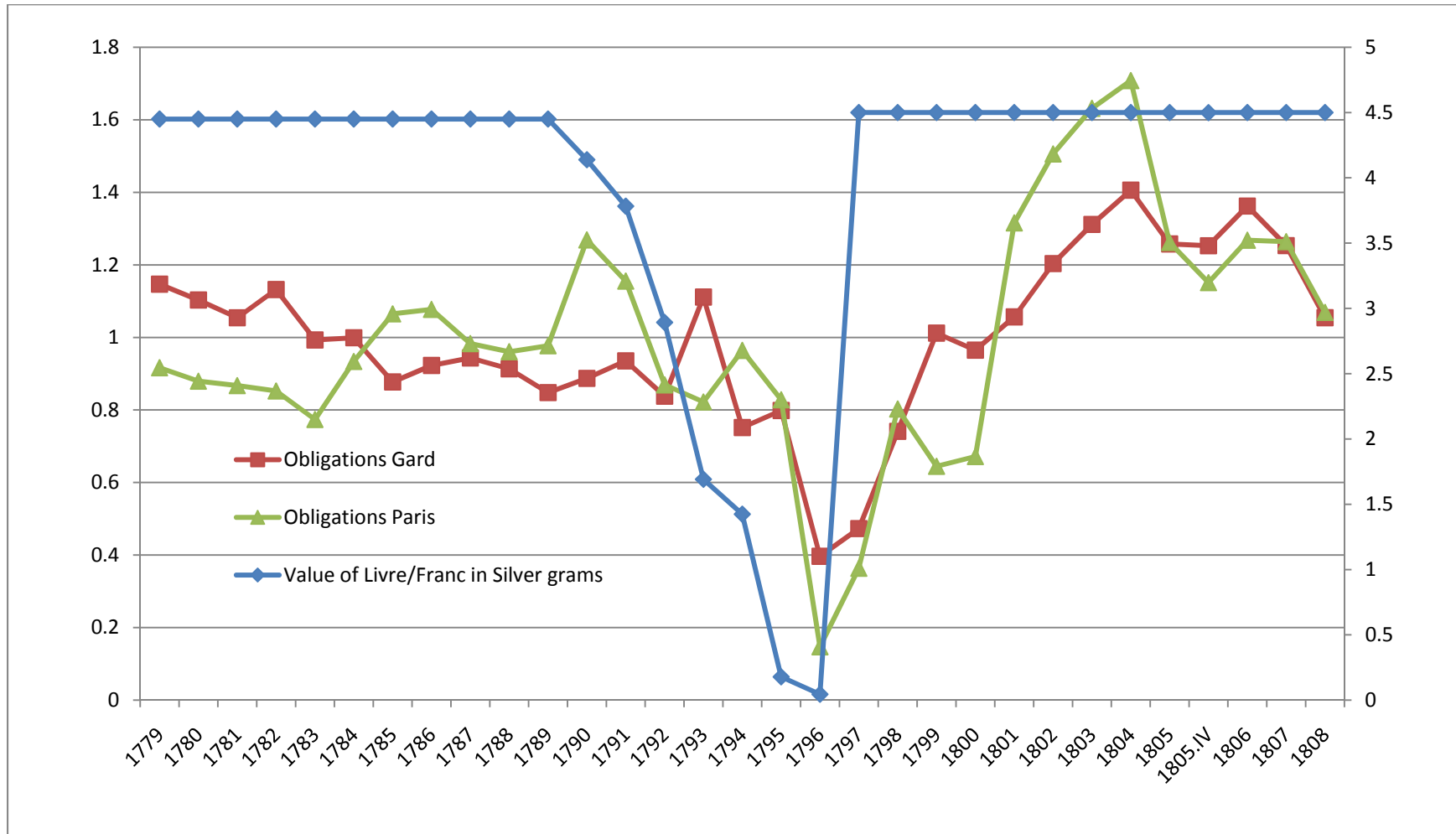


Figure 7: Obligations in Paris and the Gard. On the right axis contracts per year, on the left grams of silver in the currency source Notadjust2

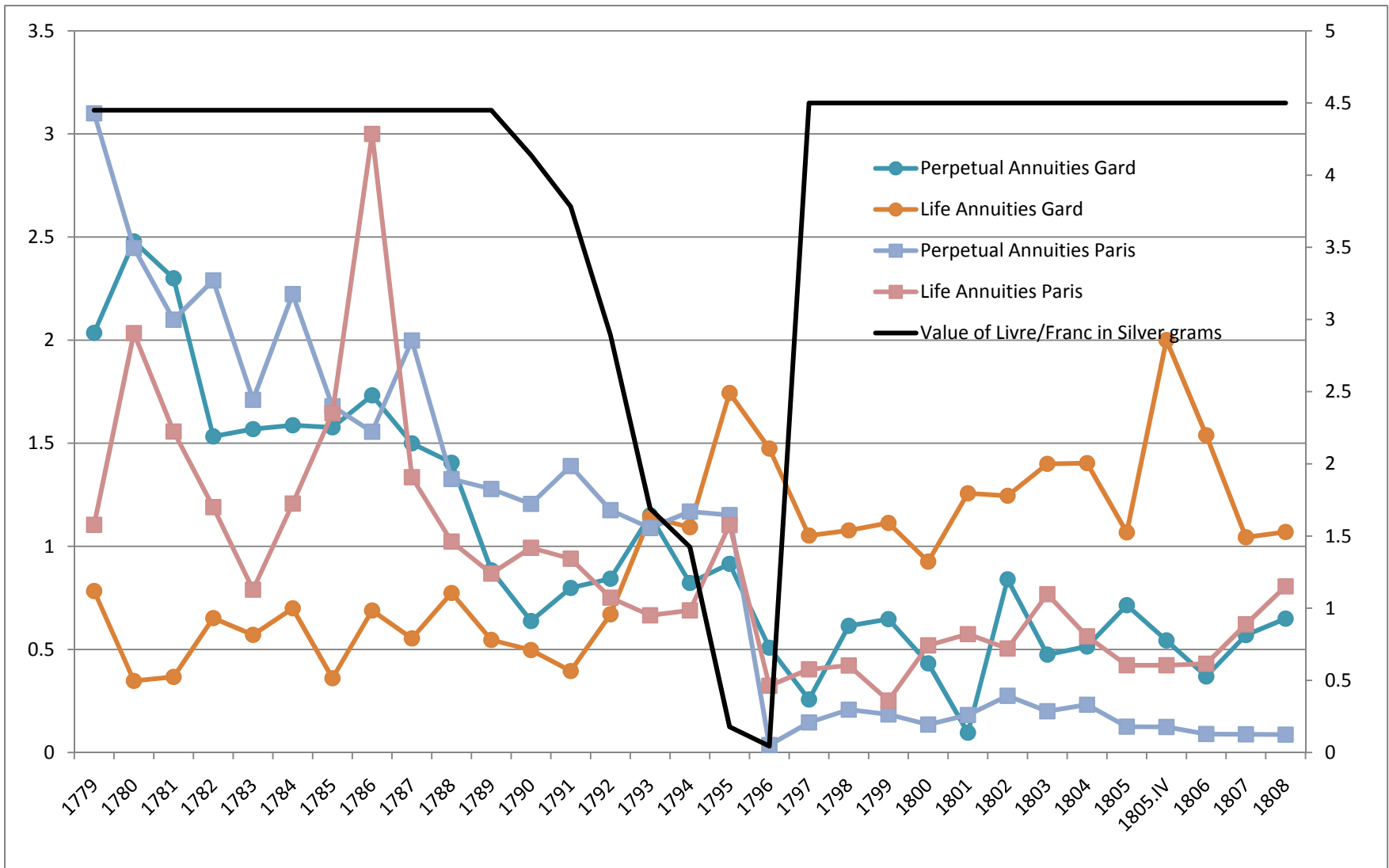


Figure 8: Annuities in the Gard and Paris On the right axis contracts per year, on the left grams of silver in the currency

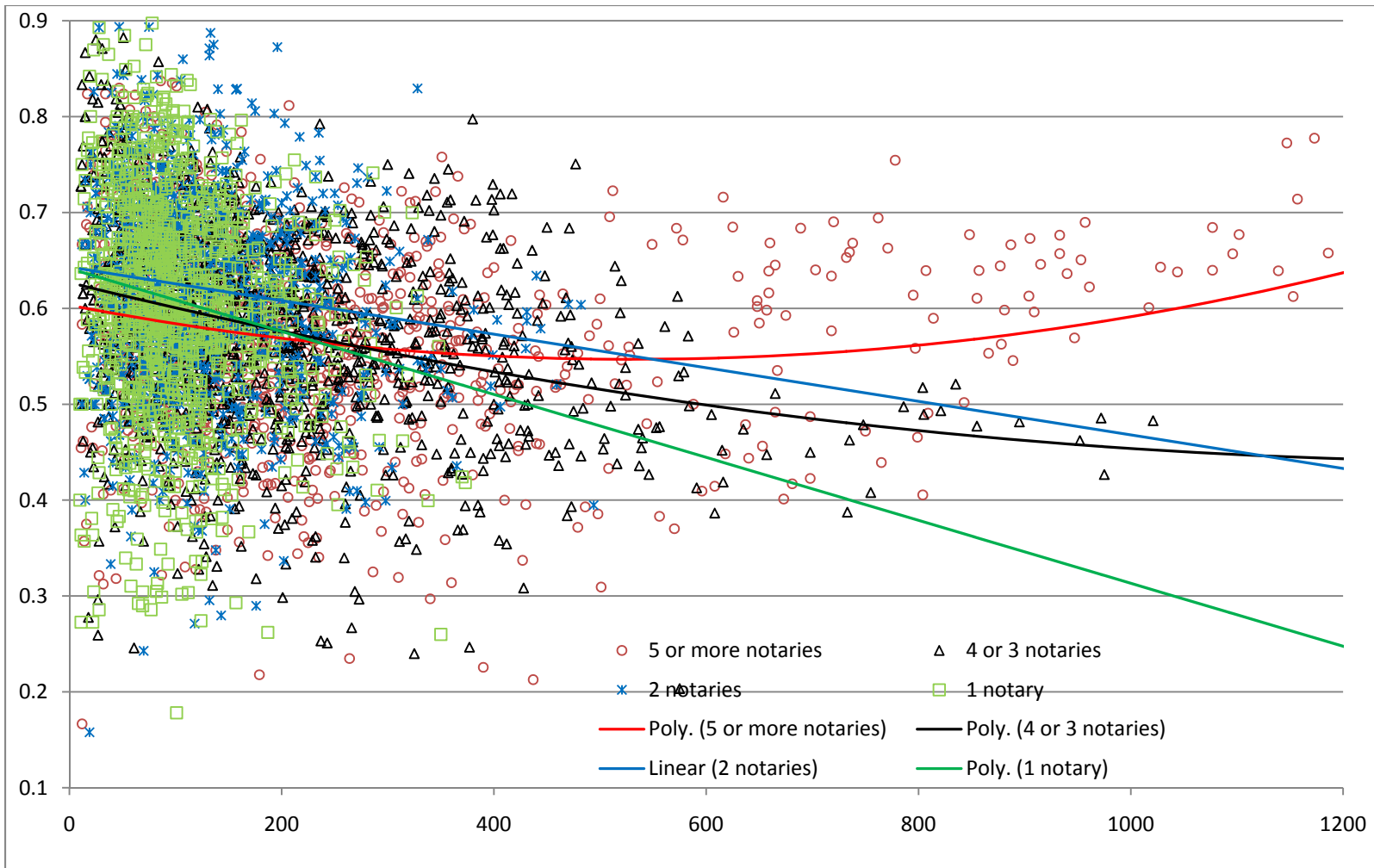


Figure 9: Plot of the share of all contracts in the big 7 categories (Land sales wills, marriages, obligations, cash leases, powers of attorney, and transactions) against total number of acts. Each type of colored dot is a size of market, each dot is a notary year.

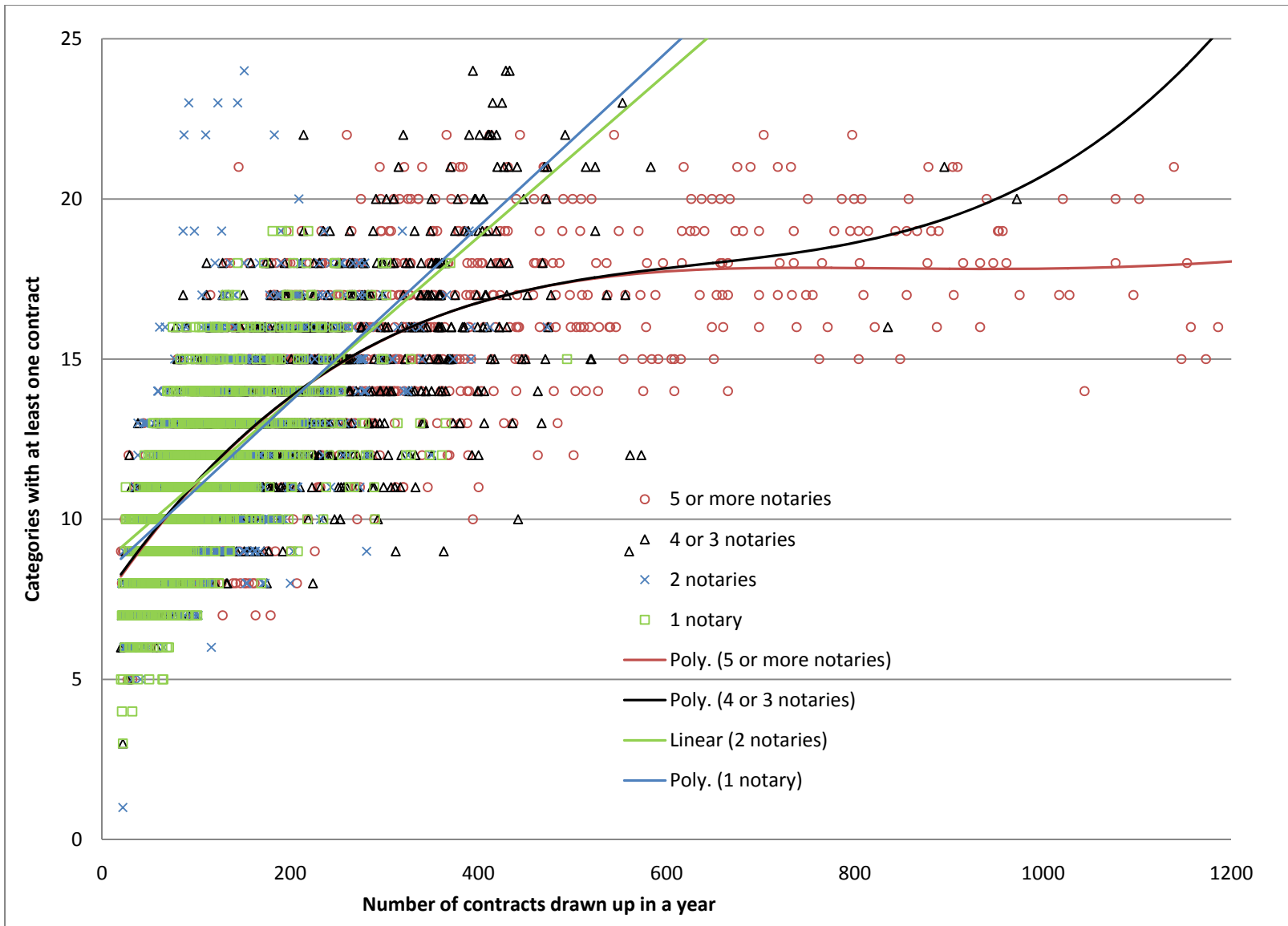


Figure 10 : numbers of different categories where notaries of different size drew up contracts

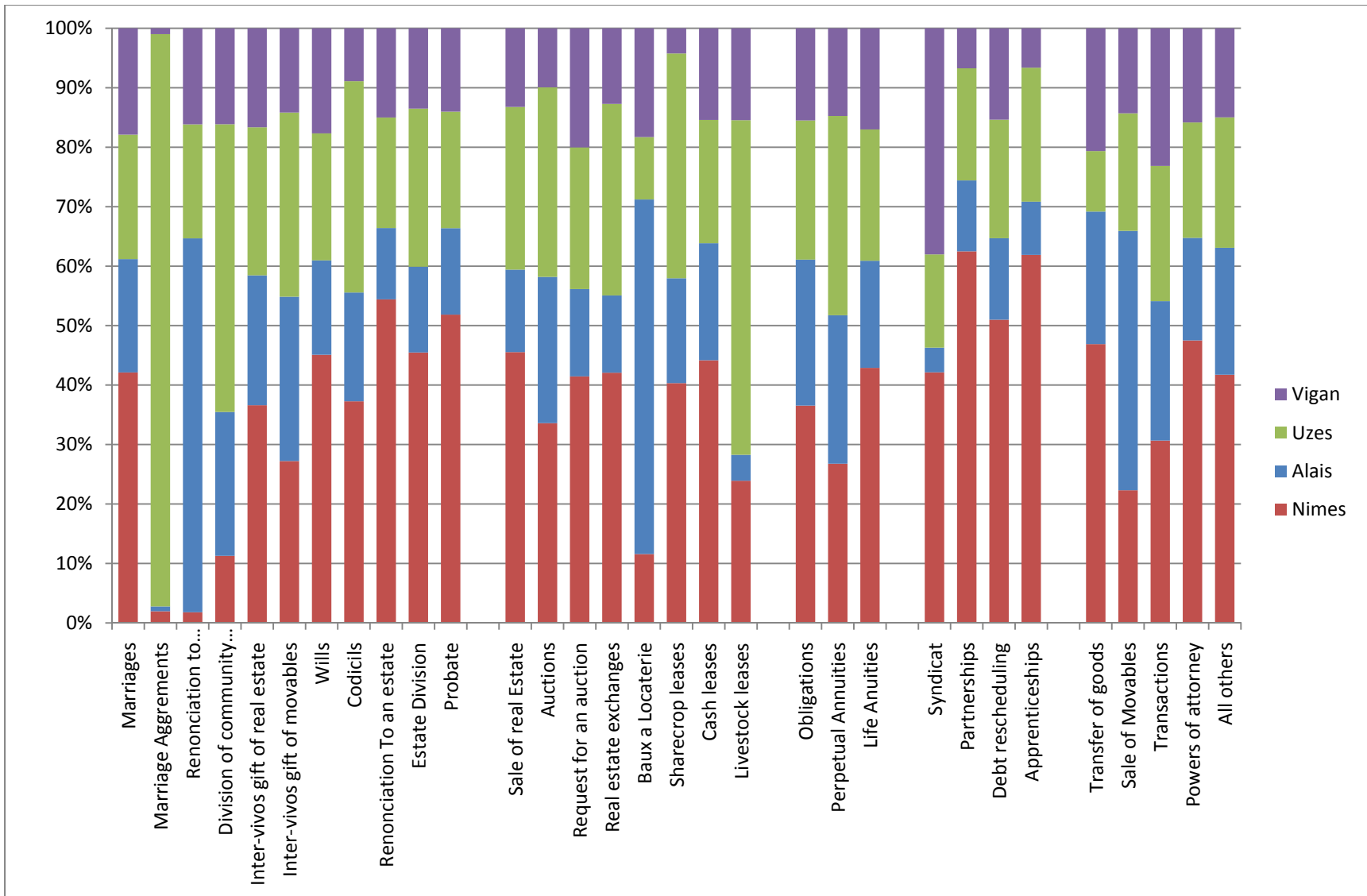


Figure 11, Share of contracts in different sub prefectures

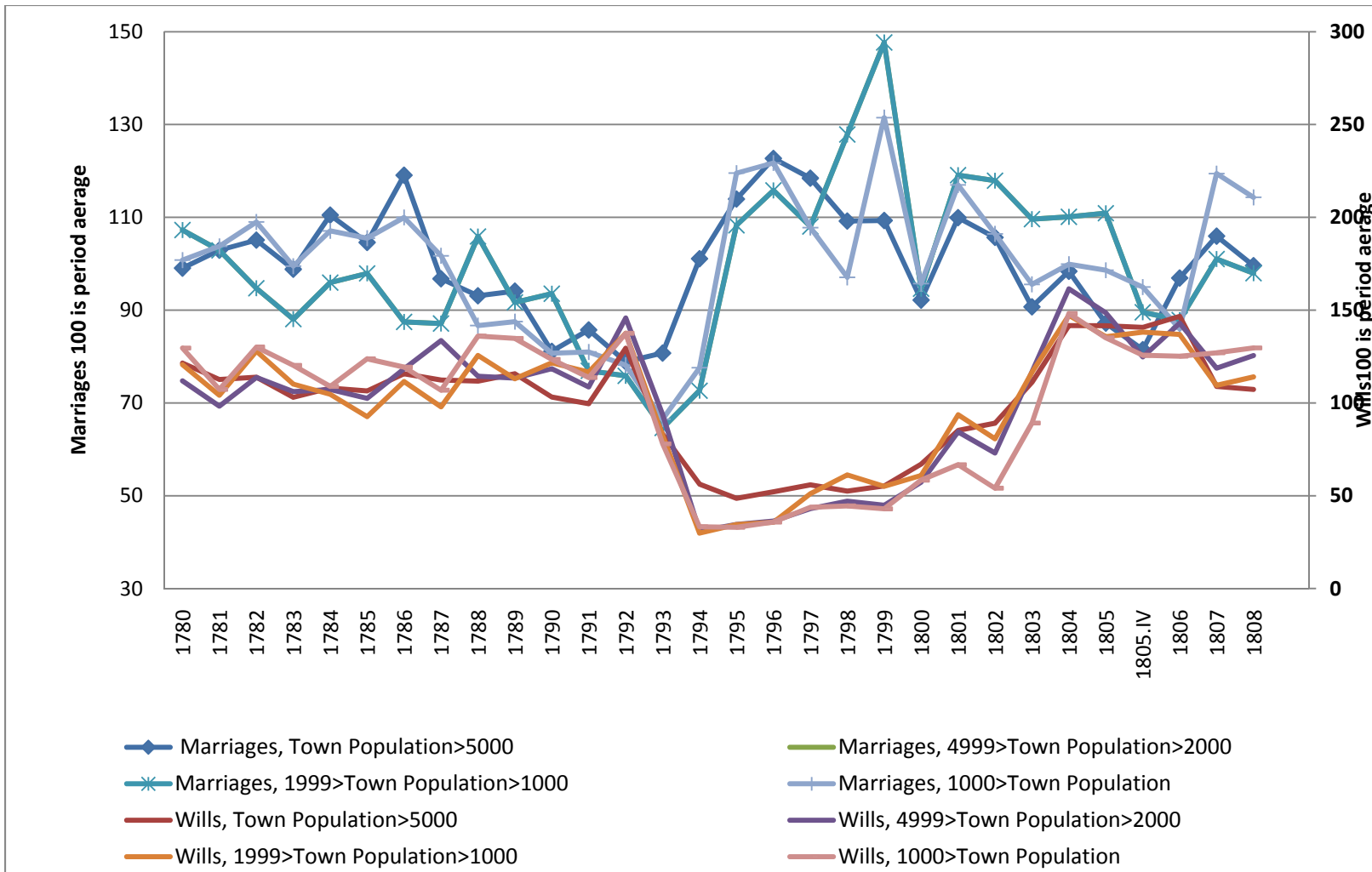


Figure 12: Marriage and Wills, 100=period average for each series. Marriages are read on the left scale, Wills on the right scale.

Source file:bytype

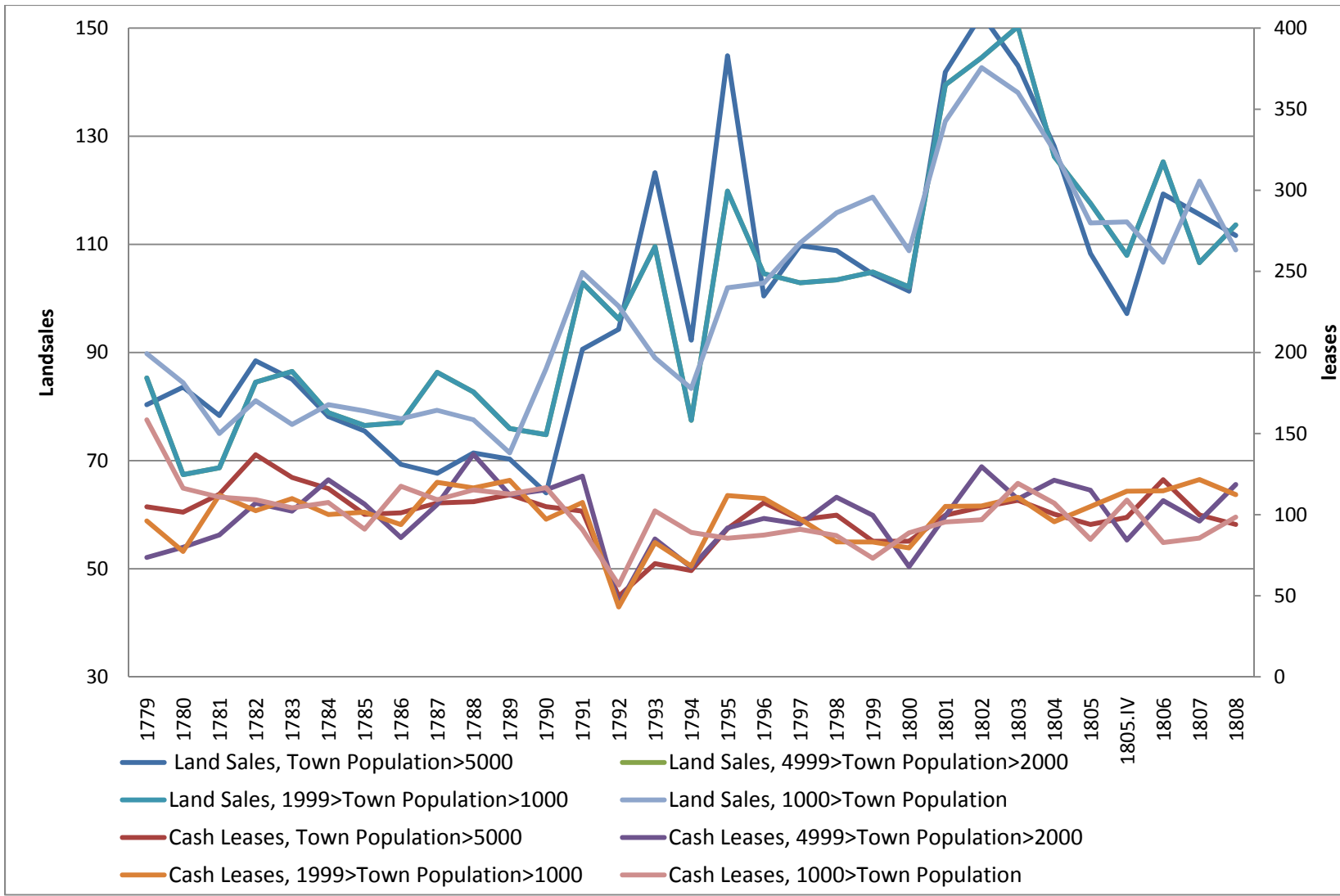


Figure 13: Landsales and cash leases, 100=period average for each series. Sales are read on the left scale, leases on the right scale. Source file: bytype

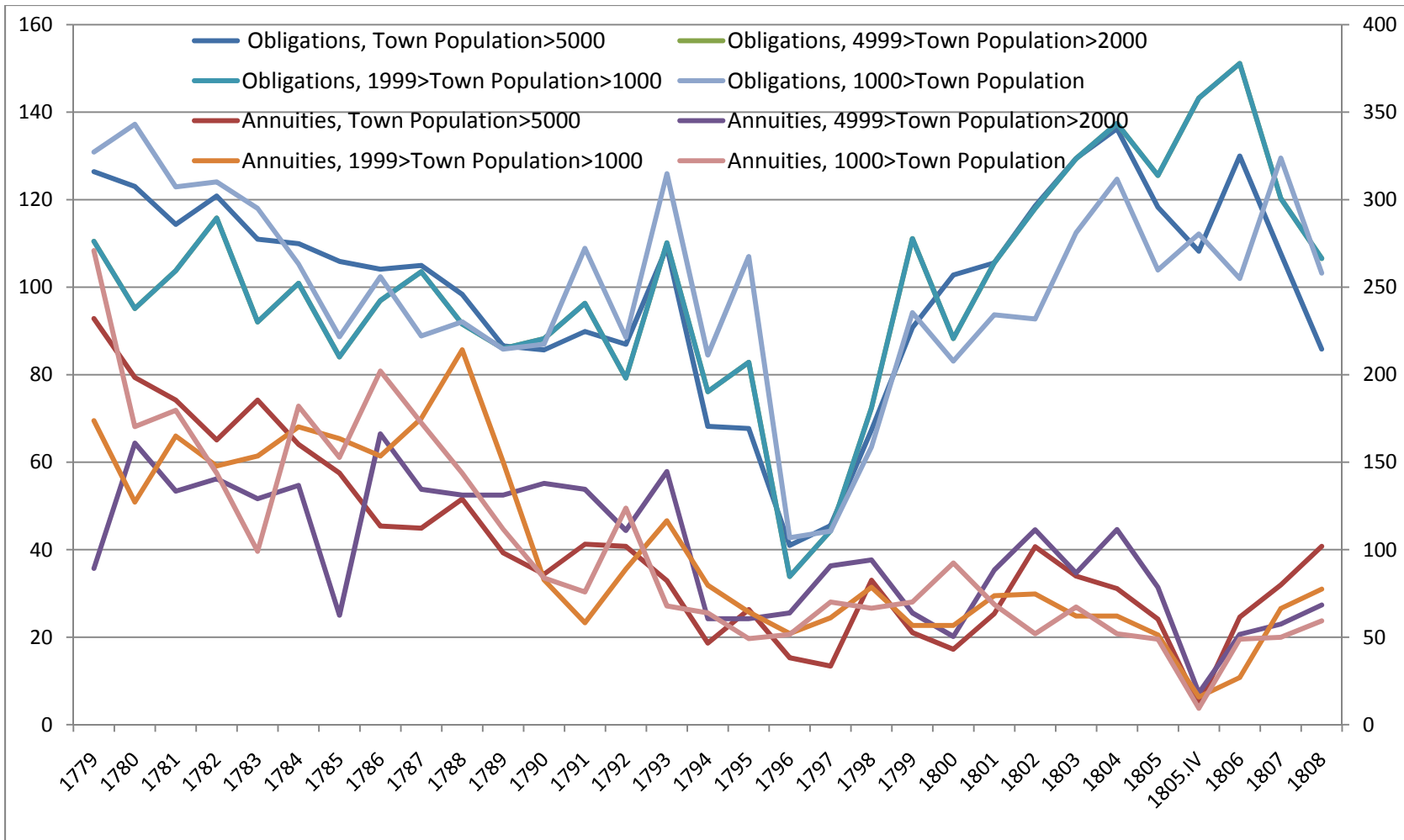


Figure 13: Obligations and Annuities, 100=period average for each series. Obligations are read on the left scale, Annuities on the right scale. Source file: bytype