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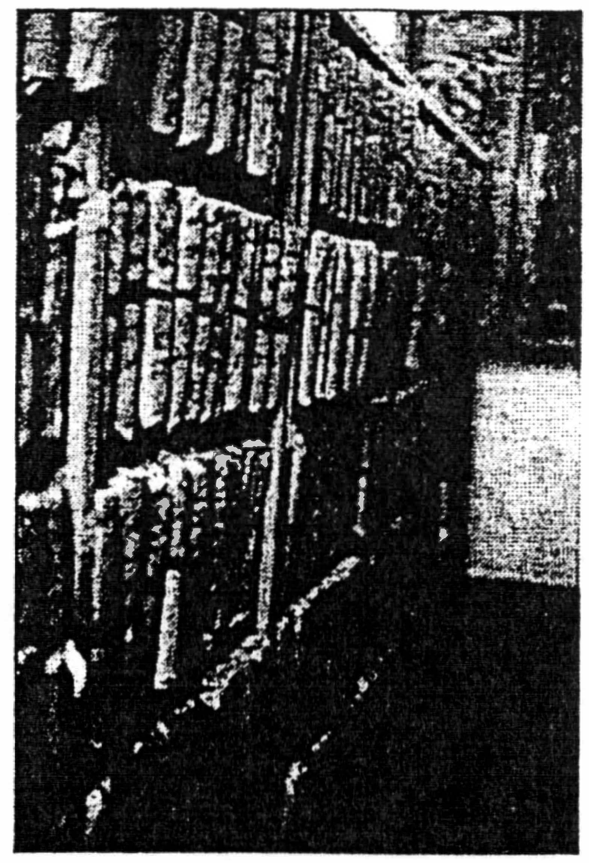
Protocolos Notariales: 1578-1900:
Preserving and Disseminating the Keys to Spain's New World

Proposal presented
by the George A. Smathers Libraries, University of Florida,
and the Archivo Nacional de Cuba, Academia de Ciencias de Cuba

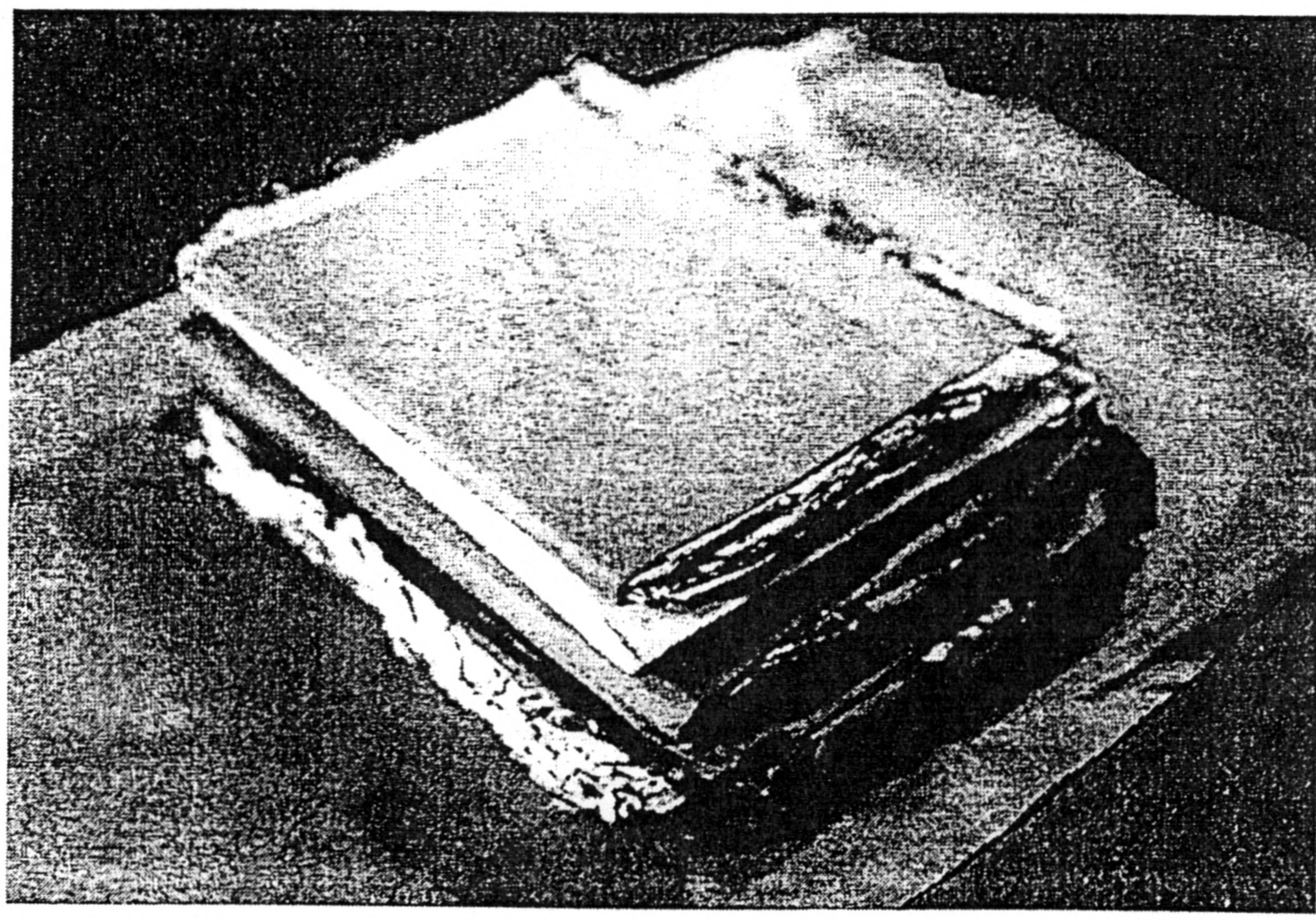
Introduction

In late June 1794, Adjutant Major Tomás García, a member of the Spanish expeditionary force sent from Havana to quell the rebellion of slaves and free coloreds in St. Domingue, lay dying in his cramped, dirty quarters in the barracks in San Rafael on the island of Hispaniola. After his death, a copy of the will that he wrote prior to his departure from Cuba was discovered among his personal belongings. His comrade-in arms carried it back to his widow in Havana where it became part of nearly 6,700 folio volumes currently held in the Archivo Nacional de Cuba and known as the *Protocolos Notariales* (PN). For scholars, García's testament provides a wealth of information that can add a personal dimension that rarely appears in imperial and institutional histories. In García's case, his life and the circumstances surrounding his death were particularly significant since he was a participant in the failure of a military campaign that resulted in the creation of the first independent black republic, Haiti, ten years later in 1804.



Nature of the Problem and the Purpose of the Request

Presently, García's testament and similar documents in the PN are available to researchers only with great difficulty. More serious, however, is the fact that this world patrimony resource is in imminent danger of deteriorating beyond recovery. The University of Florida in partnership with the Archivo Nacional de Cuba (ANC), the repository of the *Protocolos Notariales*, seeks to preserve these archival materials for future scholars and to make them more easily accessible to scholarship and research. Together they propose to initiate the preservation of this archive and to make it available to the international community through a variety of media such as microfilm, digitization, CD-ROM, and ultimately as an electronic resource on the Internet. The project for which funding is currently sought will create both an infrastructure that will permit preservation to begin, and also one that can be employed as future preservation efforts continue for the entire collection. The first phase is expected to last for no more than two years. At the end of this period, a more comprehensive project will be proposed based on an assessment of feasibility, evaluation of obstacles encountered in the first project, and an objective description of accomplishments to that date.



This project seeks to preserve primary documents for future scholarly use in collaborative environments and through collaborative investments of technology, staff effort, and collections. As such it is comparable to similar projects funded by the Mellon Foundation such as the newspaper scanning and indexing project at the University of Florida for two Caribbean newspapers one Haitian: *Le Nouvelliste*, and one Cuban: *El*

Diario de la Marina. While the obvious beneficiaries will be members of the historical community, disciplines such as international relations, political science, law, business and commerce, medical research (into folk medicine, for example), and environmental science stand to profit from the preservation and dissemination of this massive aggregation of unique materials.

Significance and Utility of the Project

Spain's empire from the 16th through the 19th century spread over more than half the globe. This far-flung enterprise was linked by the *Carrera de Indias*, a fleet system that moved people, personal effects, gold, silver, precious gems, commodities, and information throughout the world. One of the two key intersections of this complex network was Havana, the *Llave de las Indias* or the Key to the New World (the other being Cadiz, Spain's Atlantic port of departure). Havana's importance derived from its strategic location. Maritime currents and prevailing winds determined that the city would become the port of final departure for all persons and products that traveled to Spain from the major ports of the empire.

Transoceanic travel was a risky business at best; one in four ships was lost to the dangers of the sea and the hunger of Spain's international rivals. Prior to their departure, prudent men and women traveling on the ships of the *Carrera* visited Havana's cadre of notaries where they had their precious documents copied and stored for safekeeping. Over a period of four centuries, the process was repeated with tens of thousands of travelers. Havana's notaries also wrote and recorded the life documents of Cuban residents, military officers, international merchants, free people of color, manumitted former slaves, and, on occasion, men and women who still were enslaved. Major events and personalities, and also the most mundane and everyday activities such as the assignment of a power-of-attorney, were scrupulously recorded in these hand-written records.

For nearly sixty years, historians have used notary records to recover the "structures of everyday life." Beginning with the Annales School, through community studies in North American history and anthropology, to James Lockhart's path-breaking book, *Spanish Peru, 1532-1560: a colonial society* (1968), local records have added depth, nuance, and the experiences of real people and lived lives to imperial or institutional history. For example, one recent study uses Havana's notary records of slave sales to challenge the widely-held notion of the "unprofitability of slavery and its incompatibility with capitalism." (Bergad, Iglesias, and Barcía, *The Cuban slave market: 1790-1880*, 1996). But the value of Cuba's notary records goes far beyond its narrow geographic scope. Havana was more that just the key to Spain's empire; its notaries recorded documents from all of the regions within its networks that today form parts of many nations. Florida, Louisiana, Jamaica, Santo Domingo, Mexico, the present-day U.S. Virgin Islands, and all nations of the Caribbean Basin are represented in the

voluminous documentation.

In addition, because all ships were required to traverse the obligatory return route to Spain, until 1778, every human being, every gold bar and silver peso, every carton of dyes, every cacao bean and tobacco leaf, every royal official and official document were required to pass through Havana before departing for their ultimate destination in Europe. Cities as far removed as Acapulco and Manila, not to speak of Madrid and Amsterdam, formed part of this network, and Spanish merchants returning to Spain from cities around the Pacific rim via Vera Cruz or Portobelo, routinely recorded their wills and other family papers, commercial and legal documents, and depositions as to what products and personal effects accompanied them to Cadiz or Bilbao. By the 19th century, Havana was a cosmopolitan metropolis where British naval officers dedicated to ending the illicit slave trade rubbed elbows with New England's Caribbean plantation owners, with US naval officers, with Cubans of all classes and ethnicities, and with Asian indentured laborers. At one time or another, all of these groups needed the services of Havana's skilled record keepers.

It is not surprising, therefore, that the material in the PN is relevant to a variety of historical studies and pertains to many geographic areas. Tomás García's last will illustrates this fact. He (like many men) declared his loyalty to his country and to his unit when he wrote, "I must follow my flag," words that strike a responsive chord in such diverse disciplines as military history and the new histories of personal and interior life. Researchers of women's history, gender relations, and the history of the family will be interested in analyzing García's expression of his "profound love" for his wife, and his gratitude "for the good union that she has maintained in our marriage." (García, 1794) [ANC, Escribanía de Guerra, 3 July 1794.] García died of a lingering illness. Thus, to continue with this illuminating but by no means unique case, historians of medicine can profit from the details in the description and analysis of his body and the inventory of his effects to tease out the cause of his death. Disease plagued later expeditions to St. Domingue, and many argue that it was the primary reason why European nations failed to reconquer the island. (Geggus, *Slave resistance studies and the Saint Domingue slave revolt: some preliminary considerations*, 1983) The influence of disease in foiling the combined Spanish and British expedition of 1793-1794 has not been explored in any way, nor has any connection been made between the yellow fever epidemic that struck Havana (and Philadelphia) at virtually the same moment as the St. Domingue campaign.

The PN records will contribute fundamental resources for many disciplines, and will also contribute to many national histories and to the wider transnational perspective of Atlantic world history. One such participant in these processes was Moses E. Levy, a Jewish merchant born in North Africa who emigrated to Gibraltar, then to Saint Thomas, and then to Cuba, where he purchased a plantation in 1816. Levy's partner in Saint Thomas was the father of the man who became vice-president of the Confederacy (Judah P. Benjamin), and Levy was an intimate friend of the Cuban Intendant, Alejandro Ramirez. Finally, in 1820, Levy decided to emigrate to Florida where he hoped to establish a utopian community of European Jewish immigrants on 53,000 acres in the Florida wilderness. To be able to purchase the land in Florida, Levy sold his plantation in Cuba. Both transactions were recorded in Cayetano Pontón's notarial archive in Havana in 1820. (Monaco, ed., *A plan for the abolition of slavery: consistently with the interests of all parties concerned,* by Moses E. Levy, 1999).

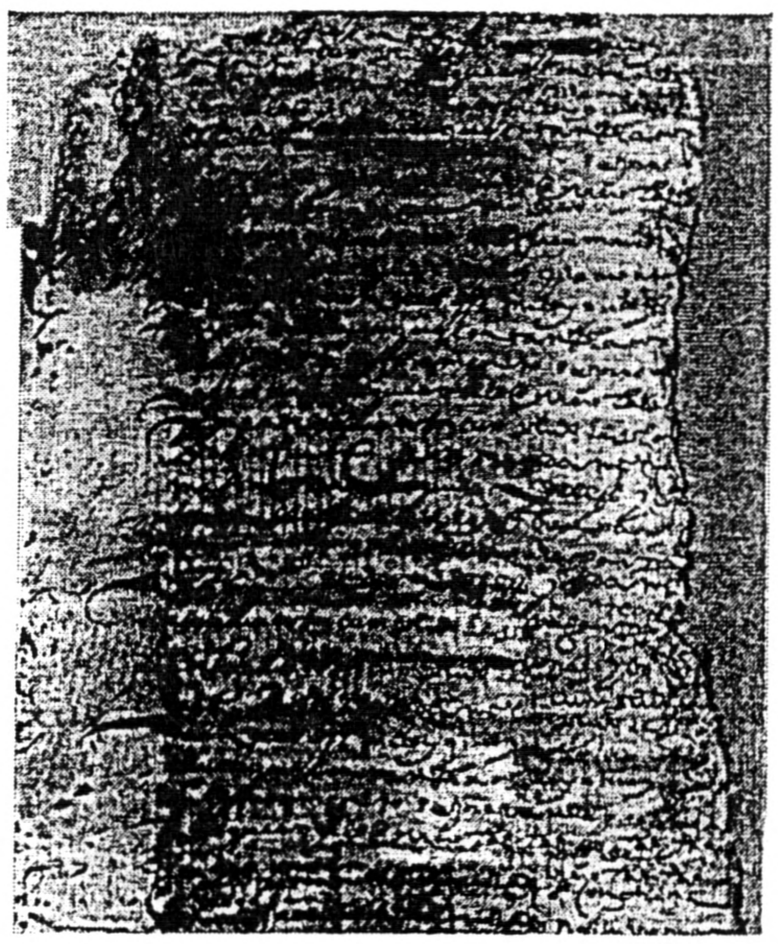
Among the greatest contributions of notary records is their utility in reconstructing the life histories of ordinary and/or *marginal* people such as Havana's free people of color. This ethnic group enjoyed exceptional privileges. Many documents in the *Protocolos* from the 1740s through the 1790s allow historians to reconstruct the life history of Cristóval Cárques, from a prosperous free colored family who served in Havana's *pardo* (colored) militia and enjoyed enviable capital accumulation. At the time of his death, Cárques owned four houses in Havana and had a personal wealth of over 6,000 pesos. Havana's notary records also detail the exceptional story of Antonio Abad del Rey from Guinea and his Conga wife, Rosalia Sabiona, who, within their lifetimes, went from being property to being property owners. In similar fashion in the 1860s, Dorotea Albear, a former slave and a priestess of the African Lucumí religion *Regla de Ocha* (popularly known as Santería), grew to be one of the important apostles in spreading *Regla de Ocha* outside of Havana to the rest of the island. Lucumí oral tradition maintains that Albear derived her power and status from her African origins. The recovery of her manumission certificate issued by her former owner Spanish engineer Francisco de Albear (better known as the architect who built the aqueduct that brought water to the city) and alluded to in her death certificate in the Colón Cemetery, would confirm or contradict such a claim. Oral tradition also maintains that Dorotea Albear was literate. The notary records could confirm or negate many such [hi]stories and myths.

As the previous examples illustrate, the quantity and variety of notary documents explore far more than insular processes, and tantalize historians of many areas. Cuba was the final destination of many national and ethnic diasporas, and thus Cuba's *Protocolos Notariales* can yield information about the fate of Yucatecan Maya rebels deported as forced labor after the Caste War of 1847; of Irish laborers or Chinese "coolies" brought to build Cuba's railroad; of diehard slaveholders from the defeated Confederacy; and of pan-Caribbean migrants from Jamaica, Haiti, and the Bahamas.

Status and Execution of the Project

In the two years since this project's inception, much progress has been made. Perhaps the pivotal achievement was securing the necessary permissions to proceed: approval at the highest levels both in Cuba and the United States enabled an agreement between the Archivo Nacional de Cuba and the University of Florida to be signed in March, 2001. An academic advisory board to oversee the project has been appointed, and includes scholars such as Franklin W. Knight (Johns Hopkins University), who has agreed to serve as chair; Fé Iglesias García (Unión de Escritores y Artistas de Cuba); Murdo J. MacLeod (University of Florida); Sherry Johnson (Florida International University); Alfred Lemmon (The Historic New Orleans Collection); Steve Dalton (Northeastern Documentary Conservation Center); Charles Wood (University of Florida); Bruce Chappell (University of Florida); John Ingram (University of Florida, *ex officio as project director*).

The George A. Smathers Libraries of the University of Florida has extensive experience in microfilming and digitizing archival resources. The Preservation Department and the Digital Library Center are at the forefront in analog and digital reprographic technology and have completed several Research Library (RLG), NEH, and Mellon grants in the past. The technical team will draw upon the staff of the Latin American Collection to provide exceptional bibliographic support, and both are guided by UF's membership in the Association of Research Libraries to insure that the results of the project meet national goals. A team of qualified technicians will work with similarly qualified counterparts in Cuba. Graduate students from UF trained in history and paleography will work with researchers in the ANC to create scholarly access to the digitized documents.



Goals and Objectives:

The project's goals are to preserve a unique source of information (*Protocolos Notariales*), which is in imminent danger of deterioration beyond recovery, and just as important, to make this resource available well beyond its current single locus of physical and intellectual access. The project aims to increase the level of intellectual access through microfilm, CD-ROM and the Internet.

The initial project's design includes the following major objectives:

1) The on-site preservation microfilming of approximately 70,000 pages from 50 folio-size volumes of the *Protocolos Notariales*. Each volume contains approximately 1,400 pages, and the volumes will be drawn from each century, thereby providing sufficient data for estimating the time and funding needed for and the anticipated size of product of the larger project of 6,658 volumes that survive for the period 1578-1900. This component of the project will produce two master negative microfilms (camera and print masters) as well as positive copies for the partnering institutions. Cathleen Mook, head of preservation at the University of Florida, spent one week at the ANC in 2001 to review some fifty representative volumes of notary protocols. Preliminary data derived from her review was used to establish the proposed activities and timelines connected with the preservation and digitization efforts.
2) A copy of the positive microfilm will be scanned to create digitized images of the *Protocolos Notariales*, which will be made accessible on the Internet.
3) Existing indexes that are bound in the volumes will be used to produce initial subject access points, while additional subject and thematic points of reference will be created from the digitized versions of the documents, all of which will be morphed into metadata that will provide intellectual access to the digitized *Protocolos Notariales* via the Internet and CD-ROM.
4) A research guide to the microfilm collection will also be published in both electronic and paper formats.
5) The metadata, research guides, and scanned images of the documents will reside on a server at the University of Florida. These resources will be accessible not only to the ANC and UF and their constituencies, but also to a wider international community.
6) An additional application being considered will be to provide microfilm and CD-ROM copies of individual documents with inclusive metadata access.

Project Design, Personnel, and Results

The project's design meets successfully the goals to provide for the material's preservation and improved access. The major goal for preservation is to produce

archival quality microfilm that will insure retention of the information in the original paper documents while decreasing the need to use the documents themselves. The goals for intellectual access include the increasingly more available metadata access to the scanned copies of the documents, and electronic and paper versions of the research guides to the microfilm collection. The anticipated sequence of activities calls for first microfilming the documents onsite at the ANC and also processing the camera master there. Subsequently, the camera master will be used to produce other copies in the United States via the university's preferred reprographics vender. One positive copy of the film will be used to produce the scanned images of the documents. The uneven nature of the deteriorated original material in terms of condition, age, quality of paper and ink argues for the use of microfilming in preference to direct scanning, - both for cost and quality of image - and thus the proposed sequencing of the project. Once the scanned images are available, carefully trained students in Spanish paleography at the University of Florida (and perhaps at the ANC) will prepare subject and thematic access to the information content.

The personnel who will participate in this project include scholars in the fields of Cuban and Caribbean history and culture who have worked at the Archivo Nacional de Cuba and especially with the *Protocolos Notariales*. The staff of the Latin American Collection at the University of Florida will work closely with project personnel to insure exceptional/excellent bibliographic support. Because the University of Florida is an active member of the Latin American Program of the Association of Research Libraries, the results of this project will address/meet national goals and will be widely shared. The Preservation Department and the Digital Library Center at UF are at the forefront of analog and digital reprographic technology and have successfully completed several Research Libraries (RLG), NEH, and Mellon grants that will support a successful technology component for this proposal. Likewise, staff at FCLA (the Florida Center for Library Automation) will provide their extensive experience in mounting the metadata and in helping to design the platform.

In sum the project's design:

Addresses successfully the exceptional nature of the *Protocolos Notariales* as well as their urgent need for preservation attention;
Provides a program of action through which to preserve the material and make it internationally accessible through the Internet;
Provides for the continuing support of additional similar projects.

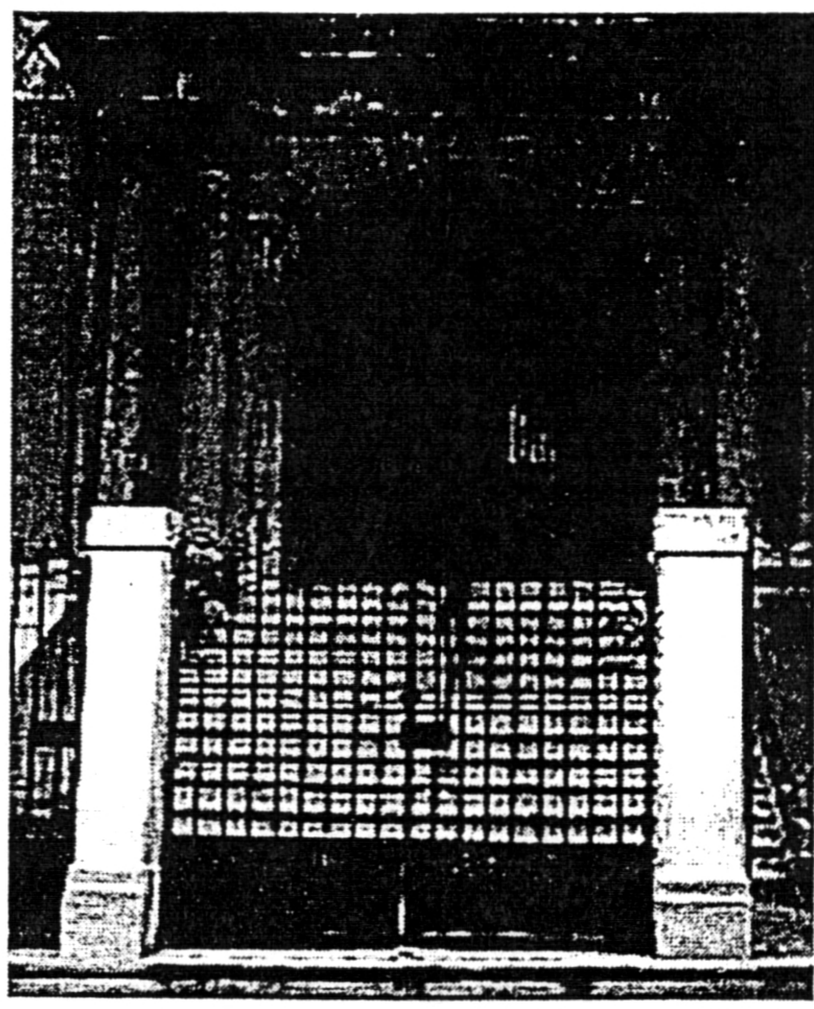
Pilot Project Rationale

To demonstrate the viability of the project design for staffing, process, and funding, and to test the practicality of project sequencing, a pilot project is proposed. The objectives of this model are to measure the rates of progress in:

Identification and selection of targeted material;
Its preparation for filming;
The microfilm process itself, including quality control;
Preparation of microfilm print master and positive copies.
The time needed for transferring the documents from microfilm to electronic format (scanning);
The time needed to prepare subject access to the documents.
Preparation of metadata for subject access, as well as structural metadata.

Summary

Successful completion of the pilot project, and implementation of the comprehensive program to protect and make accessible the *Protocolos Notariales,* will allow the University of Florida and the Archivo Nacional de Cuba to preserve a unique world patrimony resource in perpetuity for the benefit of humanities research worldwide.



Budget statement

The proposed budget for this pilot project will be $250,000. The figure is approximate and covers costs for project equipment and raw materials (microfilm, CD-ROMS, etc.), personnel expenses and training on site staff, all work related to the preparation of the material for microfilming, the microfilming and digitization of the microfilmed pages of the *Protocolos Notariales*, quality control of both microfilm and scanned images, administrative overview, and staff and consultant travel and expenses for the pilot project. One-time costs include: equipment to be placed on loan at the ANC, including microfilm camera, microfilm processor, computer, microscopes: $100,000; travel expenses for advisory board meetings (two): $25,000; training of staff at the ANC, including mid-project evaluation: $10,000. Recurring costs include raw microfilm and processing chemicals; duplication; scanning, and metadata creation (with content analysis): $115,000.

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