

Good News

Sometimes, perseverance pays off, and this is the case of the work carried out over many years by Carles Querol, historian and ex-mayor of Sant Sadurní d'Anoia. His steadfastness in seeking out his town council's minute books has forced the Spanish Government Office in Catalonia to make the decision to return these documents, and others in its archive, to their rightful owners.

This has been made possible by his persistent digging over the years, following clues that led nowhere much of the time, from interviewing the council secretary of the time to consulting President Tarradellas's archive, to visiting the General Civil War Archive to check that the documents were not amongst the so-called Salamanca Blood Papers.

It was not until a couple of years ago that chance led Carles Querol to find the minute books and other Sant Sadurní municipal documents in the archive of the former Civilian Government of Barcelona. This discovery also helped him to find other municipal documents from the town councils of Capellades, Falset, Guissona, La Floresta, Marçà, Preixens, Sant Jaume dels Domenys, Sarral and Vallbona de les Monges in the same archive.

As a result of this, the ten councils made a formal written request to the Spanish Government Office in Catalonia that the documents be returned and, finally, after many postponements, on 29 July 2010, the Spanish Government Office in Catalonia handed over the confiscated documents to the town councils requesting them. Noteworthy amongst the reasons given by the Office for returning the documents is the fact that there is no record of any administrative document assigning possession to the Spanish Government, along with the fact that Ministry of Culture services have certified that the books bear no relation to the documents confiscated by Franco's Office for the Recovery of Documents and, therefore, are not affected by Law 21/2005, of 17 November.

The documents, mainly municipal minute books and accounting books, were confiscated in the early days of occupation by Franco's troops, with no document being drawn up to register the transfer or record the requisition of the documents. This meant that for many years it was believed that they had been destroyed when the Republican troops were withdrawn.

Here at the AAC we wish to thank Carles Querol for his tenacity in never giving up, despite the setbacks, and we also wish to highlight the collaboration of archivist Josep Maria Masachs, who has always maintained that 'things don't get lost, they are just badly filed'.

Furthermore, we reiterate the need for a team of archivists to visit the archive of the former Civilian Government to verify whether there are documents from other Catalan town halls there or from other organisations and associations that suffered repression under Franco.

Another encouraging piece of news for the resolution of a dispute that has gone on too long are sentences 46/2010, 47/2010 and 48/2010 of the Spanish Constitutional Court (TC), which reject the appeals lodged by the autonomous

communities of Aragon, the Balearic Islands and the Community of Valencia, respectively, against Additional Provision Thirteen of the Statute of Autonomy of Catalonia on the grounds that it is unconstitutional.

This provision establishes that 'documentary collections of Catalonia located in the Archive of the Crown of Aragon and in the Royal Archive of Barcelona form part of the archive system of Catalonia'. Based on this, the autonomous governments of Aragon, the Balearic Islands and the Community of Valencia lodged appeals in order to avoid losing sovereignty over part of the documents in the Archive of the Crown of Aragon (ACA).

As established in the three TC sentences, 'these are "collections" that form part of the archive system of Catalonia; if located physically in Spanish archives, the integration of the collections located in the Archive of the Crown of Aragon and the Royal Archive of Barcelona in the archive system of Catalonia implies no alteration of their intactness, nor does it affect the authority of the State. Thus the statutory prescription cannot mean the disappearance of the ownership and the State's free disposal of these collections; it merely introduces a qualification that can only add overprotection to these collections.'

We can draw two conclusions from these sentences: firstly, that the fact that the collections of Catalonia located in the Archive of the Crown of Aragon and the Royal Archive of Barcelona be integrated into the Catalan archive system is not unconstitutional, which implies that it is Catalan legislation, in particular Law 10/2001 governing archives and records, that applies to these collections; and secondly, that all ACA collections belong to the State, which can be interpreted in two ways. One cannot help noticing that the TC has emphasised the State ownership of the ACA, seemingly to guarantee that all the collections currently housed there stay there, whilst also implying that the State is the only party with which the Government of Catalonia needs to negotiate in order to recover its own collections.

We must remember that this archive, originally called the Royal Archive of Barcelona, has a curious history, mostly due to its change of name in the mid-eighteenth century, when the archivist of the time requested the unification of the royal archives of Saragossa, Majorca, Valencia and Barcelona in a single archive. Although this proposal did not prosper, the name of the Royal Archive of Barcelona was changed and it became the Archive of the Crown of Aragon.

This, along with the entry of documents from other Catalan institutions (Government of Catalonia, the *Consell de Cent*, monastic orders, the Treasury, the Labour Courts, Civilian Government of Barcelona, and so on), means we must state clearly that we are not talking about a single archive, but several different archives under one name. We are talking about the collection of the Royal Archive of Barcelona, but also about the collections of the Government of Catalonia and numerous monastic orders, and of Catalan notarial protocols.

Today, the crux of the matter remains the separation of Catalan collections and collections that are common to the lands of the former Crown of Aragon. The former are those that, in accordance with the Statute, must be integrated into the Catalan archive system, while the latter are those to be governed by ACA Board of Trustees.

As stated in the book *L'Arxiu de la Corona d'Aragó: un nou perfil per a l'Arxiu Reial de Barcelona*, by archivists Ramon Planes, Laureà Pagarolas and Pere Puig, the opinion of the professionals is very clear regarding which collections in the ACA belong to Catalonia and how this situation should be settled.

Bearing in mind this comprehensive study, the AAC defends the conception of a new profile for the ACA which is more consistent with the new definition of functions and with the revision of its contents in three blocks. Firstly, the ACA and its Board of Trustees should govern the documents in the collections of the Royal Archive of Barcelona and of the Council of Aragon. Secondly, the Governments of Catalonia and Spain should govern the collections of the Royal Treasurer, the General Council of Catalonia, the General Service Corps of the Principality of Catalonia, the Royal High Court of Catalonia and the General Governorship of Catalonia. And thirdly, the collections of sections of the Government of Catalonia, monastic orders, notarial protocols, the Treasury Office and most of the 'Miscellaneous and Collections' section should be incorporated into other archives in the Catalan archive system.