THE PROFESSION OF NOTARY PUBLIC IN MEDIEVAL FLANDERS

by

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The profession of notary public is familiar to most historians of Mediterrane-
an Europe, the land of *ius scriptum* in the Middle Ages. Under the influence of
the revival of the study of Roman law in the eleventh and twelfth centuries, ac-
accompanied by urban growth, both legists and notaries public took up positions
in church and town chanceries across Italy and southern France, becoming prac-
tically universal and indispensable by the mid-twelfth century. Notaries in partic-
ular became fixtures of town government, often forming their own guilds to
safeguard their monopoly in producing written legal documents. Notaries public
became important local figures in other areas of urban life, such as literature, po-
itics and government. J.K. Hyde exaggerates only slightly in writing that 'the
historian approaches Italian history in the thirteenth and fourteenth centuries
almost exclusively through the writings of notaries'.

Historians of northern Europe have been less aware that the notarial profes-
sion spread to most corners of Europe by the early fourteenth century and
flourished in the very different legal climate of the north. Although the public
notariate did not acquire the importance it possessed in the south, most notaries
public found an open and promising field for their labors in many northern ci-
ties, and the church was also active in its demand for the skills a trained notary
could provide. Only recently has the notarial profession drawn significant atten-
tion on the part of historians of the law and diplomatics of medieval northern
Europe. Yet while notable works have appeared on English and German notaries
public, no similar history was as yet been written on the Flemish notariate. This
despite the striking similarities between the most important notarial cities of
southern Europe — Bologna and its neighbors in northern Italy — and Flanders,
the most heavily urbanized area of the North. In both regions, a large percentage
of the population lived in towns and cities, commercial life flourished, churches
were numerous and the demand for written documents was large.

* Cf. editorial note above, p. 1.
2. There have been some studies of the notariate in Flanders, and in the territories that
now compose modern Belgium. See J. Yernaux *Les notaires publics du XIIIe and XVIe
siècle, spécialement au Franc de Bruges*, Bulletin de la Commission royale d'histoire 82
(1913), 111–182; and H. Nelis, *Les origines du notariat public en Belgique*, 1269–1320,
Revue belge de Philologie et d'Histoire 2 (1923), 267–277. More recently, Michel Ooster-
bosch of the University of Leuven has dedicated a licentiate thesis to the public notariat
in Liège and is in the process of completing a doctoral thesis on the notariate of Antwerp.
Some of his results are summarized in *De Fide Instrumentorum: De notariële oorkonde en
While the following is in no way a comprehensive history of the notary public in Flanders, it is an attempt to begin to fill the lacuna in our knowledge about the practice and practitioners of the *ars notariae* in late-medieval Flanders. This admittedly *ad hominem* approach to understanding a transplanted legal tradition has not heretofore been attempted, yet it can contribute to illustrating the place of Flanders in the history of the European notariate.

I have collected the names of nearly three hundred notaries public who were active in Flanders in the period from roughly 1287–1450. Unfortunately, there is little surviving information about the personal histories of these notaries and the data that survive are not equally representative of the entire county of Flanders. Notaries in Bruges are perhaps over-represented due to the accidents of archival survival. For the same reason, Ypres is underrepresented because of the destruction of its archives in 1914. Nonetheless, what remains is still considerable, for notaries public, almost alone among scribes, were required to identify themselves by name in the documents they wrote. Most notaries also included other information, such as the name of a diocese and the source of their notarial authority. Collecting and considering the scattered evidence affords a fairly good picture of the notarial profession and at least some idea about notaries public as individuals.

**Geographical Origins of Notaries**

A notary provided most personal information in his closing paragraph or eschatocol, where his name, diocese and title are usually found. This seems straightforward enough, but caution is required in interpreting such data. What does the hypothetical name Johannes van Dam, *clericus Tornacensis dyocesis* mean, for example? Does his claim to be ‘of the diocese of Tournai’ refer to his


3. The European public notariate was recently the subject of an international congress held in 1986 in Valencia, Spain. The acts of this congress have appeared as *Notariado público y documento privado: de los orígenes al siglo XIV*, 2 vols., Valencia 1988; the article by Robert-Henri Bautier, *L'authentification des actes privés dans la France médiévale: notariat public et juridiction gracieuse*, (11, p. 701–772) is the most relevant for Flanders.

4. This database is subsumed into the joint list attached to my article and that by Mr. P.-D. Schmidt included in this number (below, p. 33). Unfortunately, I was unable to make use of the joint list in revising this article so the numbers found below will not correspond exactly with the appendix. However, the degree of difference between my original database and that found here is not significant enough to affect any of the general conclusions I present.

5. I define the geographical expression ‘Flanders’ as the territory ruled by the count of Flanders in 1300, plus the city of Tournai. Tournai, of course, was ruled by the king of France, but its proximity to the county and its ecclesiastical importance as the seat of the most significant bishopric in Flanders makes it relevant to this study. Data were drawn overwhelmingly from original documents preserved in modern-day Belgium and the *Archives du Nord* in Lille, France. Notarial instruments are always kept among charters, which in many depots are very poorly inventoried. Thus research into notaries and their documents is necessarily a search through boxes of charters in order to find the relatively rare notarial document. Nonetheless, thousands of notarial instruments survive from the late medieval period.