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Review of Notaries Public in England Since the Reformation

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River in Nebraska). Unfortunately, too much modern Sioux and general Indian historiography has been overlooked.

Nevertheless, there is much to commend. One great strength of this work is the intricate explanation of how attorneys for Indians worked, in the United States Court of Claims, in the Indian Claims Commission, and in the Congress. There is great variety and style exhibited, from the incompetence of Ralph Case, the first attorney to file the Black Hills claims, to the legal brilliance of Marvin Sonosky and Arthur Lazarus, Jr. The arguments are fully and clearly presented. The drama of the Black Hills claims are skillfully described. This strength alone makes this work a first of its kind.

Moreover, the author Lazarus is exceptionally able in his explanation of the legal labyrinths to which Indians are subjected, such as the laws of the Indian New Deal, the Indian Claims Commissions, and the jurisdictional and procedural features of the Court of Claims. This is not small achievement. In addition, the story is carried past 1980, and this is important. The Bradley bill and its political folly are for the first time detailed historically.

Black Hills/White Justice breaks new ground in American legal history. It successfully offers the legal intricacies of twentieth-century Indian law within the framework of a case biography. It represents an important contribution to the literature of American law.

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Christopher W. Brooks, Richard H. Helmholz, and Peter G. Stein, *Notaries Public in England Since the Reformation*. Norwich: The Erskine Press, 1991, ix, 148 pp. \$60.00.

Notaries Public in England Since the Reformation is a book on a subject that has heretofore been largely untouched by historical analysis. It is the result of the curiosity of the Italian National Council of Notaries as to the history of the notarial profession throughout Europe. Not only does this book give an English perspective as to the profession of notaries public, but it also illuminates an obscure corner of the legal profession in England.

This book begins with an extended discussion of the place of notaries public in the English church courts. Professor Helmholz shows that the registrars and their deputies in the ecclesiastical courts were required to be notaries. Moreover, the procedures of those courts required that many documents be notarially authenticated, and thus many of the lawyers practicing there found it convenient to be notaries as well. In the area of international commerce, many types of documents were more secure if notarized, and it was crucial for protests of bills of exchange and shipping loss protests to be authenticated by a notarial seal. However, English contracts, conveyances, wills, and other legal documents that lacked international significance were not notarized. Thus the English notary had very little business compared to his continental counterpart, and the size of the English profession was comparatively minuscule. It also explains the lack of English notarial registers or books of acts.

In medieval England, notaries were appointed by delegation from the pope; after the break with Rome, they were appointed by delegation from the archbishop of Canterbury, who had statutory authority to make notaries. There were only a

very few imperial notaries in medieval England, and most of them were papal notaries as well. It is interesting to note that the first notary in Virginia was appointed in 1662 by an act of the General Assembly because "certificates and other instruments to be sent out of this country have not that credit given them in foreign parts as duly they ought." (W.W. Hening, *Statutes at Large of Virginia*, vol. 2, p. 136.)

The middle part of this book is concerned with the relationships between notaries and scribes and between notaries and solicitors. Perhaps the term "relationship between" is too abstract for this reviewer to use since notaries were usually also public scribes and/or practicing solicitors. Dr. Brooks demonstrates at length the lack of need in England for notaries except in international and ecclesiastical matters. The notaries outside of London and most of those in the city earned their living doing other things than authenticating documents.

The last part of this book is a description by Professor Stein of the English notaries from 1800 to the present. It is the story of the public regulation of the profession and of the persistent existence of this small and barely visible group, a body of legal specialists within the world of international commerce. By contrast, it is interesting to note that in the United States, notaries public are now merely commissioners for oaths, and, though they have notarial seals, their "acta" are not internationally accepted.

This short book is a useful compilation and exposition of the scattered data on English notaries during the period under consideration. The authors are to be congratulated, and the book is to be commended.

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Cavallar, Osvaldo, *Francesco Guicciardini Giurista: I Ricordi Delgi Onorari*. Milan, Italy: Giuffrè Editore 1991. xxi, 396 pp. 42,000 lira.

Francesco Guicciardini is best known as a Florentine politician and man of letters, especially a historian, and as a younger contemporary of Machiavelli who was even more embittered by the turn of events in the wake of the *calamita* produced by the Italian wars beginning in 1494. But Guicciardini also had a private career, having studied law in Florence and other universities, taken his degree in *ragione civile* at the Studio Pisano in Florence in 1505, and practiced law in the interstices of his public life. "Surely," Guicciardini remarked, "services rendered to a people or to society at large are accounted less than those done to a particular person";¹ and this may well reflect his own experiences as ambassador, governor of Modena and Regio, and other public officers, which neither brought him satisfaction nor contributed to the welfare of the Florentine state or of Italy as a whole, whose tragic fortunes he traced in his magnificent and pioneering *Historia d'Italia*.²

In the present work Osvaldo Cavallar fills this biographical lacuna with this study of Guicciardini's activities as a lawyer in the areas of Florentine dominance, based on a record of his legal fees, *Ricordi degli onorari* and accompanied by an informative preface by Julius Kirshner. Cavallar's purpose is two-fold: "the iden-

1. *Maxims and Reflections of a Renaissance Statesman*, tr. M. Domandi (New York, 1965), 137.

2. *The History of Italy*, tr. Sidney Alexander (Princeton, 1969).