Professional Lobbying in Eighteenth-century Brussels: The Role of Agents in Petitioning the Central Government Institutions in the Habsburg Netherlands

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Abstract
Historians have underscored the crucial importance of petitions both in early modern political practice and for relations between rulers and ruled. However, little is known about how formal requests were actually presented to rulers or the role of professional lobbyists. This article describes these individuals, using materials from a well-documented case, namely the court agents who were active in recommending petitions to the central government councils in eighteenth-century Brussels. Via these officially appointed lobbyists, citizens could obtain access to central figures in the decision-making process and express their personal grievances, desires and needs. This article argues that the efforts which court agents had to exert in order to present and recommend such petitions hint at the time- and money-consuming nature of petitioning. Court agents were supposed to offer their services free of charge to poor people, but opportunities for petitioning were in all probability less open to households of modest means. On the other hand, the court agents surely broadened the opportunities for petitioning in general, as—in exchange for a fee—anyone could draw on their expertise and contacts in government circles so as to be heard. Although patronage remained highly important throughout the eighteenth century, government accessibility increased in a more egalitarian manner, due to the work of these agents.

Keywords
Political history, petitioning, lobbying, Habsburg Netherlands

Introduction
Historians no longer consider the pre-industrial European state as something that had been imposed on the population and that served only the dynastic and military interests of the rulers. After all, attention to how the early modern states met the needs of society has risen in recent decades. Via jurisdiction, unlocking territories and issuing rules, the state addressed
the needs of both citizens and local elites. Historians now recognize that the emergence of the central state was also the result of dynamics from below. The early modern state is increasingly considered to have been a social establishment that was used by various social groups in order to fulfill particular needs. In so doing, these social groups contributed to the creation of the state. The old “top-down” analysis of the relationship between states, cities, and citizens has convincingly made way for analysis from below.

This new “bottom-up” analysis raises the question of how citizens or subordinate authorities could put forward their interests and grievances to the central state. This article will focus on one such way of influencing the state, namely the filing of petitions. A petition is a letter, written in a deferential style and addressed to an established authority, in which a particular favor is requested. Petitioning, as evidenced by the extensive collections of petitions in early modern archives across Europe, was an important means of contact between rulers and ruled, on all governmental levels. Historians have emphasized the crucial importance of petitioning for the early modern political practice of various regions and periods. Petitions offer historians a rare glimpse into the interactions between “ordinary people” and political elites.

Despite the fairly large body of research on petitioning, little is known about the actual process by which petitions were presented to rulers. Accessibility to rulers and even to administrative bodies for the purpose of presenting petitions cannot be assumed to have been taken for granted. In fact, the many comments made by contemporaries about the notorious accessibility of the Austrian Habsburg Emperor Joseph II (1741-1790) to

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1 Peter Blickle, ed., Resistance, representation, and community (Oxford 1997); Wim Blockmans, André Holenstein, and Jon Mathieu, eds., Empowering interactions: Political cultures and the emergence of the state in Europe 1300-1900 (Ashgate 2009), no. 1-31.


petitioners indicate that such openness deviated markedly from the norm. In all probability, personal and informal contacts were necessary for a petitioner to be heard. In particular, the role of professional lobbyists, who ensured that petitions reached the right people (and in the correct format), merits full attention. However, this occupational group has thus far been largely neglected in the literature—after all, they usually operated informally and behind the scenes. This article describes these individuals, using material from a well-documented example, namely the “agents en cour,” or court agents, who were active in recommending petitions to the central government councils in eighteenth-century Brussels. The Southern Low Countries (present-day Belgium) had passed from Spanish into Austrian hands after the War of the Spanish Succession (1701-1714). A governor, embodying the power of the emperor, had his seat in Brussels, and was assisted by the so-called Collateral Councils: the Council of State, the Privy Council, and the Council of Finance. These institutions, like their counterparts in other European states, were overwhelmed with petitions. The office of the Privy Council, for instance, published six to seven thousand copies of stamped paper annually in the 1750s, on which, among other things, petitions were to be written.

The court agents left numerous traces in the public archives of the Austrian Netherlands. When submitting a petition to the central government in the eighteenth century, the petitioning party often had it edited, signed and presented by such an agent. Rules and regulations were developed to standardize and tariff the court agents’ activities, and many of their cover letters and invoices have been preserved, which were drawn up by agents in order to obtain payment for their services. These invoices in particular offer a rare look into the lobbying activities of the agents, as they describe everything agents did on behalf of a client. Based on these materials, it is

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5 Algemeen Rijksarchief Brussel (ARAB), Geheime Raad (GR), 58/A, Etat ou montant de la recette des parcemins et papiers timbrés qui ont été distribués pendant les années 1754, 1755, 1756, 1757.

6 ARAB, GR, 60 A/B, Actes de taxe des agents admis près du Conseil Privé, 1732 à 1754; City archive Leuven (CAL), Oud Archief, 154, Spécification des honoraires et debourses faits et promérités pour le service de Messieurs les Bourgemestres, Echevins, et Conseil de la Chev ville de Louvain par leurs tres humble serviteur l’agent Mertens comme s’en suit, 1756.
possible to determine who these agents were, how they handled their affairs, and how much it cost to hire them.

The case of court agents in eighteenth-century Brussels illuminates important aspects of the practice of petitioning that have thus far remained little known. First, the detailed accounts of the court agents offer a rare opportunity to trace the institutional itinerary of the petition, from the noting down of the request and its presentation to officers, to the process of lobbying various bodies that were key in the process of decision-making, to the issuance to the petitioners of a final decision in their matter. Second, it presents a detailed indication of the functioning of lobbyists or professional scribes, who in secondary literature on petitioning are often mentioned only in passing. Third, it reveals to a certain extent the relative accessibility of the opportunities to file petitions.

Indeed, historians who have studied petitions often assume that there was little social bias among the many petitioners in early modern states. This article argues that the efforts which court agents had to exert so as to present and recommend a petition hint at the time- and money-consuming nature of petitioning. Although court agents were supposed to offer their services free of charge to poor people, opportunities for petitioning were in all probability less open to households of modest means. On the other hand, the court agents surely broadened the opportunities for petitioning in general, as—in exchange for a fee—anyone could draw on their expertise and contacts in government circles so as to be heard.

This article will first discuss the phenomenon of petitioning in early modern Europe. It will then focus on the case of the court agents at the eighteenth-century governmental center in Brussels. It will discuss the position of agents in the process of petitioning, who these court agents were, and the price of petitioning. In presenting these findings, this article contributes to understanding a crucial aspect of early modern politics and society: the interaction between the state and its subjects.

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Petitioning in Early Modern Europe

The term “petition” is mainly used in English literature and designates a wide variety of letters, written by (groups of) subjects to rulers or administrative bodies, describing certain needs and soliciting certain actions. Contemporaries in European states used different terms for these “letters.” For instance, in the German territories formal representative bodies typically presented “Gravamina” to the sovereign, whereas ordinary (groups of) subjects usually submitted “Bittschriften” or “Beschwerden.”8 In the Habsburg Low Countries discussed in this article, contemporaries usually used the term “requêtes”; a “mémoire” denoted a more extensive text that included more elaborate exposition of an issue. In British constitutional history the term “petition” refers to the emergence of political lobbying via written requests to the king or to Parliament.9 For the sake of simplicity, this article will adopt the general term “petition.”10 The petitions that were drafted, presented, and recommended by the court agents included both strictly personal petitions on the part of individuals—for instance, someone trying to obtain a job, financial support, or intervention in a local situation—and petitions by institutional bodies, such as towns. In the eighteenth-century Habsburg Netherlands, both types of petitioners made ample use of “agents en cour,” or court agents.

Petitioning was but one among a wide variety of means by which ordinary people were able have some bearing on their government. Two means of influence have enjoyed particular interest in historiography: representative bodies and riots and revolts. Representative bodies—the forerunners of present-day parliaments—have been studied widely since the mid-twentieth century, and this has given rise to an extensive body of literature.11 Notwithstanding the importance of this type of “bottom-up” influence, it is only part of the picture. More often than not, representative

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10 As was done recently in a special issue on “petitions in social history” of the International Review of Social History 46, no. 9 (2001).
11 See for instance the journal Parliaments, Estates and Representation that has been issued since 1981 by The International Commission for the History of Representative and Parliamentary Institutions. It pays ample attention to early-modern European representative institutions.
bodies were composed of the elites among the subjects and thus hardly corresponded with the interests of “ordinary people.” To examine the impact of broader social layers of society, the focus of research has often been on riots and revolts—the most violent and spectacular way of influencing rulers. However, revolts, as Wayne Te Brake has accurately denoted them, are “statements in an ongoing conversation.” If we are to understand relations between rulers and ruled, we must pay attention to other dimensions of their mutual “conversation” as well.

 Appropriately, then, attention has recently shifted towards more informal and daily routine aspects of the interactions between rulers and ruled. For instance, the informal workings of patronage have come to the fore, as have the political repercussions of litigation in the context of the early modern composite state. For example, ordinary people could outmaneuver their local rulers by making use of central juridical courts. There has also been emphasis on the importance of an emerging “public sphere,” including pamphlets, clubs and societies, and a nascent press that provided space for public debate.

Petitioning has been identified as an element of the emerging “public sphere” as well. David Zaret pointed at the transformation of petitioning during the English Revolution. Until then, petitions were part of a tradition “that upheld norms of secrecy and privilege in political communication.” During the revolution, petitions were printed and distributed and contributed to the emergence of public opinion. “Non-political” petitioning may be considered as part of the emerging public sphere as well. Derek Beales has asserted that the Austrian Habsburg Emperor Joseph II highly encouraged his subjects—no matter how lowly they were on the social ladder—to submit petitions to him, essentially with the purpose of verifying the performance of subaltern administrations. The huge number of petitions presented to the emperor constituted a genuine exchange of views between ruled and ruler and thus formed part of the emerging

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public sphere. Although the massive scale of petitioning under Joseph II was indeed extraordinary, Beales’ assertions can also be applied to the practice of petitioning in other times and places. Other rulers likewise gathered information on the views of their subjects via petitions, if only as a safety valve against possible revolts. When Maria Theresa ascended the throne, in 1740, she wrote to the Assemblies of the Provincial States in the Southern Netherlands that she was receptive to their petitions, and even encouraged them to submit suggestions to the government in this way. In 1780 and 1790, Joseph II and Leopold II adopted her wording when each ascended the throne.

Petitioning with the explicit purpose of influencing political decision making and legislation has received particular attention in historiography, as opposed to the “private petitioning” that is central to this article. The remainder of this section discusses literature on “political petitioning,” to give an idea of historiography on petitioning. David Zaret has for instance highlighted episodes of so-called “political petitioning” in England after 1640. During these episodes, groups of people gathered at certain places to draw and sign petitions to Parliament in order to influence the political agenda. The petitions were often then printed and distributed as pamphlets, further stimulating debate. These collective political petitions can also be found for the Low Countries. Henk van Nierop described what he called “radical petitions,” which punctuated political upheavals in the political history of the Low Countries and the Dutch Republic, for instance in 1566, 1609, 1618, and in 1788. Such petitions were typically drawn up, signed and presented by a large number of persons, and were “a show of strength” rather than any usual “humble supplication.”

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16 Beales, “Joseph II.”
18 *Bulletins de la commission royale d'histoire*, II, tome 1, 523, 538, 562; Edmond Poulet, *Les constitutions nationales belges de l'ancien régime à l'époque de l'invasion Française de 1794*, tome 26 (1874), 161-2.
Although the act of petitioning may have been a way of influencing people that accepted existing power relations—if only because of the submissive tone that petitions typically adopted—officials still held the fear that the preparation and presentation of petitions could lead to less peaceful forms of interaction. A large group of unsatisfied people assembling to draw up a petition thus easily afforded the impression of a gathering hostile to the state.21 For these reasons, petitioning was put in a negative light in the Swiss confederation, although it was never banned.22 In England, Charles II and James II attempted several times to prohibit and punish certain forms of petitioning, leading to the right to petition being included in the Bill of Rights in 1689.23

The above-described petitions, however, are but a “radical’ version” of a wider, much more routine and non-subversive phenomenon of influencing policy by way of petitioning. In daily politics, suggestions for legislation were also offered to governments via petitions. Richard Hoyle has described petitions of occupational and regional groups for sixteenth-century England, and denotes this type of petitioning as “one of the key mechanisms of interaction between popular politics and the state.” For instance, occupational groups such as fishermen, weavers and miners, “who (…) would normally be thought to be a poor and politically unempowered occupation,” had a clear bearing on legislation that related to their trades.24 In eighteenth-century Amsterdam, a significant amount of legislation resulted from formal, written petitions submitted by guilds.25 Similar findings for England, the German territories, Japan, and Sweden have substantiated the assertion that “the common man” wielded considerable influence over early modern law-making.26

As noted, these publications all relate to the phenomenon of “political petitioning,” either as a fairly daily practice or as a sort of collective action in times of political turmoil. However, only a small proportion of the

21 David Zaret, “Petitioning places.”
petitions were aimed directly at influencing political decision making. Much larger is the number of appeals that people from all walks of life submitted to authorities to manage affairs that were strictly personal, such as acquiring a position or pension or requesting mediation for debt settlement. Institutions submitted myriad kinds of petitions as well, for instance to introduce new taxes or to obtain approval for infrastructure works.27 This little analyzed type of “private” petitioning is the subject of this article.

The Position of Court Agents in the Petition Process

When consulting early modern government archives, one is constantly confronted with petitions. It is impossible to gauge the number of petitions that the central governmental councils in Brussels—the Council of State, the Council of Finance and, especially, the Privy Council—annually received. For the Council of Finance, there are registers preserved that contain indications how the council had acted upon a petition, for instance to what institution it was sent to obtain advice. The register of the year 1739 contained entries of no less than 5,000 petitions, although it is possible that some petitions surfaced various times in the registers.28 Nonetheless, this indicates that several thousands petitions passed yearly through the hands of administrators in Brussels.

Given the large number of petitions presented to the governor and his central councils, it comes to no surprise that people with the right connections could earn a lot out of recommending individual petitions. From the seventeenth century onwards the Privy Council therefore granted appointments as “agent en cour” to a limited number of people. While around seven such agents were granted these rights in the early seventeenth century, there were around sixteen at the beginning of the eighteenth century. In 1758 this number was reduced to twelve.29 Private individuals as well as

27 Würgler, “Voices.”
cities and other institutional petitioners gratefully used the services of these “agents en cour,” to write and present their petitions and to do the necessary lobbying. It is telling that cities chose to be represented by agents who, as will be described, were relatively modest figures. For the courts in Rome, Madrid, and Paris it has already been described how professional agents ousted the urban delegations from the first half of the seventeenth century onwards. The latter had until then represented the urban autonomy and prided themselves in holding an honorable place in the court ritual. The modest agents held no rank whatsoever. Thus, the fact that they represented cities in the second half of the seventeenth and in the eighteenth century illustrates the new relationship between city and state.30 For the central government, officially appointing agents who were in charge of recommending petitions also offered other advantages. For example, the agents were able to provide further explanation on the requested favor. Moreover, they served as a buffer to prevent potentially subversive petitioning actions. Finally, thanks to the agents, the governor and senior officers were guarded from overly bold formulations and displays during audiences.31

The government was therefore willing to meet the demand of the agents to protect their office against competitors. Agents repeatedly complained that numerous lawyers, prosecutors from the Council of Brabant, and many others were recommending petitions without having been appointed as court agent.32 In 1705, 1714, 1718, and 1749, the king confirmed that all petitions were to be signed by a court agent, but many petitioners, to the great annoyance of the agents, put the regulation aside.33 In 1792, for

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31 ARAB, GR, 1291/B, Décret 2 February 1749; Petition by agents en cour, 1749.

32 ARAB, GR, 1291/B, Petition by agents en cour, 1749.

33 "Décret de Philippe V"; “Décret de Charles VI touchant les requêtes et écrits qui seront présentés au Conseil d’État, et les dépêches auxquelles ils donneront lieu, Brussels,
example, a regulation prohibited officials of the office of the Privy Council to present and recommend petitions for private individuals. The agents did moreover not hold the monopoly because petitioners retained the right to present their own petitions and collect the subsequent decrees and other documents at the secretariat of the Privy Council. The repeated confirmation of the ban on petitions without signature of an agent thus only had limited impact. It could not be prevented that third parties with good connections in the circles of the senior ranking officials took up lobbying, since it could be a source of income or patronage.

Unfortunately, it is impossible to cite exactly how many of the thousands of petitions presented to the Brussels government were presented by the court agents. Only a very rough estimate is feasible. The twelve court agents, as explained below, each earned about 2,000 guilders annually, at least in the second half of the eighteenth century. The twenty or so invoices that have been preserved in the archives relate to amounts between 17 guilders and more than 400 guilders. The latter were invoices for institutional petitioners and can be considered as non-representative. Let us therefore assume that petitioners paid on average 40 guilders for drafting, presenting, and recommending a petition. As this process could take up to two years, we can estimate that each agent's income per petitioner per year was 20 guilders. An annual income of 2,000 guilders would mean that an agent was of service to about a hundred petitioners yearly. Thus, together the ten agents would have presented over a thousand petitions annually.

The agent supervised the entire process of petitioning. In the first place, he took to writing out the petitions. The drafting of the petition of course occurred in consultation with the petitioner, who trusted more or less on the knowledge and expertise of the agent. Martin Gobert, a lawyer from the city of Namur who applied in 1750 for the office of fiscal (a position as lawyer who locally represented the monarch), did make some written

18 Octobre 1714,” *ROPB*, vol. III:2 (Brussels 1867), 561; “Décret de Charles VI statuant, en confirmation de celui du 18 octobre 1714, que toutes requêtes présentées au Conseil d'Etat devront être signées des procureurs ou agents admis par le même conseil, et que seuls ils pourront solliciter et poursuivre les affaires qu’on aura à y traiter,” *ROPB*, vol. III:3 (Brussels 1873), 116.

34 ARAB, GR, 58/A, Règlement pour les officiers de la secrétairie du Conseil Privé, 7 April 1792.

35 ARAB, GR, 1291/B, Décret 1714; Extrait du protocole du comité établi provisoirement pour les affaires du conseil privé, 15 January 1791.
suggestions to agent Henrion on how his application was to be substantiated, but he left the exact phrasing of the petition to the experienced agent. ³⁶ Sometimes the petitions were written by the customer and the agent only had to copy it on stamped paper, as De Chentinnes did for the city of Ghent in 1737. ³⁷ However, it also happened that the agent and the customer met for up to half a day in order to put the right content and phrasing of the petition on paper. Agent Mertens, for example, regularly met with members of the city council of Leuven from 1754 to 1756. ³⁸

Almost immediately after issuing the petition, the agent saw to its presentation to the governor or the councilors of one of the Collateral Councils. The agent would have an audience with the governor when the petition was to be presented to the latter. It is striking how easily the agents, through their official appointment by the Privy Council, could get such audiences. The petition was virtually always offered to the governor a few days after it has been drawn up.³⁹ Mertens, for example, drafted a petition on January 3, 1756 for the city of Leuven, in order to get Mechelen to free Leuven’s tenant of the fishery rights and offered it to the governor the very next day. Mertens learned only three days later that the petition had been entrusted in the Privy Council to councilor de Streithagen.⁴⁰ The easy access petitioners had to the representative of monarchs through the court agents is rather exceptional for early modern Europe. In particular from the second half of the seventeenth century onwards, monarchs limited their accessibility, including for petitioners.⁴¹ However, it is also possible that the number of agents in the eighteenth century expanded just because the governor and senior officials wanted to avoid to be bothered by petitioners too often.

³⁶ ARAB, GR, 60/A, Letter from Gobert to Henrion, Namur, 3 July 1750.
³⁷ ARAB, GR, 60/B, Etat et specification de devoirs, deboursements et vaccations faites par l’agent De Chentinnes pour le service de Messieurs les échevins de la keure et conseil de la ville de Gand, 1737.
³⁸ CAL, Oud Archief, 154, Spécification des honoraires et débours.
³⁹ ARAB, GR, 60A/B, Actes de taxe des agents admis près du Conseil Privé, 1732 à 1754.
⁴⁰ CAL, Oud Archief, 154, Spécification des honoraires et débours.
The agents presented petitions directly to the councilors of one of the Collateral Councils or the Audit Office, and in particular to the Privy Council. An invoice that agent De Chentinnes drafted in 1737 for the city of Ghent shows that he was waiting for the councilors of the Privy Council at the meeting hall to hand over the petition. He continued to wait until the meeting was over and immediately knew to which councilor the petition had been entrusted or to which body it would be forwarded for advice. He addressed the councilors directly or he consulted the register kept by the secretary of the Privy Council during the meeting. On other occasions he would go to the secretariat of the Council to find out what the decisions on the petition were. When a “consult,” or advice of the Privy Council to the governor, was written, the agent also looked into it immediately. The agents had less access to the meeting room of the Privy Council after it was relocated to a new building in 1772. The ushers of the building, according to new regulations, had to ensure that no one but the councilors and employees of the secretariat entered the anteroom of the meeting room. But even then it was still possible to obtain information at the secretariat itself.

After the agent learned from the councilors or the secretary to whom the petition had been appointed, he went to great lengths to talk to all bodies involved, although he was not always immediately successful. Agent Henrion, for instance, filed a petition for the widow of Ghent merchant Antoine De Mortier with the Council of Finance. The next day he found out that the petition had been assigned to councilor Capon. Five days later he went to see Capon to recommend the petition. He had to return five more times during the month of October before Capon finally promised him to write a report on the petition. When, shortly after this, Henrion went by the office to look into the report, he noticed that Capon had yet to keep his promise. He therefore resumed to solicit Capon’s support and visited the councilor another eight times during November and December. On the 18th of December Capon blandly told him that he doubted that he would be able to draw up a report before the holidays. In January, Henrion visited Capon another four times, but to no avail. All this lobbying had cost the widow over thirteen guilders, while a report on her petition

\[\text{ARAB, GR, 60/B, Etat et specification.}\]
\[\text{ARAB, GR, 60/A, Doit monsieur Martin Gobert licencié à Namur à son serviteur l’agent Henrion, 1753.}\]
\[\text{ARAB, GR, 58/A, Règlement, 19 juin 1772.}\]
still had not been drawn up. An amount of thirteen guilders at the time corresponded to almost half the monthly salary of a master mason.

Cities usually had their agents recommend several cases at the same time. For example, in the years 1754-1756, Mertens regularly visited the following officials on behalf of the city of Leuven: councilors of the Privy Council and the Council of Finance, members of the Audit Office, the Fiscal of the Duchy of Brabant and members of the States of Brabant. Table 1 shows how often and with whom Mertens consulted on files concerning the city of Leuven. He charged nine sous for half an hour of recommendation work. The time investment can therefore also be mapped out based on the invoice. Some files required a lot of lobbying, for instance obtaining the extension of the exemption from tolls, something Leuven nevertheless had been enjoying since 1490. He visited the Fiscal of the Duchy of Brabant no less than four times for this case and spent twelve hours there recommending and waiting to gain access to this key figure in the decision-making.

The agent showed great initiative and worked relatively autonomously. He personally decided when he would be talking to whom. Besides the actual recommendation work with influential officials, he regularly—sometimes daily—stopped by the office of the Privy Council to see what phase of decision-making his clients’ petitions were in. He always meticulously informed his clients by letter. The correspondence between the lawyer Gobert and agent Henrion, which documents their collaboration, was for the most part added to the invoice. This gives a clear idea of the way in which Henrion, at the insistence of his client, was constantly pulling the sleeves of prominent figures in order for his petition to be successful.

Furthermore, the agent kept his eyes and ears open for cases that were being discussed in government circles and that could be of interest to the client. Thus Mertens’ attention was drawn to “une distribution” to councilor de Streithagen concerning Leuven while he was consulting the register of the Privy Council on April 10, 1755. The next day he was already consulting with the councilor and he discovered the entry concerned the vacant alderman-position in Leuven. He proceeded to read the advice and

45 ARAB, GR, 60/A, Doit la veuve d’Antoine De Mortier Marchand à Gand à son très humble serviteur l’agent Henrion, 1750.
46 CAL, Oud Archief, 154, Spécification des honoraires et débours.
47 ARAB, GR, 60/A, Doit monsieur Martin Gobert, 1753.
Table 1. Lobbying of agent Mertens for the city of Leuven (1754-1756): (minimal) amount of meetings and estimated investment of time.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Governor Privy Council</th>
<th>Councillors Council of Finance</th>
<th>Members Audit office</th>
<th>Fiscal of Brabant</th>
<th>Council or States of Brabant (kanselier)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toll exemption</td>
<td>2 x 3.5 h</td>
<td>2 x 4.5 h</td>
<td>2 x 2 h</td>
<td>4 x 8 h</td>
<td>4 x 12 h</td>
</tr>
<tr>
<td>New tax on merchandise consumed within the city</td>
<td>2 x 2.5 h</td>
<td></td>
<td>2 x 2 h</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conflict with the city of Mechelen</td>
<td>3 x 4 h</td>
<td>1 x 2 h</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Matter of 'mortmain' (Hand of Glory) abbey Valduc</td>
<td>2 x 2 h</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magistrate requests guild for gold and silver smiths</td>
<td></td>
<td>1 x 1 h</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advice on petition interest reduction city of Mechelen</td>
<td>1 x 1 h</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discussion on alderman-position</td>
<td></td>
<td>2 x 3 h</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Composition inquiry commission invoice channel</td>
<td>2 x 2.5 h</td>
<td>1 x 1.5 h</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Problems with cloth guild</td>
<td></td>
<td>1 x 1 h</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Advice on petition citizens city of Louvain</td>
<td></td>
<td>1 x 1 h</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approval use of sluice-gates in channel Leuven-Mechelen</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3 x 3.5 h</td>
</tr>
</tbody>
</table>

Source: SAL, Oud Archief, inv. nr. 154, Spécification des honoraires et debourses.
was able to inform his client, the city of Leuven, on what was being said and decided on the subject.\footnote{CAL, Oud Archief, 154, Spécification des honoraires et déboursures.}

The easy access to the councilors contrasted strongly with the great effort the agents had to make during the French occupation in 1747 in order to present petitions. Agent Mertens had to put in a lot of effort to hand over petitions from the ships’ captains of the cities of Brussels, Ghent, Antwerp, Malines, and Dendermonde to the French senior officials. These skippers wanted to receive payment for the military use of their ships. To that end, Mertens went to the residence of Massart, the delegate of the French regent, on December 18, 1747 at eleven o’clock. He waited for two hours for Massart to come out, only to be told to wait for Massart’s return. However, the delegate only returned several hours later after which he told Mertens to give the petition to his secretary. The agent had waited outside no less than four and a half hours in the depths of winter, “without having had the opportunity to have lunch,” as he later laconically added to the captains’ steep bill.\footnote{ARAB, GR, 60/A, Spécification des honoraires et débourses faits et promerités par l’agent Mertens pour le service des Batteliers des Navigations de Bruxelles, Anvers, Malines, Gand et Dendermonde, 1751.}

Other invoices for lobbying work, however, show that under the Austrian rule the agents enjoyed easy access to key figures in the decision-making process.

The invoices show that the agents did not only take on work for their clients, they also were a useful cog in the mills of administration. The passing of petitions to the authorities who had to give the advice was often left to the agents. In this way, the central institutions avoided administrative costs, which were all at the expense of the petitioner, seeing that the agent had to pay dispatch rights each time he collected documents. Occasionally, the use of a messenger would be preferred. Agent Henrion visited the secretariat of the Privy Council on September 1, 1749 in order to deliver a letter to the Council of Namur, asking for the advice on Gobert’s candidacy. The visit was in vain, since it was preferred that these letters were sent by mail.\footnote{ARAB, GR, 60/A, Doit monsieur Martin Gobert, 1753.}

The central state organizations often used the agents to communicate with cities, though on many occasions this led to delays. Following irregularities in sending a dispatch to the magistrate of Antwerp in 1785, the Privy Council decided that from that moment onwards...
dispatches would be sent directly and agents would no longer be used as intermediaries. Until then, and possibly still after this, the agents were often an essential intermediary between city and state.

Who Were the “Agents en Cour”?

Although historians employ the term “agent” to designate a “broker,” the court agents were, strictly speaking, not brokers. The latter term was specific for figures who acted as intermediary in patronage relationships. A broker selected what clients he worked with, used his own power and resources to help them and in that sense therefore acted as a patron. The court agents, however, served anyone who was willing to pay and they could do their lobbying by the grace of an official appointment by the Privy Council. Their personal reputation, rank, title, or wealth were wholly of minor importance to the promotion of their clients’ interests. While being well-connected and having an extensive knowledge of the decision-making process helped increase their chances of success, they remained modest figures.

The frontier between being a broker and being an agent was nonetheless rather vague. The activities of agent Dotrenge, for example, had unambiguously developed from being an agent to being a broker. Dotrenge had over the years become good friends with key government figures including Neny and Cobenzl and with a number of prominent customers, which allowed him to reveal himself as a politician, who for instance played an important role in the church and university politics of Neny. He partly used his position as an agent for the benefit of his political convictions, as such exceeding the usual range of action of the court agent. It is therefore not surprising that he did not remain a court agent his entire life. After

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53 Kettering, Patrons, brokers, 42-3.

54 D’Huys, B.M. Dotrenge, 17-68.
1780, he only worked as an agent unofficially, but he acted formally as ambassador of the Prince-Bishop of Liège.\textsuperscript{55} Usually the agents however remained rather humble figures who were, in principle, approachable to everyone. According to a member of the Privy Council, the agents were generally only “simple lobbyists (…) [who] are not capable of discussing difficult matters.”\textsuperscript{56}

Although the men who acquired an appointment as court agent in the eighteenth century had good contacts with the higher ranks of society, they belonged to the middling class themselves. In their petitions or when applying for a position they repeatedly presented themselves as providers of a large family.\textsuperscript{57} It was, as the above-cited quote shows, rather unusual that they had a law degree. Their sons, who often succeeded them, did sometimes study law.\textsuperscript{58} While Mertens was a much sought after agent, he did not possess his own carriage in 1755, though this was an important status symbol in the eighteenth century.\textsuperscript{59} The agents did wear another status symbol: a sword or a sable. When in 1754 the right to wear a sable was restricted to nobles and officials, the agents reluctantly agreed to give it up.\textsuperscript{60} Also, they lived in the better neighborhoods of Brussels, near the government buildings. Agent Saint Martin lived in the Rue Notre-Dame nearby the court in 1740.\textsuperscript{61} Agent Henrion lived in 1750 in de Rue Saint

\begin{footnotes}
\item[D'Huys, B.M. Dotrenge, 120-76.]
\item[56 ARAB, GR, 1291/B, Mémoire sur un reglement à porter concernant les devoirs et
vacations des agents with document with “reponses” annexed, 29 May 1758.]
\item[57 ARAB, Raad van State (RvS), 28, Request Alexandre Joseph Le Secq, March 1721;
GR, 1291/B, Letter widow Florent De Mahieu, 1794; Extrait du protocole du comité
établi provisoirement pour les affaires du conseil privé, 15 January 1791.]
\item[58 This was the case for the sons of agents Warton, Dotrenge and Germain: ARAB, GR,
58/B, Note du conseiller d'Etat et Privé De Kulberg, pour son excellence le Ministre Pleni-
potentiaire, 5 May 1784; 1291/B, Extrait du protocole, 15 January 1797; D'Huys, B.J.
Dotrenge, 3.]
\item[59 He had to rent one in July 1755 in order to expedite the collection of a decree for the
city of Leuven; CAL, Oud Archief, 154, Spécification des honoraires et débourses.]
\item[60 ARAB, GR, 1291/B, Report on meeting of Privy Council, 16 June 1756. On status
symbols, see Piet Lenders, Gent, een stad tussen traditie en verlichting (1750-1787): een
institutionele benadering (Kortrijk-Heule 1990), 72; “Edit de l'Impératrice Reine sur les
titres et marques d'honneur ou de noblesse, le port d'armes, d'armoiries et autres distinc-
\item[61 ARAB, GR, 60/A, Envelope with letter from Philippe Louis Desaze to agent Saint
Martin, 1740.]
\end{footnotes}
Anne, within a stone’s throw of the palace. Dotrenge first lived at the Grand Sablon, but after 1760 moved to the Marché au Bois in the aristocratic part of town around the St. Gudula cathedral, which was also near the government center.

In any case, the position of an agent offered opportunities to a substantial income and social advancement. Agents could afford to appoint one or more clerks. Mertens employed at least two in 1751. Henrion and ‘t Kint most likely had an entire secretariat with a hierarchy between the different clerks, as was customary in that time. It was possible to earn a lot of money. When applying for an appointment as agent, Philippe François Gerard said that he expected to earn at least three hundred guilders a year. This was the absolute minimum. A member of the Privy Council even found it reasonable that some of them could earn thousands of guilders annually and that they thus earned double or even triple of what the most celebrated lawyers received, while “none of them would pretend to be their equal.” This statement about their income is probably close to the truth: at the end of the eighteenth century, the agents had to pay a tax of 700 guilders when obtaining an appointment, which implies an annual salary of around 2,000 guilders. A master mason had to work more than five years for a similar income.

This income from lobbying was, however, reserved for few. The aspiring agent needed to have the right contacts to receive an appointment from the head chairman of the Privy Council. These relationships were also essential for the agent’s work to be successful. Dotrenge became an agent in 1751 after his former employer, the count of Woestenaerd, had recommended him. Woestenaerd had good contacts in the government circles.

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62 ARAB, GR, 60/A, Envelope with letter from Gobert to agent Henrion, 26 August 1750.
63 D’Huys, B.J. Dotrenge, 16.
64 ARAB, GR, 60/A, Testimony by clerks Tomson and Savary, 16 August 1751.
65 ARAB, GR, 1291/B, Cover letter Philippe François Gerard, 14 July 1784. In this document, he claims to have been “chief clerk” of the two agents mentioned.
66 ARAB, GR, 1291/B, Cover letter Philippe François Gerard, 14 July 1784.
67 ARAB, GR, 1291/B, Mémoire sur un règlement à porter, 29 May 1758.
of Brussels.\textsuperscript{69} Agents Mertens and Reynackx were protégés of minister Cobenzl and agent Sandelin was a protégé of archbishop Franckenberg and the duke of Arenberg.\textsuperscript{70}

The son of a deceased agent often already had such an abundance of practical experience and contacts that this made him the most suitable candidate to obtain the appointment. In 1755, the son of Gambier was 37 when he succeeded his ailing father, after having worked with him for sixteen or seventeen years.\textsuperscript{71} The sons of Mertens and Germain, who wished to succeed their late fathers in 1791, were minors at the time, though the Privy Council judged that they already had sufficient experience to uphold the good reputation of the two agent positions.\textsuperscript{72} In this way, the young Mertens carried on with the family business that his grandfather had bequeathed to his father in 1757.\textsuperscript{73}

If, however, there was no son to fill a vacant position, others applied for the position. Clerks often applied, referring to their experience. An example is Robert Antoine Leterme, who obtained the position of the deceased agent La Tour in 1744, because he had been working as a clerk for agent De Brou for 21 years.\textsuperscript{74} Clerks, having worked for agents, did not only have experience with the writing out of petitions—as mail clerks of agents, they had moreover already made numerous contacts with members of the Collateral Councils.\textsuperscript{75} In short, the agents were “simple lobbyists” of modest origins who, thanks to their appointment, climbed the social scale. Dotrenge started as a simple clerk for the count Woestenraedt at age fourteen and undeniably climbed up in position. Clerks of agents could also advance to this lucrative job, but probably stayed relatively approachable to less affluent private individuals, who could moreover appeal to them free of charge, as will be discussed below. The involvement of the court agents in the decision-making process allowed broad layers of society in the Austrian Netherlands the possibility of having their interests represented by members of government at the top of society.

\textsuperscript{69} D’Huys, B.J. Dotrenge, 15.
\textsuperscript{70} D’Huys, B.J. Dotrenge, 10.
\textsuperscript{71} ARAB, GR, 1291/B, Request from Albert Gambier, 1755.
\textsuperscript{72} ARAB, GR, 1291/B, Extrait du protocole, 23 March 1791.
\textsuperscript{73} ARAB, GR, 58/A, Dossier with request from Mertens, October 1757.
\textsuperscript{74} ARAB, GR, 1291/B, Request from Robert Antoine Leterme, 1744.
\textsuperscript{75} ARAB, GR, 58/A, Dossier with request from Villette to obtain commission as agent, June 1785; GR, 1291/B, Report, 22 July 1784, signed by De Külberg; A rapporter au grand bureau, 13 July 1785.
The Price of Petitioning

While the court agents were relatively approachable and worked for free for petitioners without means, the price they charged sometimes still was an additional threshold for petitioners to have their petition presented. The amounts on the invoices that have been preserved in the archives of the Privy Council due to payment default are in some cases very large. The cities and rural communities in particular, which had agents represent different cases at once, often had to come up with large sums. For example, Agent De Chentinnes charged the city of Ghent no less than 461 guilders for his services.\textsuperscript{76} For his work for the rural district Musson agent Henrion charged 372 guilders in 1749. In order to pay this sum, the local government organized a special collection among all 154 residents. They had, among other things, appealed to Henrion in order to obtain compensation for the damage that soldiers had caused in 1749. The residents probably hoped that they would recuperate the amount they had to pay to the agent when he succeeded in having their request granted.\textsuperscript{77} The same applies to the lawyer Gobert, who appealed to agent Henrion's services and considered this to be an investment. He presumably hoped to be able to pay the charges of 31 guilders once he had obtained the office of fiscal. That proved to be a miscalculation. He did not make the list of candidates suggested by the Privy Council for the office.\textsuperscript{78} The bailiff of the Privy Council, who Henrion sent after Gobert on multiple occasions in 1753, told the agent in 1753 that “it will be difficult for you to get a penny out of him.”\textsuperscript{79}

For that matter, not all costs charged by the agent were profits. On a regular basis the agent would advance sums, which he had to pay at the office of the Privy Council to the secretary and the other staff by way of dispatch rights. For their income, the latter were mostly dependent on such fees for writing. The fees had been officially recorded in 1733.\textsuperscript{80}

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\textsuperscript{76} ARAB, GR, 60A/B, Acte de taxation pour l’agent De Chentinnes contre les échevins de la keure de Gand, 2 August 1737.
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\textsuperscript{77} ARAB, GR, 60/B, Acte de taux pour l’agent Henrion contre ceux du Ban de Musson, 27 mei 1750; Rolle general du Restant des depens, 5 May 1749.
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\begin{footnote}
\textsuperscript{78} ARAB, Consults of the Privy Council, 418, 30 July 1750.
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\begin{footnote}
\textsuperscript{79} ARAB, GR, 60/A, Letter from the bailiff Jourdain to Henrion, Namur, 13 February 1753; Acte de taux pour l’agent Henrion à charge de l’avocat Martin Joseph Gobert, Brussel, 30 March 1753.
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meeting with the authorities that were supposed to give advice on a petition, the agent sometimes paid a considerable sum. Agent Mertens paid no less than one hundred guilders for “droits d’avis” (advisory rights) to the Fiscal of the Duchy of Brabant, who had to give the advice on a petition from Leuven concerning the extension of a privilege that ensured the exemption of tolls.81 Furthermore, the postage for the correspondence with the client and the stamp duty that had to be paid when submitting a petition also had to be taken into account.

The agent obtained his income from fees for writing, for consultations with councilors or other functionaries who had a role in the decision-making process and for visits to the office of the Privy Council. Furthermore, clients also promised a financial reward if the agent’s recommending of their petition led to a successful result.82 Table 2 shows an overview of the fees Gobert had to pay to agent Henrion for the drafting and recommending of three petitions from March 1749 to August 1750 to obtain the post of fiscal. Overall, the agents were entitled to 80 percent of the charged costs. Henrion made a total of eight visits to members of government and four to the governor concerning Gobert’s application. He wrote more than ten letters, each costing about 6 sous, and visited the office of the Privy Council more than ten times, costing about 9 sous per visit, either to find out what had happened to Gobert’s petition or to collect dispatches.

The rates charged by the agents were recorded in the rules of 1758, but had already somewhat been fixed before that. The price for a “terme”—the

<table>
<thead>
<tr>
<th>Writing</th>
<th>Recommending</th>
<th>Visiting office</th>
<th>Postage</th>
<th>Stamp duty</th>
<th>Dispatch rights</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 fl. 9 st.</td>
<td>5 fl. 8 st.</td>
<td>5 fl.</td>
<td>12 st.</td>
<td>12 st.</td>
<td>2 fl.</td>
<td>22 fl.</td>
</tr>
<tr>
<td>33%</td>
<td>24%</td>
<td>26%</td>
<td>3%</td>
<td>3%</td>
<td>13%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: ARAB, GR, inv. nr. 60/A, Doit monsieur Martin Gobert

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81 CAL, Oud Archief, 154, Spécification des honnorairs et débourses. Mertens did for that matter not lend this large sum of money, but he received the money in cash from Pensionary de Merville, only to subsequently give it to the Fiscal of the Duchy of Brabant.

82 ARAB, GR, 1291/B, Mémoire sur un règlement, 29 May 1758.
fixed fee for the consultation of an officer for about half an hour—was set at nine sous. This price can be found in some invoices dating from the first half of the 1750s, though Mertens sometimes charged the city of Leuven twelve sous. The regulation further limited the amount of “termes” an agent could charge for the presentation of a petition to twelve in the case of a relatively simple matter. For more complex cases, with a duration of more than one month, eight “termes” could be charged two more times for a second and third month of work. If the case still needed more lobbying, the explicit consent of the customer was necessary. The Privy Council considered these rules necessary because of past abuse in calculating the cost of uncontrollable lobbying.83

A significant number of petitioners simply could not afford these rates. To recommend a simple petition, an agent could charge twelve “termes,” an amount going up to five guilders. This did not include the charges for writing and the stamp duty, which had to be paid on top of the dispatch rights. In order to be able to pay for the recommendation work only, an assistant of a mason, with a daily income of fourteen sous, would have to work for over a week. Even a master mason, with a daily income of 24 sous, had to work four days in order to use the services of an agent for a very simple request. The rules and regulations of 1758 therefore also made sure that impecunious petitioners could appeal to agents without charge. The regulations included a penalty for officers who refused this. However, it is not clear how a petitioner could enforce a “pro bono” procedure. We do know that the system of free lobbying for poor clients had been in use before the enforcement of these regulations. In the early eighteenth century agents already occasionally wrote “without charge” in the upper left corner of petitions they presented.84

This research therefore feeds the notion that petitioning was not as accessible as is often assumed by historians. While the use of an agent was relatively expensive, presenting and recommending an application without the help of an agent also had its costs, especially for those who had to cross a distance to do so. In 1750 and 1755, the governor prohibited the States Assemblies, cities and rural communities to send delegations to him

84 See, for example, the petition that agent De Saint Martin presented without charge for the widow of colonel Baligand in 1731, ARAB, Council of Finance, 2587, Aumônes et secours, request from the widow of colonel de Baligand, 1731.
without permission because of the high costs this activity entailed.\textsuperscript{85} For a private individual such an undertaking also cannot have been simple, especially considering it would have been even more difficult to approach councilors and other officers. Given the large number of petitions sent to the central government councils, it is not surprising that the agents were hardly pressed for work.

**Conclusion**

While petitions were one of the main intermediates between the state and its subjects, the court agents were key figures in getting petitions in the correct form to the right people. Although numerous other non-official lobbyists acted as agents throughout the eighteenth century, and certainly before, the great importance of the court agents should be emphasized. In principal, through them, every citizen, regardless of his social status, personal contacts and the distance between his residence and the government center, could get access to the central figures in the decision-making process and express his personal grievances, desires and needs. This did not mean, of course, that all petitions presented by agents were approved. It did mean that residents, upon payment of a fee, had access to central officials and politicians. Even people who lacked resources could appeal to the court agents free of charge.

Nevertheless, some critical remarks need to be made concerning this optimistic assessment of the practice of petitioning through agents. Further research will have to show whether large sections of society were indeed involved in petitioning. It is possible that the financial barrier was not the only thing stopping impecunious citizens to have petitions drafted and recommended. It should also be investigated when exactly someone had the right to petition “pro bono.” Moreover, the question remains whether or not a court agent took the same pains for customers he had to serve for free. After all, paying customers thought it useful to motivate the agent with the prospect of a generous reward if he was successful.

Even for the more affluent groups the costs of petition was possibly still a threshold. Not only was the agent to be richly compensated for his service, there was also postage stamp duty and dispatch rights to be paid. Moreover it was difficult to predict how long the agent’s services would be needed. The widow of the merchant Mortier from Ghent had to conclude that nearly twenty visits from her agent Henrion to councilor Capon had been useless, but cost her nine sous each. Finally, the customer could not always rely on the righteousness of the agent, since it was difficult to verify that all services charged were actually delivered. In short, the efforts court agents had to exert to present and recommend a petition, hint at the time- and money-consuming nature of petitioning, and justify doubts on the lack of social bias in petitioning.

The agents as an institution emerged in the seventeenth century. Yet they were primarily a phenomenon of the eighteenth century. Although their existence is clear from early seventeenth-century texts, it was only in 1758 that detailed regulations were issued. This chronology allows for a cautious hypothesis concerning the relationship between state and subject. It is possible that subjects until the seventeenth century only had access to their monarch if they possessed the right contacts, or, in other words, if they had access to forms of patronage. Although patronage always remained of importance and it was easier for people with the right personal contacts in the government circles of Brussels to get things done, the accessibility of the government increased in a more “democratic” manner due to the activities of the court agents. The extent to which the residents of the Austrian Netherlands could and did make use of that opportunity is the subject of further research.