

## **Notary history of the world**

Like many other legal terms, “notary” is also a Latin word. Translation of this word from Latin language is secretary or scribe. A root of the word “nota” means “note, sign”.

Modern notary has a long and complicated history of development.

Traces of ancient notaries are first found in written sources of Sumer, Babylon and Egypt.

Later, basics of modern notary were founded in ancient Rome.

Founders of notary profession were secretaries who were in charge of drafting civil turnover documents. They were trusted professionals, in other words, special officers who had the authority to formulate and strengthen legal evidences.

Notaries have always been needed by people, but necessary and official formation of notary has started with the development of civil law relations and civil turnover.

Development and regulation of civil relations in an official form could be formed in the result of legal (official) processes implemented only by notaries (secretaries).

In the 4th millennium BC, the Sumerian state, one of the oldest and largest civilizations in the world, was established between the Tigris and Euphrates rivers and in eastern Mesopotamia. “Urr-Nammu Code” – a set of laws has been compiled during the reign of Urr-Nammu who was a founder of the III Urr dynasty of the Sumerian state (2112-2003 BC). That was an ancient legislation in history. “Urr-Nammu Code” regulated court proceedings, civil contracts and other legal relations of that period. Legal (official) issues were conducted by secretaries called as a “dubsar” who was good at writing and who studied at Edubba which was a law school of the Sumerian state. Sometimes it took 15-20 years to master the profession of dubsar (secretary) perfectly and it was considered very influential profession.

Information about a profession of notary was mentioned in ancient Babylon during the reign of King Hammurapi (1760 BC). During that period, the first Code of Conduct was published and engraved on stone tablets. In ancient Babylon, strengthening and certification of private property right and civil turnover was conducted by entrusted witnesses. Witnesses served as notaries until a habit of concluding a contract in written form was emerged. Thus, witnesses had to remember contents of contract liabilities and if necessary, they had to speak about it. After the emergence of written contracts, the responsibilities of witnesses changed, and they were involved to confirm authenticity of contracts. Secretaries prepared different acts on clay boards. During the reigns of pharaohs clay boards were replaced with papyrus, and later, papyrus was replaced with parchment (material made from animal skin and used for writing on it).

In ancient Egypt, a secretary whose main activities were to register legal evidence and draw up contracts based on state and private laws was a clergyman known as “agoronomus” and in Greece as “iermemnes”.

All this is reflected in ancient history as the first traces of the establishment of the notary.

But it is known to everyone that, the modern notary was established on the basis of the ancient Roman law. The first recollections of the notary in Rome were found in the notes of the secretary of the emperor Julius Caesar. The Roman Law was printed in written form and it consisted of written evidences. The reign of Caesar was considered the most successful period of Roman jurisprudence. At that time, the Romans had a special institution consisting of officials and secretaries (scribe), whose activities were not independent and were divided into two categories of public and private service. The first category included secretaries (scribe) who served in the civil service in the magistracy and received a certain salary from the state treasury. Their duties were considered lifelong, and only Roman citizens with a very high social status and not deprived of civil honor were elected. Their main functions were the preparation of public documents (*tabulacpublicae*), the execution of written orders issued by magistrates, the compilation of court protocols (*codex*) during the praetorian court, and the maintenance of public accounts (accounting). The second category included secretaries serving individuals. They were freelance mercenaries, called "exceptores," or "notaries." However, the secretaries were not lawyers.

In ancient Rome, there were other categories of free people who were involved in legal documents and contracts. These "tabelliones" were non-civil servants, free people with legal knowledge who participated in the preparation of legal acts and court documents under state control for anyone in need, according to the statutory fee. Acts on papyrus paper sealed with the coat of arms was drawn up, signed by the parties and witnesses, and signed by the *tabelio*.

Tabellions performed their functions in buildings reserved for them on specific streets of the city, and only in exceptional cases, in houses. To be a tabellion, he had to have legal knowledge, be admitted to a tabellion organization, and be an independent Roman citizen, whose position was approved by the prefect of the city. According to the modern approach, the institute of tabellion is the prototype of the notary.

The further development of the notarial institution was continued in the 6th century AD with the publication of a complete set of legislative acts that finally formed the Roman law of the Roman emperor Justinian.

In the Middle Ages, the profession of notary became one of the most influential and respected in Roman law. In the 11th century, with the beginning of the revival of Roman law, the world's first notarial school was established in Bologna. Notary schools later became law schools, and later the universities where the best notaries and lawyers taught at that time. The Renaissance lasted until the 18th century. Notaries were the most educated people of that time.

There are cases when notarial acts were recorded as facts and events that have a special place in the history of human civilization. For example, during the voyage of the Spanish naval captain Christopher Columbus in 1492, he was accompanied by the royal notary Escovedo, who drew up a report on the discovery of America, and thus officially witnessed a historic event.

Regardless of the name of the notary, no matter what class, education and other criteria they are appointed, the requirements for them have always remained the same: legal literacy, a decent reputation in society and the right to perform notarial functions.

Information about the history of notaries in the legal literature is different, which is mainly due to objective reasons. Thus, depending on historical, religious, ethnic and other characteristics, different notaries were formed in different periods and in different countries, and people engaged in this type of profession were named differently.

Speaking about the development of notaries, it should be noted that as the need arose to ensure the credibility of commercial transactions, the stability of legal and civil turnover, the institution of notaries began to improve accordingly.

A special role in the revival of the Latin notary belongs to France. In the Middle Ages, notaries were appointed only by decree of the King of France, and there were no church representatives. At the entrance to the notary's office was a special plaque with the royal coat of arms. During the reign of King Francois I of France (1515-1547), a charter regulating the activities of notaries was adopted, and for the first time, an instruction on the confidentiality of facts and information about notarial acts was adopted.

The French notary adopted the official coat of arms, which has been preserved unchanged since 1676. It was after this that notaries began to certify the validity and authenticity of documents. They began to act on behalf of the king of France, that is, the state.

There was a separate chapter on notarial law in the Civil Code introduced by Napoleon in the early 19<sup>th</sup> century, which has remained virtually unchanged to this day.

After Charles the Great approved the concept of notary, which was directly related to the magistrate, the French government became an example in the structure of notaries. Prior to that, the notary was the clerk of the court, who drew up the contracts and submitted them to the judge for signing. Later, the notary became a direct representative of the state government, having the same state seal as the judges and the power to certify contracts. A notary could only be a person who had worked in a notary office for at least 6 years and had passed a special qualification examination.

At that time, the functions of the notary were very wide: notaries approved all acts and contracts, registered property and issued various certificates.

A notary profession was for lifelong. The status of the notary was so important that notarial acts had the power of unconditional proof and were executed without a special court decision.

The Declaration of Human and Citizen Rights was first adopted in France in 1789. Well-known French notaries Bevier, Demose and Gupillo participated in the preparation of the text of the document.

It is known from history that Napoleon was quite professional in notarial matters. In the archives, we can see the confirmation of the marriage contract, mainly in the part related to Napoleon's wife Josephine.

In the 19<sup>th</sup> century, the notarial system in France and other European countries was strengthened and gained power.

The first legislative act on notarial activity was the Ventoz Law, adopted in France in the 19<sup>th</sup> century (March 16, 1803), which has had its effect until now, embodied the characteristics of a free notary and was later called a model of Latin notary. This law has had a significant impact on notaries in Europe and around the world. In 1920, the Association of Notaries was established.

During the 1<sup>st</sup> International Notary Congress in Buenos Aires, Argentina on October 2, 1948, the International Union of Latin Notaries was established with the participation of representatives the Notary Chambers of nineteen countries - Argentina, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Chile, Ecuador, Uruguay, Mexico, Paraguay, Peru, Puerto Rico, Spain, France, Italy and Switzerland.

In the second half of the 20<sup>th</sup> century, notaries began to use telephones and writing devices. Since the end of the century, electronic documentation has been the beginning of a new stage in the development of notaries.