

The Notarial Tradition

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The Notarial Tradition

Laurie Nussdorfer

Around 1970 two art historians on parallel tracks opened a new window onto the early years of the Accademia di San Luca with their discovery that among the thousands of volumes (called protocols) of notarized contracts kept in the Roman state archive were records of meetings of artists' sodalities, including the academy.¹⁴ Systematic efforts to mine these sources were not attempted until the past two decades, and it is only with the development of *The History of the Accademia di San Luca, c. 1590–1635: Documents from the Archivio di Stato di Roma* that they have been collected and made accessible.¹⁵ In her 1972 study of Simon Vouet's leadership of the academy, Noelle de La Blanchardière wondered what meeting records were doing in the notarial protocols and speculated on what the notaries' relationship to the Accademia might have been.¹⁶ Historians have also turned their attention to the services performed by notaries for artisan organizations, finding that notarial traces may well be the only evidence left by substantial portions of the laboring classes of early modern Rome.¹⁷ We are now in a better position to answer de La Blanchardière's questions and to shed light on the nature of these indispensable records of the early Accademia.

The practice of gathering to deliberate on common concerns was customary in early medieval Europe. In Italy in the Middle Ages use of a notary to record the names of those present at a meeting and a synthetic account of the decisions made took hold in ecclesiastical institutions and in the nascent communes.¹⁸ In his professional capacity as bearer of *pubblica fides*, the notary represented the public face of authority and endowed the documents that he sealed or signed with a specific, quantifiable probative value. Although medieval jurists might quibble about just what quantity of proof the

notary added, it was generally agreed that his writings were worth the equivalent of two or three witnesses, which was about as high a standard as unaided human beings could achieve.¹⁹ Neither jurists nor notarial handbooks say anything about meeting records,²⁰ although the handbooks do supply models for many kinds of *instrumenta* (as contracts were called) that clients like the Accademia di San Luca might want, such as receipts, obligations, or acts taking possession of property. Although they give no direction, therefore, on the form that meeting records should take, the manuals do acknowledge the practice by providing examples of powers of attorney in which corporate bodies establish proxies.²¹ It was essential in such texts to name those for whom the agent was authorized to act, and the legal principle that consent was personal and specific undoubtedly underpinned this custom. Notaries wrote down the decisions that the men who attended and voted bound themselves to carry out. Since these resolutions often had financial repercussions, it was imperative to formalize the obligation, and, since it was often desirable to bind a group to enforce a common policy, it made sense to have a notary present as a matter of course.²² By the same token, of course, such gatherings as lectures and classes that had no organizational implications or financial agenda were unlikely to be described in the notary's protocols.

Whatever its origins, the practice of using notaries to document meetings must have spread widely in late medieval Italian cities. In Rome the picture is obscured by the absence of surviving notarial sources before the mid-1300s and by heavy subsequent losses, but the wool guild statutes preserve such a record from 1421.²³ We can assume that the painters who formulated statutes for their confraternity in 1478 were familiar with the practice, and we would expect their 16th-

century descendants to have paid notaries not only for instruments but also for their work as corporate scribes.²⁴ The difficulty for researchers is not that we do not understand why

the notaries attended meetings of collectivities, but that in Rome at least it is so hard to find these records before the 1580s.