

The Origins of the French General Cadastre

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1. INTRODUCTION

All land register systems reflect trends taking place over long periods in the societies that create them. Without tracing them right back to the start, we shall see that the roots of the French cadastre run back through the 18th Century and extend to several other European countries. A look at its history enlightens us regarding past orientations, choices and former evolution. Knowledge about the past forges our approach to the present and prepares us, as citizens, to look to the future. It must not confine us to a localized outlook but open our mindsto the universal. It should be a lesson for setting up future systems that will only work if they are tailored to the needs, to the financial and the human capacities available, and to the true rights of the societies they are made for.

These are the lines to be borne in mind when examining the history of the origins of the French cadastre. This presentation is mainly based on the works of Mireille Touzery, Professor of Contemporary History at Paris XII University and Antonella Alimento, Professor of Modern and Contemporary History at Pisa University (Italy). I must also quote the Yearbook of European Administrative History, n°13, which contains a collection of very interesting articles about European land registers in the 18th Century.

2. EUROPEAN LAND REGISTERS IN THE 18TH CENTURY – THE SITUATION

In recent years, there have been several comparative history studies on the different European land register systems. Until now, history was mainly limited to the 19th Century and of national scope. Present historical research opens up new horizons. The roots of our national land registers plunge deep into the 18th Century, an extraordinary culturally and scientifically rich period for all European countries. Beyond the conflicts that opposed and often ruined them, the different forms of land registration experience multiplied and know-how was transferred from one country to another —both in the form of knowledge and by men themselves.

At the present stage of knowledge, we can learn several lessons from 18th Century European experience :

- There have been numerous, extremely diverse projects and achievements affecting most parts of Europe. Despite the expenses incurred, the promoters claimed that their land registers were general, therefore subject to the control of the central authorities. They were part of the process to rationalize the tax system and make it more productive due to the ever-increasing financial needs of the states. They reflect the central authorities' concern for tax sharing equity: equity among the provinces and, at the other end of the chain, equity among taxpayers. They were always accompanied by an effort to limit or reduce privileges.

- The presence, everywhere in Europe, of often reform-conducting authorities, to serve their respective states with the appropriate staff, suitably organized from top to bottom and in greater and greater numbers. The appearance of a new administrative culture. Enriched with scientific knowledge and doted with all the economic, political and social ideas from the whole continent. The need for knowledge as a basis for development had become a major concern. Hence the importance of the act of governing, statistics, various surveys, inventories, classification and ranking, geographical representation and all kinds of work, requiring, albeit in different degrees, the central authorities, consolidated in the process of doing so, to establish norms. For most reformers, cadastres and the works that accompanied them became tools of knowledge by predilection, and served more than the strict purpose of land registration by meeting the needs of effective territorial management.

- Setting up land registers and especially map surveys often required the presence of personnel from outside the communities being surveyed. It was thus necessary to train people and create schools. The need for geographical engineers, surveyors and land surveyors, experts and legal specialists was increasingly felt. These people, at least the most qualified among them, acted as advisors and travelled from one country to another, strengthening the bonds between the states.

- In certain land registration operations (Catalonia, the Duchy of Milan, Castilla...) the central administrative authorities united technical, administrative and legal skills "to take precedence over the local legal bodies who were deprived of their former functions of settling disputes concerning upper class and ecclesiastic privileges and evaluation criteria". According to Antonella Alimento, "the creation of land registers liberated administrative action from the judiciary rule".

- Lastly, it was a political economics thought process on the role of taxes and their consequences on the development of a country's economic activities. Who should pay taxes? What should be taxed? How should taxing be enforced? There were many different answers and views on the advantages of keeping land registers and different forms of land tax too, especially among the Physiocrats from the mid 18th Century onwards.

One country stands out among the rest. Unlike all the others, instead of opting for a land register and direct tax, England chose to apply indirect forms of tax.

Lastly, as a temporary conclusion, we can say that as early as the 18th Century, there were at least two ways of setting up a cadastre, neither one of them excluding the other. The first was based on declaration formalities (Luxemburg and Spain) and the other on geometrical plot measurements (the Duchy of Milan). While the first was scientifically less prestigious than the second, especially due to the absence of maps, it was cheaper and quicker. It fulfilled most of the set goals with a degree of accuracy often found satisfactory : by affording better equity among tax-payers and improving tax revenues ; and listing all landed property and limiting privileges. The last two goals added a new judicial dimension to land registration operations.

3. FRENCH GENERAL CADASTRES IN THE 18TH CENTURY

In the 18th Century, there were two general cadastre projects in France: Bertin's cadastre and the Constituent Assembly cadastre.

In an edict dated April 1763, Bertin, the general controller of finance, announced the creation of the first general cadastre of the kingdom. The reactions and opposition to this project were different in northern France and certain parts of southern France. Indeed, France was divided in two : regions subject to "*taille réelle*" where all lands were taxed whether the owner was noble or not, and other regions subject to "*taille personnelle*" where the individuals themselves were taxed. In the first case (mainly in the Narbonne region), the communities had already introduced "*compois*" a long time before. *Compois* were land registers of all taxable lands, the status of which had nothing to do with the landowners' status. These regions, where customary rights were tainted with Roman law, were far less under the influence of feudal rights than the regions subject to "*taille personnelle*" and nobility as a status was far less obvious. Instead, the "owner" concept was the predominant feature in social organization. People had to be taxpayers to be able to vote at community assemblies and to play a part in the local powers. A lot of the aristocracy from the "*taille réelle*" regions did not want to be exempted from land tax. To such an extent that in January 1789, the aristocracy from the diocese of Mirepoix made a unanimous demand to pay taxes so that they could take part in community assemblies, and according to Mireille Touzery, the same nobility from the South of France played the key part in the night of 4th August 1789 with the sacrifice of the seigniorial regime. It is reasonable to believe that most of the aristocrats who acclaimed the cadastre were probably from the regions subject to "*taille réelle*", although I have not checked the fact.

In the North, where "*taille personnelle*" was applicable, the situation was very different but unstable. Although feudal law reigned, the royals had been trying to restrict it if not to vanquish it for at least a century. With no reference land registration documents, it now appeared crucial to list noble land to clarify often confused situations. The land-listing process did not mean eliminating privileges but it was a risk of starting off a process that would transform the "*taille personnelle*" systems into "*taille réelle*"; all the reformers were demanding this change, and the monarchy, who were more are more sensitive to Roman law, also wanted it, but the privileged classes dreaded it because they saw in it the beginning of the end of their privileges.

In these circumstances, the announcement of the cadastre general of all France sparked off a lot of hostile reactions, especially from the provincial states and parliaments. Hence the withdrawal of the project in November 1763 and the departure of Bertin in December the same year.

What had happened? In the edict of April 1763, Bertin announced the registration of all the land in the kingdom, but did not state exactly what kind of registration nor how it would be done. He intended to register and assess all the landed property, including that belonging to the State, the Church, the aristocracy and the privileged classes, without affecting well-established privileges or increasing taxes, only sharing them out more appropriately. Was such a thing credible?

Other examples (Spain, Milano), ministerial tax reforms (creating new taxes) and physiocratic fears of the state's "always more" attitude in economic matters left suspicion to prosper, somewhat to the detriment of the project. The absence of clear explanations about local administration (the new role of the communities regarding taxes?) and the fears nurtured by the parliaments and states of losing all their tax-related responsibilities vis-à-vis the central authorities created strong opposition to the project, even in regions where "*taille réelle*" was

applicable. In addition to this, of course, there were fears among the privileged classes that “*taille réelle*” would replace “*taille personnelle*”. If “real” land tax was not applicable, a lot of people wondered if there was any advantage in or justification for a land register at all.

The lack of technical modalities defining how to set up the first cadastre was criticized by some of the authorities. Would it be better to follow the example of Milan with a geometric plot survey cadastre? Would the well-known Luxemburg or Spanish methods and declaration procedure be more suitable? What about the third possibility, the Old Piémont method, advocated by Bertier de Sauvigny, the *Intendant* of Paris : a cadastre of cultivated areas. None of these solutions excluded the others : even if they didn’t meet the same needs, they could theoretically be combined and spread out over time. But the geometric plot survey cadastre already seemed to be the best solution. The model was used by Turgot and Marie Lefèvre d’Ormesson, the *intendant des finances*, who organised a visit to Italy in 1763 to meet Pompo Neri, a legal consultant, in charge of the cadastre of Milan. Milanese surveyors were then invited to work in France.

Whatever the solution(s), the process of creating the first general cadastre of France seemed as if it to be kept outside the scope of the parliaments, provinces and communities, but under central authority, the only authority —or so it seems— capable of imposing overall consistency : appropriate training for personnel, the use of a single surface area measurement unit, and developing investigation and survey methods to normalised criteria. Many economists and managers were afraid of the cartographic approach to a plot survey.

Considering the cost and the performance time, it could only mean too much expenditure therefore new taxes. In reality, Bertin’s cadastre was part of the irresistible progress of Roman law and its confirmation of the defence of individual rights against community rights as well as the conquest of the southern French regions over the North. The creation of a centrally controlled cadastre was to allow direct links to be established between individual people, now taxpayers, and the tax authorities. In a way, it was the end of ranked society.

After this failure, the monarchy pursued its attempts to limit “*taille personnelle*” and to improve the declarations made by the “*taillables*” or potential taxpayers (Limousin). The only cadastres created were cultivated area cadastres in the *généralité* of Paris and in Alsace. They were used by the *intendants* to improve tax sharing in the different parishes. There was also a Corsican cadastre; work on what was known as the “*plan terrier*” first began in 1770 but it did not affect the tax regime nor the political status of Corsica.

After 1776, with decentralization, cadastre projects began to reappear. Necker, Calonne and Loémié de Brienne facilitated the creation of locally designed cadastres by reducing the financial competence of the *intendants* and strengthening the powers of the provincial assemblies. Such cadastres once again became a major subject of debate and concern that led directly to the preparation of the *états généraux* in 1789.

4. THE CONSTITUENT ASSEMBLY CADASTRE

In the reports written by the electoral assemblies, 73 noble bailiwick assemblies and 58 *Tiers Etat* assemblies requested the establishment of the cadastre. The Constituent Assembly replaced the old taxes that had accumulated over the centuries by a single land tax to be shared in equal proportions by all landowners according to their net income, with a few exceptions depending on agricultural interests.

For the Duke of Gaëte, in charge of setting up the Napoleonic detailed survey cadastre from 1807 onwards, the cadastre of the Constituent Assembly was a perfectly good cadastre. “After establishing land tax, with no consideration of privileges at all, it [the Constituent Assembly]

consecrated the principle and established the rules for the detailed survey cadastre to ensure that all taxpayers received equal treatment.

Article 1 of the 20th August and 16th September 1791 decrees approved by the king - Louis XVIth - on 23rd September 1791 stipulated how to go about the operation in the following terms : “when surveying the land in a community, the engineer in charge of operations will first draw up a layout map presenting the community district and its division into sections. He shall then prepare detailed maps of the plots in the community.” The very idea of a detailed survey cadastre of France as a whole is therefore the result of the work of the Constituent Assembly based on the detailed survey cadastres of neighbouring countries, Milano, the Piémont and Savoie.

But almost immediately, the project had to be adjourned due to a lack of financial resources to see it through. So, in the meantime, the Constituent Assembly decided to base the new tax on declarations made by taxpayers under the responsibility of the local council authorities. The systematic listing of landed property without differentiating privileges was to work on the basis of the declarations made, but without enough suitably trained administrative staff to ensure its consistency. Nevertheless, the principle of a general cadastre existed and the French *députés* wanted to lay the foundations for it. The 1790 land tax inquiry first of all set the organization and the rules for assessment, which, everyone agreed, was the most difficult part of the job. These prescriptions remained effective until the end of the days of the detailed survey cadastre. The following year, a decree authorized the *départements* and communes to draw up maps at their own expense, especially if there had been any dispute. However, it was significant that the Assembly ordered the maps to be drawn up to “uniform rules” so that all the maps could later be united in a general cadastre. It was to define these rules, to make sure they were applied and to organize any necessary works that the creation of the *Bureau du Cadastre* was decided. Upon its creation on 5th October 1791, Gaspard François de Prony, later director of the *Ecole des Ponts et Chaussées*, was appointed manager. The *Bureau* was eliminated in 1802, until which time it only prepared some of the work necessary for the cadastre.

But the full story is worth examining. In Prony’s opinion, the cadastre needed to depend on a scientific organization collecting economic development statistics and disseminating the maps and geographic information that all the authorities needed. In 1792, the Bureau was placed under the Ministry of the Interior. Its task was to calculate the distribution of land tax and to supply all the maps, calculations and geographic information the legislative institutions and the various authorities needed. So Prony designed a comprehensive approach for a new centralised mapping system including geodesic data, cadastral plot surveys, topographic surveys and socio-economic inventories. In a project dated 1792, he proposed three types of maps at different scales :

- 1:20 000 scale maps in full-size folios to be surveyed by geograph engineers graduated from the future *Ecole des Géographes du Cadastre*. They showed Cassini’s triangulation and second order triangulation linking the most outstanding points in each commune.

- 1:2 500 scale maps composing a general layout of each commune but showing only rivers, roads and communal boundaries.

- and a detailed map, at a scale of 1:666, showing all the individual properties.

For the first and only time in France, this approach included medium and small-scale mapping and large-scale mapping in a single cartographic service. The skills of the *Bureau du Cadastre* gradually increased with the creation of the *Ecole des Géographes du Cadastre* in 1794 and the registration of the map of France. From 1797 onwards, it handled all the geodetic works related to the establishment of the metric system, including measuring the Dunkerque to Barcelona meridian.

The financial difficulties of the State around the time of Revolution, the land organization problems related to selling national property, the rivalry between authorities and the disastrous delay in establishing the metric system (started in 1792, it was completed in 1799) were to paralyse the mapping work and land registration operations at the *Bureau du Cadastre*. The military success of the Italy campaign that followed only made things worse. France, now a conquering nation, needed maps. The *Dépôt de la Guerre* continued to grow to the detriment of the *Bureau du Cadastre*. Most of the students trained by Prony at the *Ecole des Géographes* joined the military cartographic services. In 1801, the *Bureau du Cadastre* disappeared. The Ministry of Finance took over the cadastre. The school closed down in 1802.

As for the plot survey cadastre project, it was never abandoned. If we examine the new proposals made by Prony in 1797, it can be seen that the recommendations concerning the three types of maps have changed. The scale of the overall layout maps was reduced to 1:5000 and the detailed map scale to 1:2000; the latter was then shelved. But the specifications for the overall layout did nothing but increase. On the contrary to what was planned in 1792, the 1797 overall layout maps were to show the different blocks of cultivated land and to be used to assess blocks of property to be taxed by the communes. This was exactly the type of map that was continued in 1802.

5. FROM THE 1802 GENERAL CADASTRE OF CULTIVATED AREAS TO THE 1807 PLOT SURVEY CADASTRE

Despite repeated calls for civic mindedness, the results of the declaration system developed by the Constituent Assembly were not satisfactory. A few improvements, such as the creation of the direct tax authority in 1797, or the general remodelling of all the role matrices obliging all the owners to declare all their income in 1801 did occur. But there were still as many complaints about bad tax sharing as ever.

Thus, while asserting once again the need for a general detailed survey cadastre, the *Comité des Consuls* held on 3rd November 1802 decided the immediate establishment of a cadastre of cultivated areas, a more up to date version of Prony's overall layout maps.

The aim was to make a fairly precise assessment of the overall income of each of the communes registered. The authorities thought they would thus be in a better position to share taxes between the communes, cantons, districts and *départements*. Within the communes, income assessment and taxpayer taxing was still to be done by the old methods. But most of the claims came from owners who found the individual distribution unfair. They criticized the entire operation: no skilled surveyors, poor quality maps, dishonest land owners, their ignorance about the actual content of their properties, errors in the measuring units used, the lack of experience of the tax experts in using maps, etc.

So both the authorities and the land owners began to demand a plot survey cadastre which from now on, would be the only way for taxpayers to check the information given on the maps of their land, and for the authorities to establish the nation's exact land revenues and to make sure that taxes were fairly shared out. The plot survey cadastre had now become a political and social project shared by the authorities and the citizens. This was the background in which Emperor Napoleon, advised by Gaudin, the Duke of Gaëte, Minister of Finance, made the popular decision to create the Empire's plot survey cadastre under the law of 15th September 1807. "Measuring a stretch of more than seven thousand nine hundred and one square myriametres, over a hundred million plots ; making a map for each commune showing these one hundred million plots; classifying all of them according to soil fertility ; assessing

taxable revenues on each one of them ; gathering all the scattered plots belonging to the same owner under a single name and defining, by adding together all the different revenues, the total revenues of that person and recording those revenues, henceforth the basis for tax assessment, such is the aim of this operation.”

The French general plot survey cadastre was about to become reality.

The history of the origins of the French cadastre system reveals the complexity of both its genesis and its evolution. We have already seen that, to be understood, it was best to interpret them in the frame of a comparative study showing the links with existing systems or systems having formerly existed. More generally, the history of success cannot wipe out the history of failure. Everything indicates that the history of the cadastre is a page in the political and social history of a country and that it also transcribes the capacity of society to create and manage the spatial systems it has instated.

Broadening the scope of the analysis to other European countries, the lessons to be learned from past experience are that there can be no stable, unique model capable of meeting the needs of all the different peoples, everywhere and at all times. For a cadastre, diversity is always a source of wealth and progress. I would suggest that all those in the world who are dreaming of imposing a single, stable cadastral system meditate on the following quote from Montesquieu, already quoted by Mireille Touzery: “And does not a greatness of genius consist rather in distinguishing between those cases in which uniformity is requisite, and those in which there is a necessity for differences?”

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