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ARCHIVES OF THE
ROYAL
CHANCELLERY
OF VALLADOLID

C 1692/9

Front cover:

*Central court. The building was rebuilt in 1972
keeping the original construction of 1602.*

Back cover:

*Cover and miniature from the letters patent
of nobility of Juan de Vargas of Simancas, issued by the
Tribunal de la Real Chancillería. 1577, February 5. Valladolid.*

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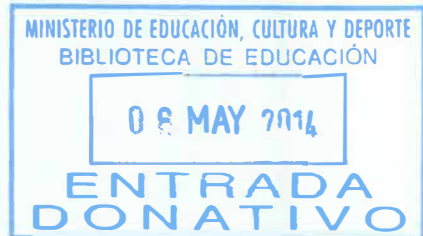
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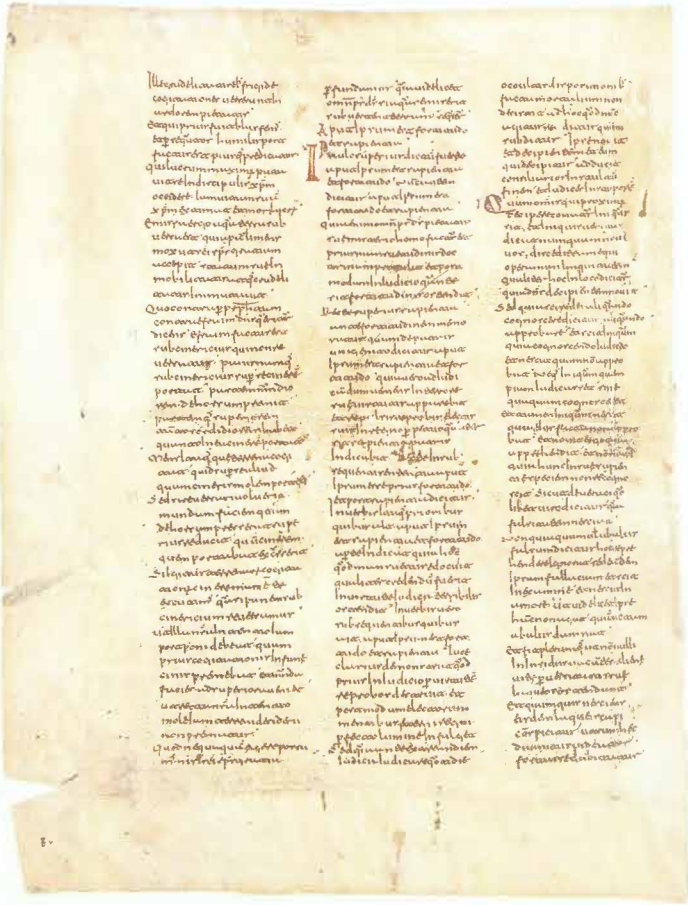
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ARCHIVES OF THE ROYAL CHANCELLERY OF VALLADOLID



Page in three columns, written on both sides, from a codex of a "Moralia" by Saint Gregory the Great (J. R. Asencio). (c. 770-780).

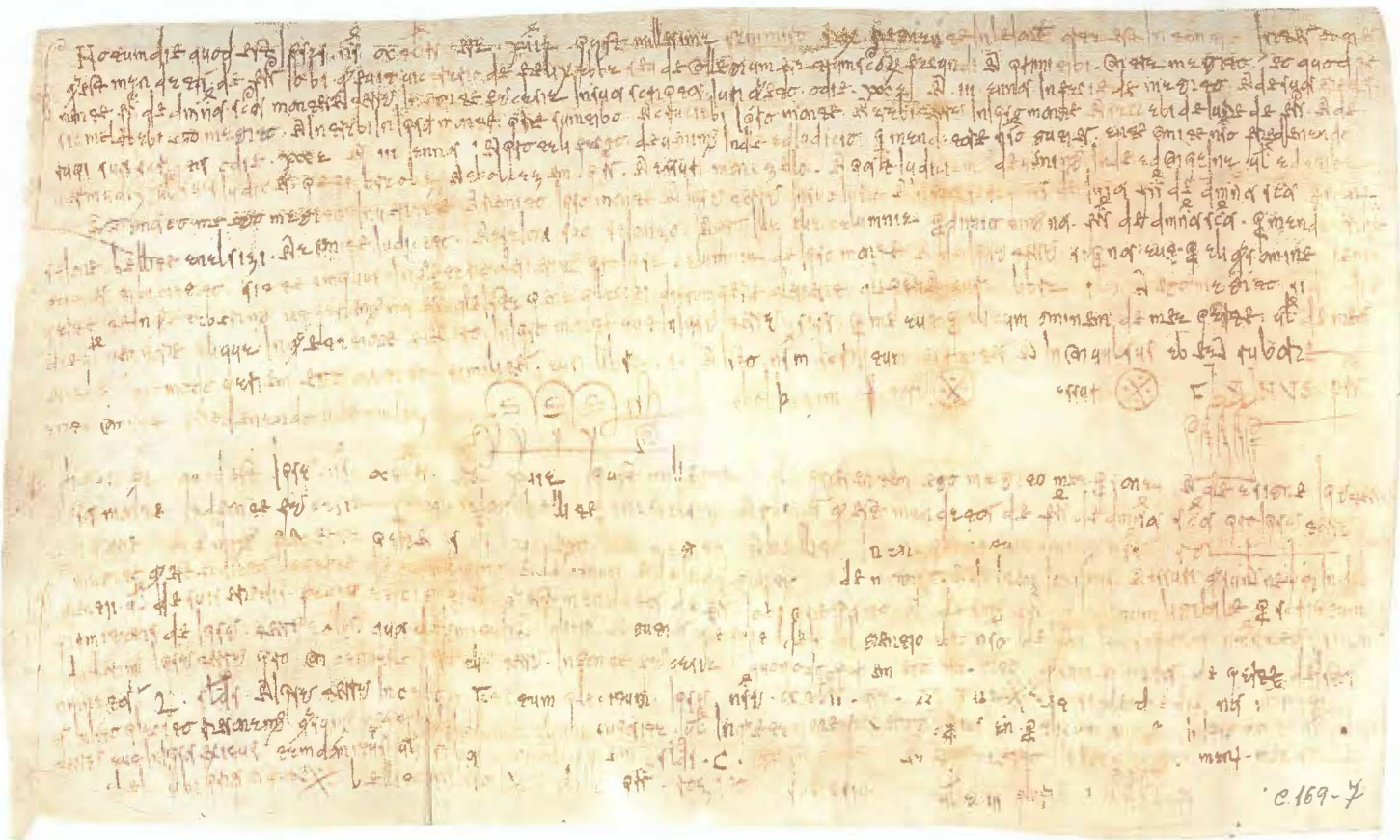
HISTORY

The *Archivo de la Real Chancillería de Valladolid* (Archives of the Royal Chancery of Valladolid) keeps mainly those documents produced by two bodies which existed at different times but which had the same mission of administering justice: the *Tribunal de la Real Audiencia y Chancillería de Valladolid* (Tribunal of the Royal Court and Chancery of Valladolid, 1371-1834) and the *Audiencia Territorial de Valladolid* (Valladolid Regional Court, 1834-1989).

Both bodies produced abundant documentation with a wealth of records in which lawsuits predominate. The information they contain is of very special interest for tracing a history of changing mentalities, as the society's moral codes are clearly manifested in the approach and solutions to questions reflected in these fonds.

The *Tribunal de la Real Audiencia y Chancillería* is Castile's oldest court of justice and survived without a break from 1371 to 1834.

During the Middle Ages sovereignty was characterised by the fact that the king, as sovereign, was the instrument guaranteeing peace and justice, and the exercise of justice was pre-eminent amongst all the monarch's attributes. From the earliest times of the Asturian monarchy, the King had the custom of listening to anyone who



Agreement drawn up between the Monastery of San Benito de Sahagún and various private individuals on land close to Cofiñal (León).
978, October, 7 (s.l.).

pleaded his case before him, but as lands and vassals grew in number, the administration of justice exercised directly by the King got more difficult. Rulers then began to delegate the administration of justice to the clergy or the nobility—who formed the Court—and later to *alcaldes* and *regidores* (local authorities) acting on their behalf, though they always reserved supreme jurisdiction and intervened directly in the appeals. The King and his Court carried out political and judicial functions without distinction, though these two fields gradually took shape and came to constitute clearly differentiated institutions, those devoted to the administration of justice and those responsible for counselling the King's government. Thus an event of special importance during the reign of Alfonso X the Wise was the appointment in the *Cortes* (Parliament) of Zamora in 1274 of 26 judges of which 23 were *Alcaldes de Corte*, who would be responsible in the first instance for matters arising in the King's Court, and three *Alcaldes de las Alzadas* who were assigned to the appeals against sentences by the rest of the kingdom's judges. This was the origin of the *Tribunal de la Real Audiencia y Chancillería*.

In the *Cortes* of Toro of 1371, Henry II of Castile issued the ordinance for the administration of justice, organised

the tribunals and decided their respective powers and established a judicial order in which lawyers predominated, although the king was still the source of justice and the centre of all civil and criminal jurisdiction. These *Cortes* gave shape to the *Audiencia* (Lawcourt), made up of seven *oidores* (judges) who were to meet with the king, but indications were given for how the hearing could be held if he were not present. From this moment, when the tribunal could meet without the king, an independent tribunal was on the way.

FOUNDATION OF THE TRIBUNAL

The Cortes of Toro ordained "...that there should be held a hearing in our palace when we were in the town, and we not being there and being there the queen my wife, that it should be held in her palace; and if the queen were not there, that it should be held in the house of our chief Chancellor or in the church of the town or wherever our chancery should be, wherever it was believed that it would be held most honourably".

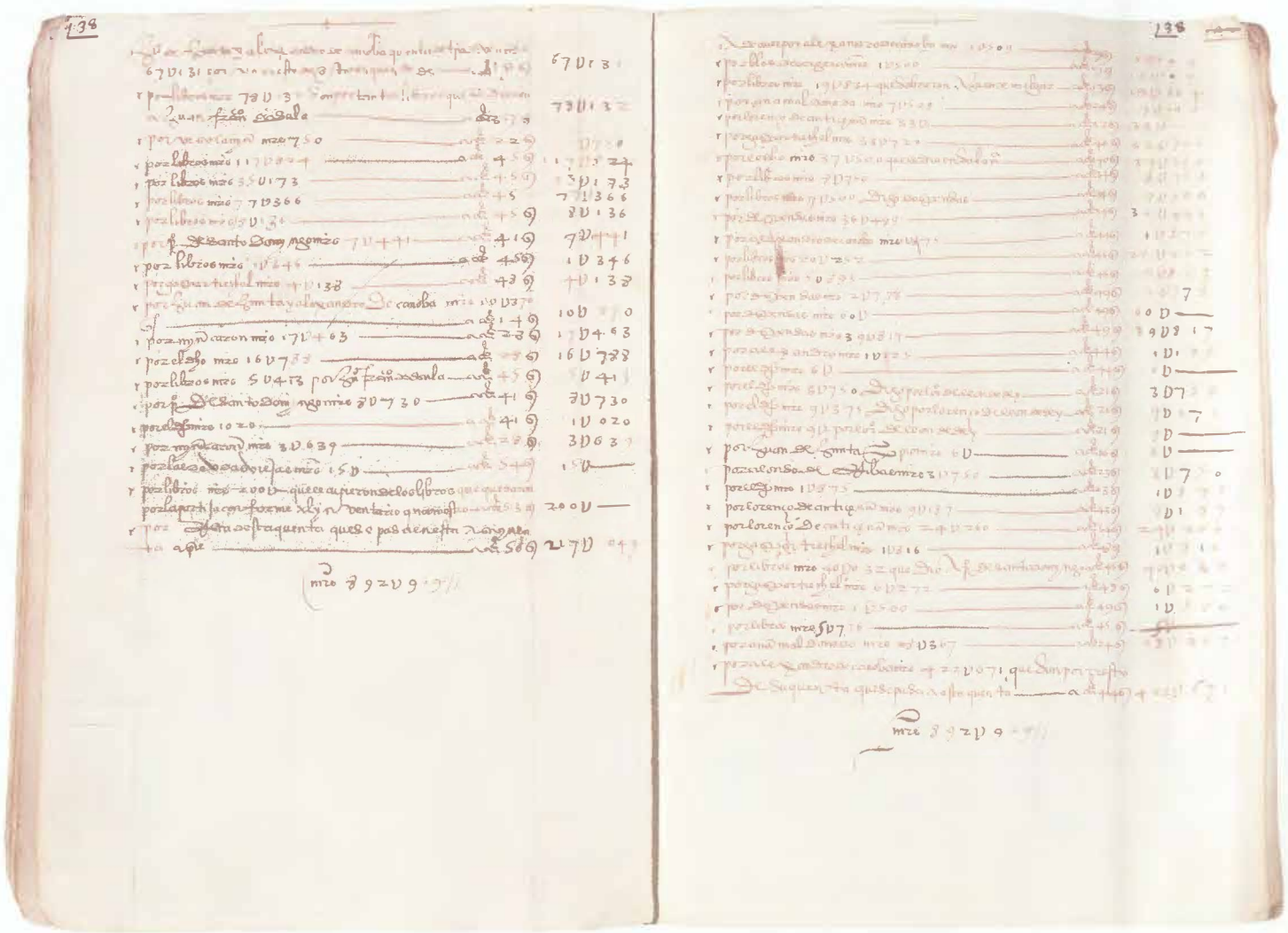
Thus the recently created *Real Audiencia y Chancillería* began to operate without the king, though following him as the Royal Court moved. This was highly prejudicial to officials and litigants, for which reason the procurators petitioned the king for a definitive emplacement which would, they said, improve the working of the Tribunal. For this reason, in 1447 John II established Valladolid as the residence of the *Audiencia y Chancillería*.

In the fifteenth century the *Reyes Católicos* (Catholic Monarchs), the creators of a modern monarchy, consolidated a new state based on a well organised bureaucracy which allowed them to assert their authority. This bureaucracy extended to various aspects of life, since they reformed finance, founded a permanent army, created a stable diplomatic corps, gave structure to the government of the realm and, what is most important for us, definitively organised the administration of justice. They also approved the ordinances for the *Audiencia* and the

rest of the courts making it up and even for the archives: the ordinances of Cordoba of 1485, those of Piedrahita of 1486 and those of Medina del Campo of 29 March 1489 configured the *Real Audiencia y Chancillería* in such a way that they were the definitive and final ordinances for this body. In addition, they served as a model for the creation of the *Audiencia* of Ciudad Real in 1494 (later established in Granada in 1505) and of the *Audiencias* of the New World, especially those of Mexico and Lima.

The government of the *Chancillería* was directed by the President, assisted by the *oidores*, who when meeting constituted the *Acuerdo*. The President was an ecclesiastic in the sixteenth and seventeenth centuries and a layman from then on. He was a leading expert on civil law, a trained jurist and an expert in laws of the Castilian administration, as opposed to other presidents of tribunals in Spain and America who exercised as governors or as

Account book of the printers Alejandro Cánova,
Juan de Junta, Gaspar Trechel and others.
1530, Salamanca.





Page of a lawsuit over the servitude of a shed, in which it is ordered that "a painting in wood be made", model and plan and elevation of the houses of D. Pedro Vivero and Alejo Arias. 1771. Mondoñedo (Lugo).

captains general. His figure and post were so respected that he came to be the most important official in the city and took precedence in official events over the *Rector*, the Inquisitor General, the *Corregidor* and the *Concejo* (Council). As head of the *Chancillería* he came to have up to two hundred people under his authority, who because of the monarchy's tendency to statism and centralisation were to become public officials appointed by the king, though not as officials of the monarch but of the State, which had competence in the administration of justice. Once they had been appointed, the office could not be made over, sold or inherited.

The jurisdiction of the *Chancillería* —that is, the authority with which its court and tribunals were invested for the fulfilment of their function— embraced two different fields: the territorial and the functional.

The territorial ambit extended throughout the kingdom of Castile, until 1494, when the *Reyes Católicos* created

the second *Chancillería*. From this date on the territorial jurisdiction of the *Real Audiencia y Chancillería de Valladolid* encompassed the lands of the Crown of Castile to the north of the river Tagus.

In the functional sphere the competence of the different *Salas*, was as follows: the *Sala de Hijosdalgo* had complete jurisdiction, in it all the nobility lawsuits started and finished, whereas in the *Sala de Vizcaya* lawsuits were heard in appeal as they had to be referred in a sentence by a judge of the *Señorío de Vizcaya*. As regards ordinary civil and penal jurisdiction, the respective *Salas* resolved the so-called *Casos de Corte* from the first instance as because of the condition of the litigants they did not come before the *corregidor*. All other lawsuits were heard in appeal.

The French Revolution marked the start of a new period with new ideas, which materialised in Spain in the first Spanish Constitution, of 19 March 1812, which for the

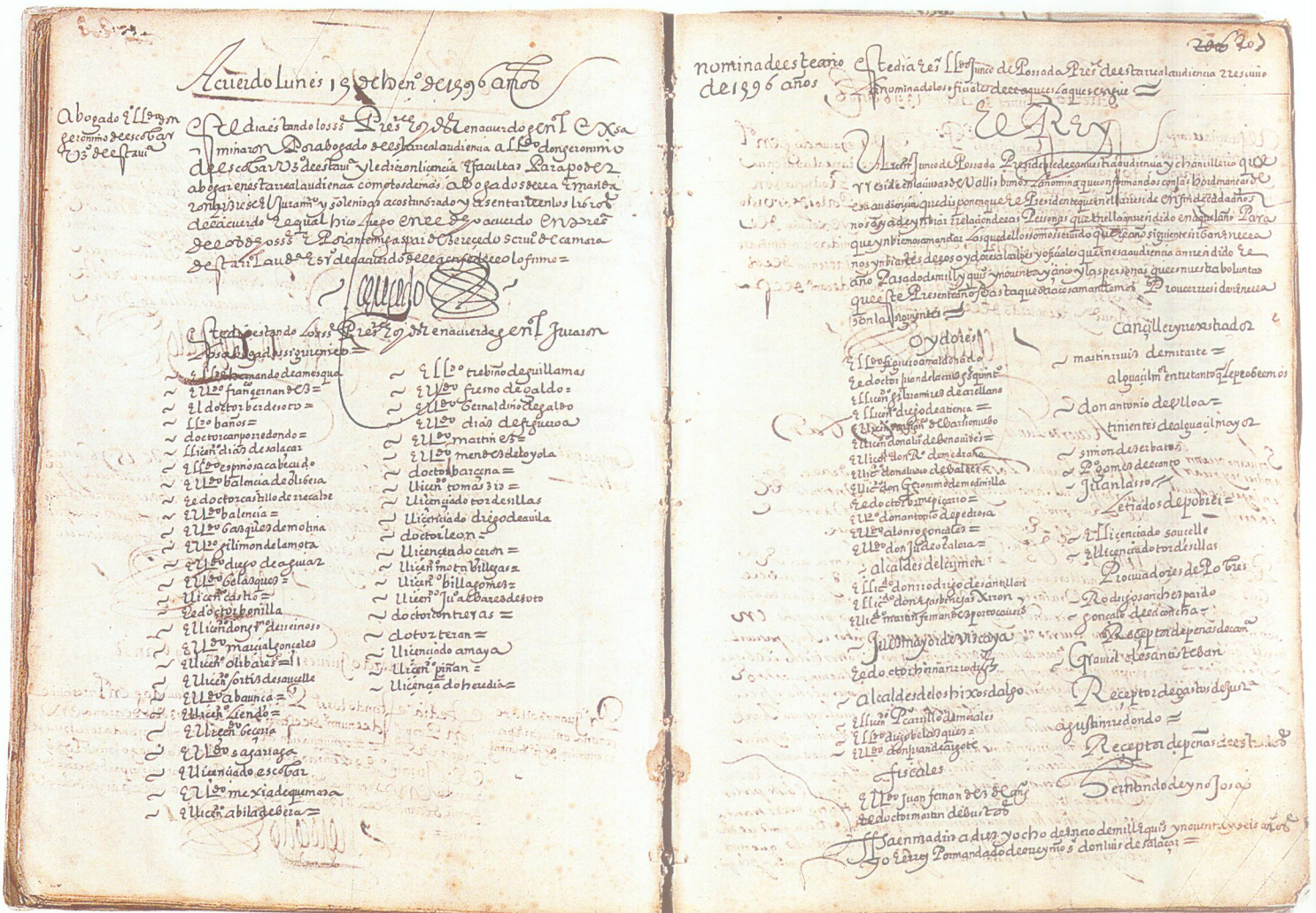
first time abolished the Castilian *Chancillerías*. But it was after the death of Ferdinand VII, in 1834, that the New Regime became established, definitively abolishing the privileges of the *hidalgos* and Biscayans as well as institutions such as the *Tribunal de la Inquisición* (Inquisition Tribunal) and the two Castilian *Chancillerías*, totally changing Appeal Justice from that moment on.

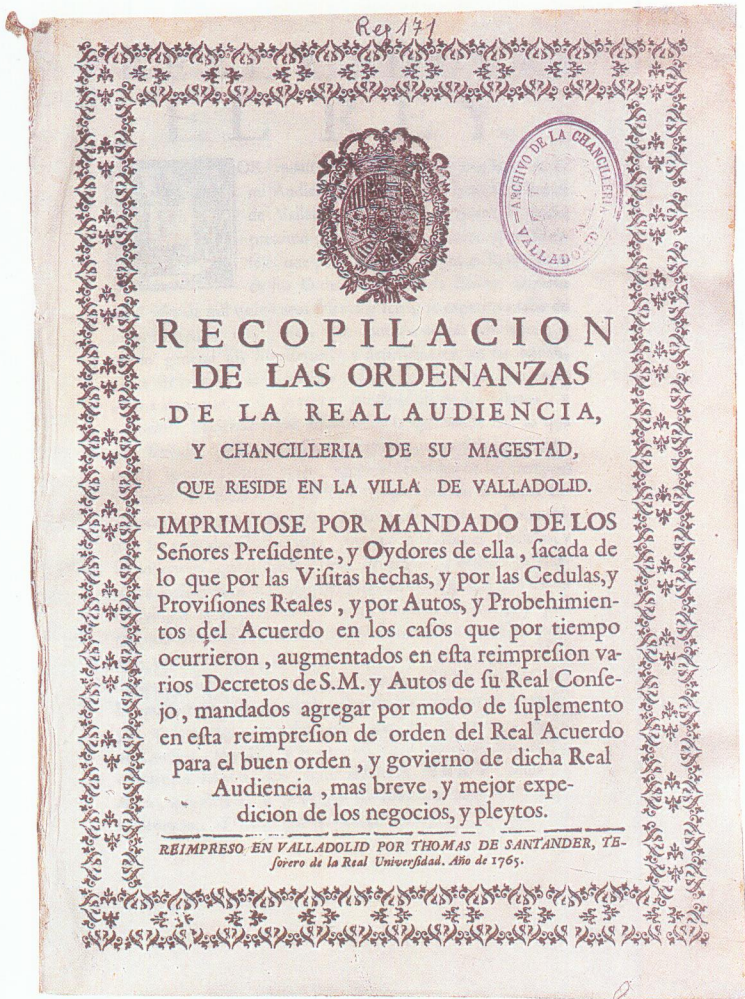
The first legislative act relating to the abolition of the Castilian *Chancillerías* is the Royal Decree of 26 January 1834 setting up the *Audiencia Territorial de Valladolid*, which corresponded to the provinces of Valladolid, León Zamora, Salamanca and Palencia. This decree unified the judicial and administrative demarcations, which had been established by a Royal Decree of 30 November 1833 and which divided Spain into 49 provinces. These two decrees were complemented by a provisional regulation for the *Audiencias* of 26 September 1835 (*Gaceta de Madrid* 14/1/1836), which laid out their powers and attributes, and the ordinances of 20 December 1835,

which specified the territorial limits of the courts, the staff, and how to carry out judicial and government affairs. One point of interest is articles 115 to 122, which stipulated that one of the court scribes of each *Audiencia* would assume the functions of secretary and archivist of the *Audiencia* and specified the records which had to be kept.

Some years later, on 15 September 1870, a provisional law was promulgated on the organisation of judicial power. This law specified the form and functions of the *Sala de Gobierno*, *Sala de lo Civil* and *Sala de lo Criminal*. Afterwards, the law of 13 September 1888 and the general regulation of 29 December 1890 incorporated administrative and litigious jurisdiction under the *Audiencias Territoriales*. Finally, the law of 30 June 1892 and Royal Decree of 16 July of the same year abolished the criminal tribunals not established in provincial capitals. The rest were confirmed with the name of *Audiencias Provinciales* but under the authority of the President of

Minute book of the sessions of the President and oidores of the Chancillería, meeting as the Acuerdo General. 1587-1600. Valladolid.



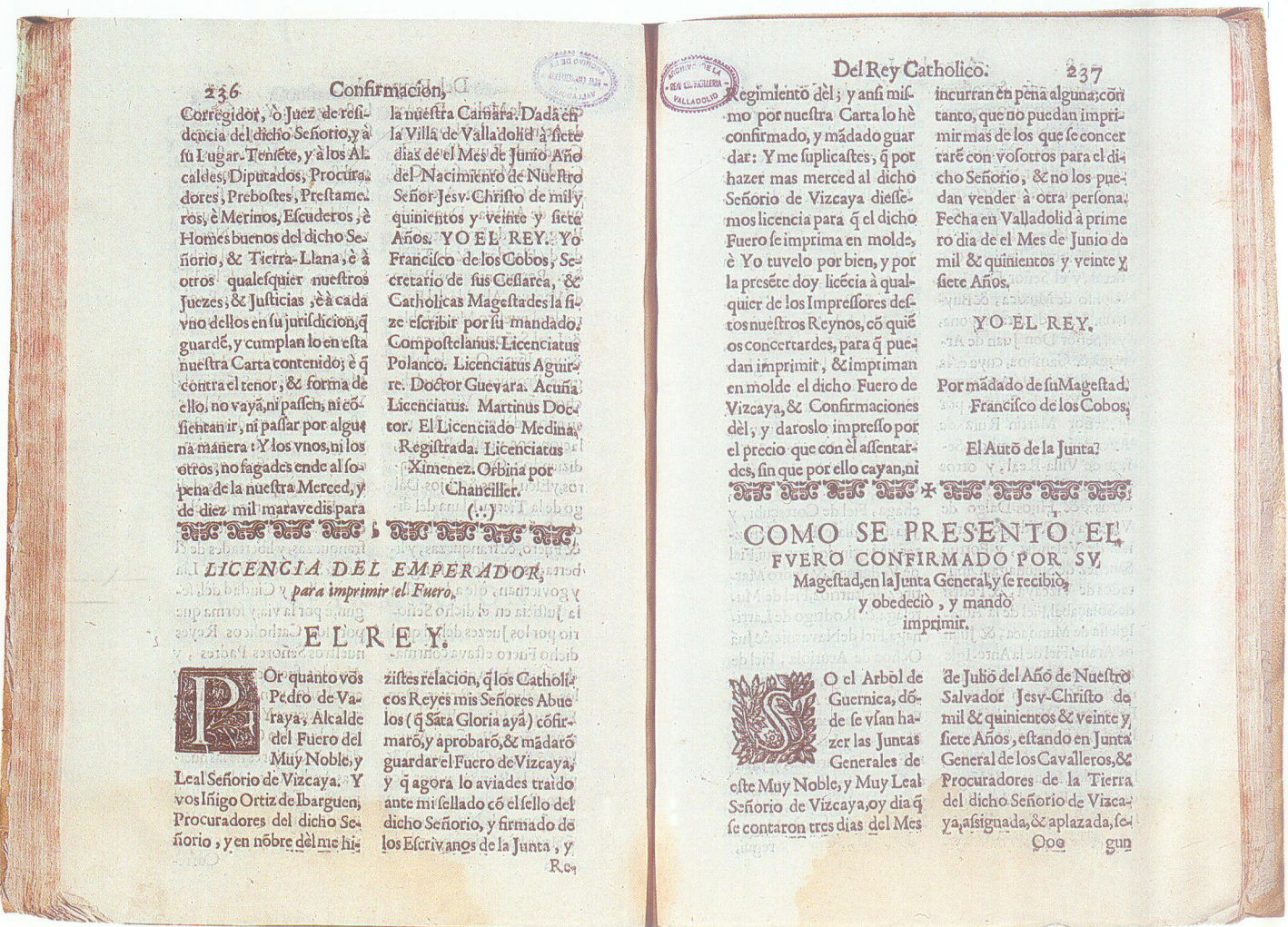


Cover of the Ordinances of the
Real Audiencia y Chancillería de Valladolid,
reprinted by mandate of King Charles III.

the *Audiencia Territorial* in the cities in which one ex-
isted.

The *Audiencia Territorial de Valladolid* carried out its
function of administering justice and produce a fond of
documents, today kept in these archives, until it was
abolished by the Law of Judicial Organisation and
Demarcation of 28 December 1988, which established
the functions and limits of the new *Tribunales Superiores
de Justicia* (Higher Courts of Justice).

Libro de los Fueros, Franquezas y Libertades de Vizcaya,
printed by mandate of King Philip V. Presentation of the fuero,
or franchise, to the Emperor Charles V.
1704, Bilbao.





Practice and formulary of the Chancillería de Valladolid by the scribe and procurator Manuel Fernández de Ayala Aulestia. Method of procedure of the Tribunal in each Sala. 1667. Valladolid.

FOUNDATION OF THE REGIONAL COURTS

Royal Decree of 30 November 1833 (*Gaceta de Madrid of 3 December*) on *Administrative Demarcation*:

The Spanish territory in the Peninsula and adjacent islands is divided into 49 provinces which shall all take their name from the respective capitals, except those of Navarre, Álava, Guipúzcoa and Biscay which preserve these denominations (art.1); The military, judicial and treasury demarcations shall coincide with the administrative division in provinces (art.4).

Royal Decree of 26 January 1834 (*Gaceta of 28/1/1834*) on *Judicial Demarcation*: *in order to unify the judicial demarcation with the administrative demarcation and*

make a balanced distribution of territory in the courts, with the twofold object of facilitating the people's access to the higher tribunals, to place the magistrates in a position to supervise closely the action of lower judges and repress criminals with the greatest promptitude. All the higher tribunals of the provinces shall have the name of Royal Lawcourts... And furthermore two more Lawcourts shall be established in the cities of Burgos and Albacete... The officials no longer required in Valladolid and Granada shall pass respectively with their subordinates to establish those of Burgos and Albacete.

ORGANIZACIÓN Y CLASIFICACIÓN ACTUAL DE LOS FONDOS

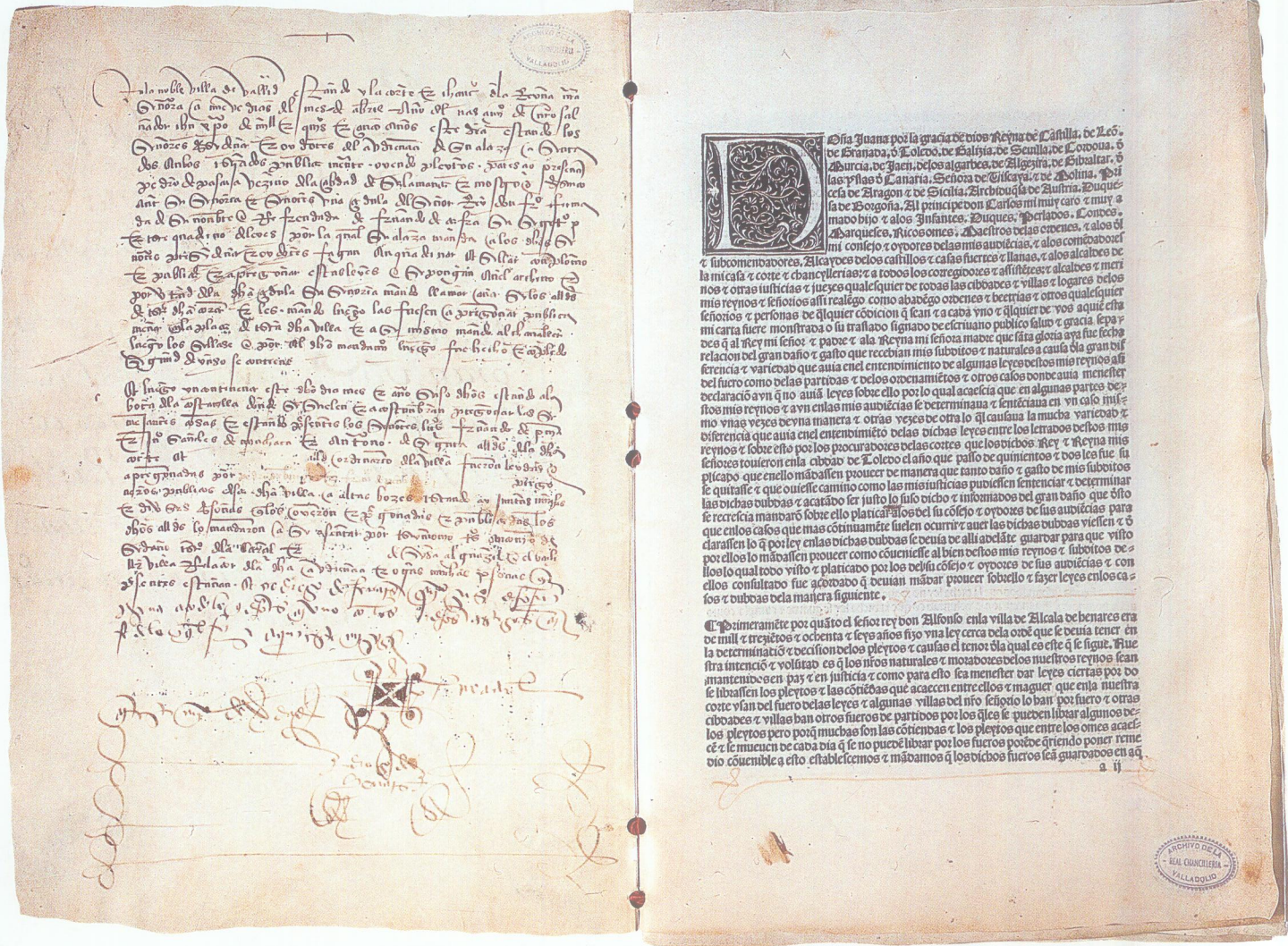
Organismos productores
creadores de fondos

Secciones de fondos

Subsecciones de fondos



Series	Subseries	Años extremos	Volumen
Expedientes		1478-1834	307 cajas
	Libros	1496-1835	118 libros
	Cédulas y Pragmáticas	1495-1807	14 cajas
Sentencias		Siglo XVI-1834	95 cajas
	Presentaciones	Siglo XV-1834	255 cajas
	Libros	Siglo XV-1834	202 cajas
Pleitos Civiles		1515-1834	703 libros
	Fernando Alonso	Siglo XV-1834	4.946 cajas
	Alonso Rodríguez	Siglo XV-1834	5.793 cajas
	Ceballos Escalera	Siglo XV-1834	687 cajas
	Lapueta	Siglo XV-1834	1.084 envoltorios
	Masas	Siglo XV-1834	6.756 cajas
	Moreno	Siglo XV-1834	5.796 cajas
	Pérez Alonso	Siglo XV-1834	5.231 cajas
	Quevedo	Siglo XV-1834	75 envoltorios
	Taboada	1438-1834	5.154 cajas
	Varela	Siglo XV-1834	5.544 cajas
	Zarandona y Balboa	Siglo XV-1834	9.078 cajas
	Zarandona y Wals	Siglo XV-1834	7.559 cajas
Pleitos Criminales		Siglo XV-1834	8.135 cajas
		Siglo XV-1834	7.848 cajas
		Siglo XV-1834	6 cajas
		Siglo XV-1834	166 cajas
	Sentencias	1564-1824	52 cajas
	Presentaciones	1552-1834	255 libros
	Causas Secretas	Siglo XV-1834	2.130 cajas
	Libros	1488-1834	7.444 cajas
	Pleitos Criminales	1386-1847	203 cajas
	Pleitos de Hijosdalgo	1569-1834	71 libros
	Protocolos y Padrones	1438-1841	5.847 cajas
	Libros	Siglo XV-1833	10 cajas
	Pleitos de Vizcaya	1572-1836	77 libros
	Sentencias	1395-1834	3.973 cajas
	Libros	1477-1834	1.287 cajas
	Registro de Ejecutoria	1713-1832	19 cajas
	Registro de Provisiones	1487-1887	850 unidades
	Registro de Vizcaínas	775 (ca.)-1834	3.992 unidades
	Planos y Dibujos	1389-1936	55 unidades
	Pergaminos	1528-1802	22 unidades
	Impresos y Pergaminos papel	1834-1903	70 cajas
	Documentos particulares	1910-1990	2.100 legajos
	Gobierno	1910-1979	399 legajos
Civil. Pleitos	1915-1970	2.174 legajos	
Contencioso. Pleitos	1965-1967	109 legajos	
Penal. Pleitos	1965-1989	33 legajos	
Automóvil. Pleitos	1937-1944	29 legajos	
Apelaciones penales	1835-1978	408 libros	
Responsabilidades políticas	1835-1989	740 libros	
Sentencias			
Libros			
		1476, 1597 y 1774	3 unidades
		1476-1619	6 cajas
		1817-1849	34 cajas
		1938-1985	1.352 legajos
		Siglo XV-1964	1.398 legajos
			1.738 libros



First folio of the printed book of the Leyes de Toro given by Jane I, Queen of Castile, to all her kingdoms. Delivery and proclamation of these laws in Valladolid on 9 April 1505. 1505, March, 7. Toro.

THE FONDS

The legal documents produced from the fifteenth century until 1989 are organised, respecting their provenance, in fonds which are sets of documents produced organically or gathered and used by an issuing body. Although there are various issuing bodies in the archives and subsequently various fonds, we shall only describe the fond in the *Real Audiencia y Chancillería de Valladolid* and the fond in the *Audiencia Territorial de Valladolid*.

Each fond, according to its content and volume, is divided into sections corresponding to administrative subdivisions of the issuing bodies. However, if the issuing body has a complex hierarchical structure, as in the case of the *Real Audiencia y Chancillería*, each section is in turn subdivided into subsections, series and even subse-

ries. The fond of the *Audiencia Territorial*, which is of a smaller size, is also arranged in sections and series, always respecting provenance, except for the *Libros y Sentencias* (Books and Sentences) of each *Sala*, which are grouped according to functional criteria.

The four sections of the *Tribunal de la Chancillería* are:

Órganos de Gobierno. The ruling organs of the issuing body, whose documentation is subdivided into two subsections: the *Secretaría del Acuerdo*, which contains books and documents produced by the President and the *Oidores de lo Civil* (Civil Judges) gathered in the *Acuerdo*, and the *Gobierno de la Sala del Crimen*, there being since the eighteenth century a Governor of the *Sala del Crimen* who took decisions and met with the *Alcaldes del Crimen* (Criminal Judges).

Jurisdicción Real Ordinaria. Those documents produced in the administration of justice. They are subdivided in two subsections: *Salas de lo Civil* (Courts of Civil Law), whose documentation, the most extensive and most consulted, is kept in the *Serie Pleitos Civiles*, a heading which includes twelve clerk's offices, each known by the name of the last clerk to hold the post in 1834 and further subdivided in subseries according to the character of the lawsuits. These can be *Fenecidos* (Concluded), when they have finished and the corresponding *Carta Ejecutoria* (Final Judgement) has been issued; *Olvidados* (Forgotten), are usually completed lawsuits for which the corresponding final judgement has not been requested and therefore not been issued; and *Depositados* (On deposit).

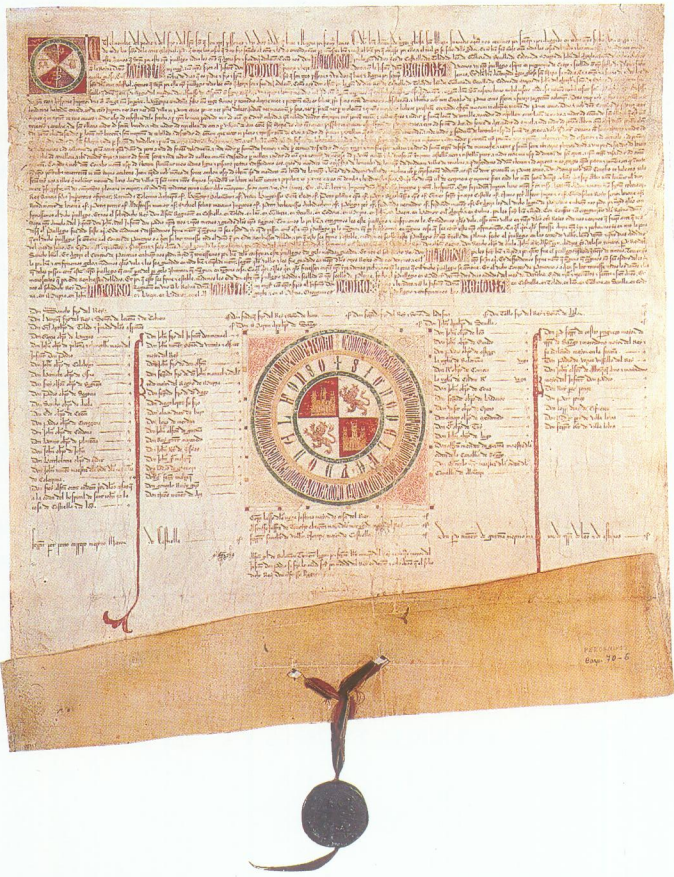
The *Salas de lo Criminal* are subdivided in various series of which the most interesting are the *Pleitos Criminales* (Criminal Lawsuits) and the *Causas Secretas* (Secret Cases). These are series that have suffered badly and are very incomplete, of which little documentation has survived. These lawsuits are concluded and forgotten as

there is no such thing as an unfinished lawsuit, since by law all criminal offences must be pursued to the end, after which sentence is passed or stayed.

Jurisdicción Real Especial. Made up of documents produced in the administration of justice. It is subdivided in two subsections: the *Sala de Hijosdalgo* and the *Sala de Vizcaya*. The *Sala de Hijosdalgo* contains two important series which are frequently consulted. These consist of more than 30,000 nobility lawsuits which are of three types: the lawsuits as such, when there were two litigants, normally the plaintiff against the council corresponding to his place of residence which wanted to exact taxes from him, which ended in a sentence; the provisional proceedings, in which there was no real litigation as the plaintiff initiated proceedings before any sum was demanded of him, which ended in a Royal Provision known as "common agreement"; and the *probanzas*, or provings, "Ad Perpetuam", which are only declarations by witnesses made before the court and which carried great weight as evidence. *Protocolos y Padrones* (Proto-

Libro de las Merindades de Castilla, known by the name of Becerro de las Behetrías. Copy of the original codex from Simancas. 15th C.





Privilegio rodado (*Privilege with rota*) in which Alfonso XI confirms the donation of land by the Emperor Alfonso VII on 8 March 1145. 22 December, 1339. Madrid.

cols and Censuses) is a frequently consulted series, made up largely of documentation from local councils, now mostly lost, with abundant lists of residents for the entire period during which the distinction of estates lasted.

Sala de Vizcaya contains the civil, criminal and nobility lawsuits of native Biscayans in which cases sentenced in the *Señorío* were resolved in appeal by the *Juez Mayor de Vizcaya* (Chief Judge of Biscay). The sentence passed by the *Juez Mayor* was appealed once again in the same Chancillería and reviewed and resolved by the Presidente—who was the *Juez de las Suplicaciones* (Appeal Judge) for Biscay—with some *oidores*.

Registros. The fourth section of the *Tribunal de la Real Audiencia y Chancillería de Valladolid*. It consists of registered copies of the documents issued by this tribunal at the petition of one of the parties. All the registers we keep are arranged chronologically and are series of registers of royal final judgements and royal provisions. They are intitled by the king, who is the authority in whose name justice was administered.

Colecciones Facticias. Independent series which can not be included in a Section, though for practical reasons

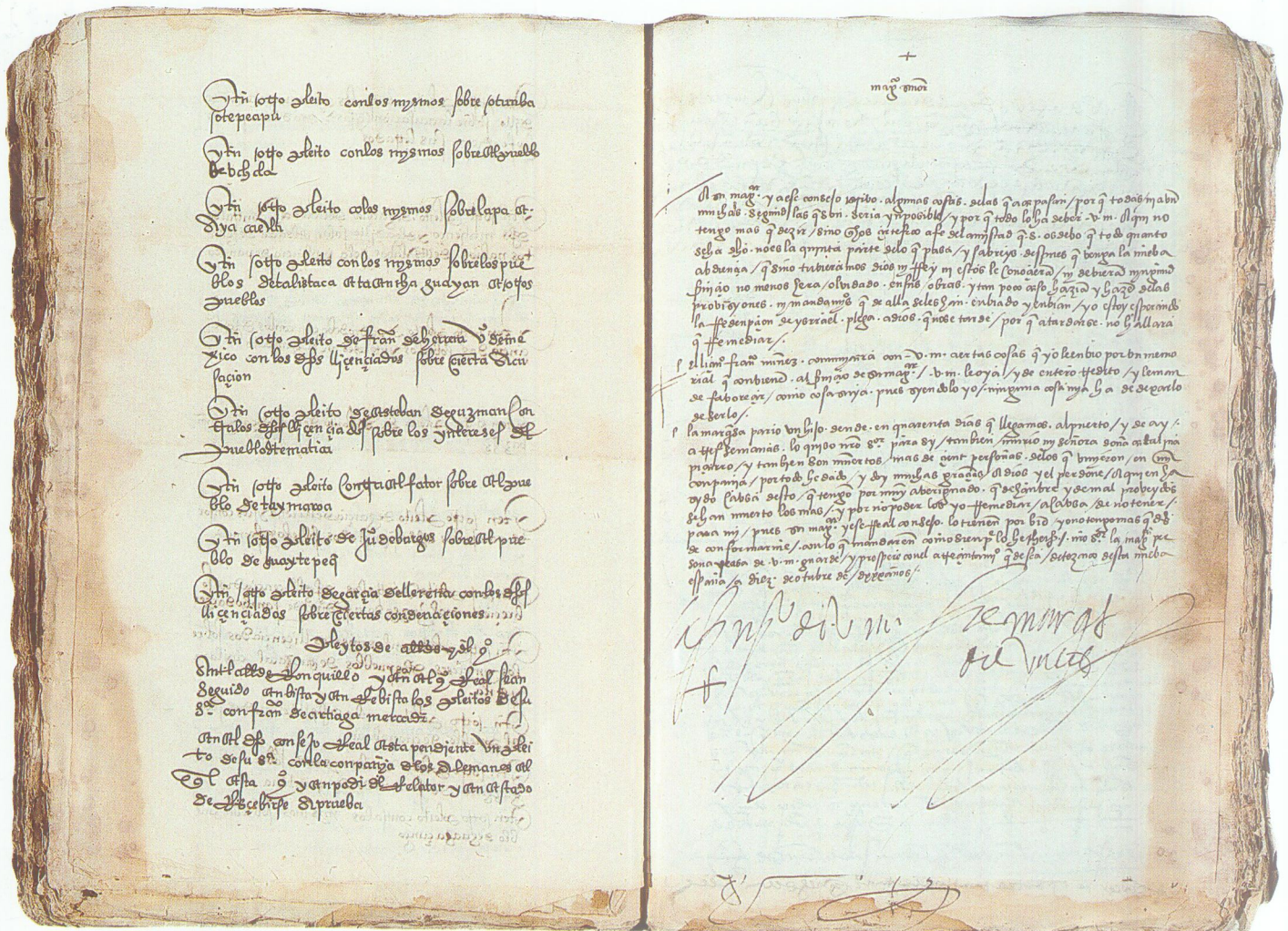
they appear as such in the classification scheme. These factitious collections are formed when, because of their size or support, documents are removed from the fond or section in which the issuing body included them, for reasons of preservation.

One of the most interesting collections is that of judicial paintings—oils on canvas, water-colours and gouache on paper—making up the *Colección de Planos y Dibujos* (Collection of Plans and Pictures). Its value and its documentary richness are unique because of the information in pictures it provides, which makes it possible to retrieve settings which may be familiar or close at hand but which have been transformed with the passage of time or have even disappeared.

Another interesting collection is that of *Pergaminos* (Parchments), of great variety, as all they have in common is the fact of being written on parchment. It is made up of complete documents such as the *Becerro de las Merindades de Castilla* or the first printed example of the *Leyes de Toro*, as well as royal privileges, ecclesiastical documents, letters patent, and odd pages—remains of medieval codi-



Cover and miniature from the letters patent of nobility of Juan Redondo, resident of Oropesa, issued by the Tribunal de la Real Chancillería. 1571, May 30. Valladolid.



From a lawsuit between Hernán Cortés and his cousin Francisco Núñez, Relator of the Consejo Real, concerning a claim to silver and ornaments. List of lawsuits by Hernán Cortés awaiting sentence and a letter signed by him. 1545-1548.



ces— much appreciated by specialists, amongst them an eighth-century leaf, bound in pieces of lawsuits.

The fond of the *Audiencia Territorial de Valladolid* is arranged in two sections: the **Audiencia Territorial** (Regional Court), whose documentation is subdivided in three series rarely consulted since the documents subsequent to 1949 have restricted access, and the series of the **Audiencia Provincial** (Provincial Court), which are *Pleitos Penales* (Penal Lawsuits), *Pleitos del Automóvil* (Motoring Lawsuits), *Apelaciones Penales* (Penal Appeals) and *Responsabilidades Políticas* (Political Responsibilities), with the same limitations as the series of the *Audiencia Territorial*, but better known and more frequently consulted.

Finally, *Libros* (Books) and *Sentencias* (Sentences) from all the *Salas* making up this fond are kept. These are indispensable for contemporary judicial research and can be freely consulted.



Privilegio rodado (Privilege with rota) in which Alfonso VIII grants to the Monastery of Santo Domingo de Silos the town of Quintana del Pidio (Burgos). 1190, October 14. Berlanga de Duero (Soria).

The judicial documentation is characterised by:

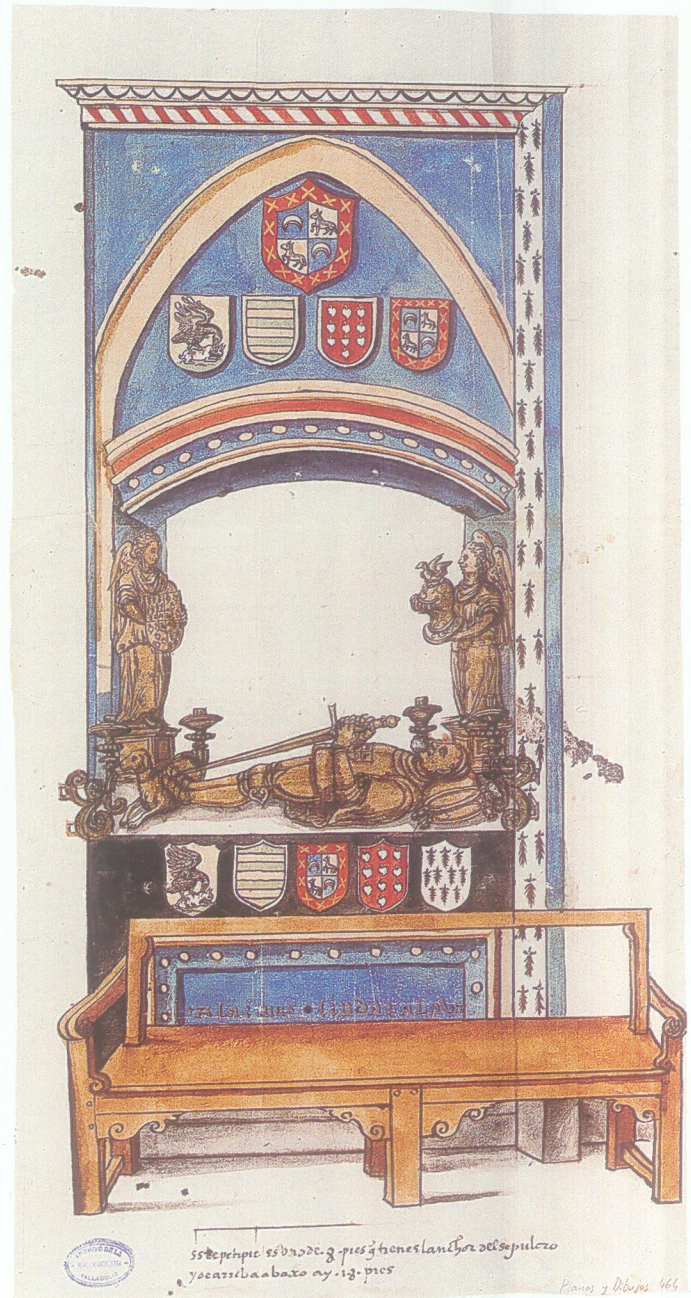
- Simplicity in its content because it describes everyday problems of coexistence.
- Authenticity, since there are two or more parties to the litigation and therefore different points of view which, although each indisputably tells one side of the truth, the two bring the researcher closer to a real understanding of the matter.
- Wealth of information due to the documents brought in evidence, lengthy statements by witnesses and documentary evidence such as privileges, papal edicts, wills, censuses, ordinances, rights of towns and landowners, either individually or interrelatedly.
- Social interest because of the content and number of cases offering abundant first-hand information which is neither prepared nor manipulated.
- Unique original documentation, as lawsuits are items of which there are no duplicates.

THE BUILDING AND THE SAFEGUARD OF THE DOCUMENTS

The Reyes Católicos, in the ordinances of the *Chancillería* of Medina del Campo of 1489, organised the tribunal and also set up its archives, and over a century later, on

ORDINANCES OF MEDINA DEL CAMPO, ART. 51.
ESTABLISHMENT OF THE ARCHIVES.

Also we order and command that in our said Lawcourt there be a chamber, and in one part of it there be placed and made a cabinet in which be placed all the proceedings determined by any judge in the said Court and Chancellery after having determined and issued the final judgement of their determination, placing those of each year together, so that if at another time they were necessary for any cause, they will be found there; and the scribe who places them there should put a strip of parchment on the proceedings saying between what people those proceedings were and what they are about, and before what court they depended and at what time, and no scribe may dare to retain the proceedings at his home or anywhere else more than five days...



Picture of a tomb for the church of San Pedro by Elías de Ras. Water-colour. 1583. Vitoria (Álava).

12 November 1607, D. Rodrigo Calderón was appointed as their first archivist.

From that date on, the lawsuits piled up in some building or room of the *Audiencia* until the decision was made to build premises solely for the archives, according to the plans and conditions of Nicolás Bueno, carried out by Felipe Berrojo de Isla. This building was inaugurated in 1682.

When the *Audiencia Territorial de Valladolid* was set up in 1834, the archivist only concerned himself with the documents of the new body and forgot the lawsuits,



Map of the river Tera and various towns and villages in Zamora.
1780. Micereces de Tera (Zamora).

privileges and registers “in old handwriting” which were still kept in the ageing, uncared-for building. For this reason, in 1854 the president of the *Audiencia* allowed a purge of criminal lawsuits from the old archives which were sold as waste paper to repair the building which was collapsing. When the *Cuerpo Facultativo de Archiveros* (Professional Body of Archivists) was founded in 1858 and newly qualified archivists began in groups to organise and catalogue the fond of other large archives, the documentation of the old *Chancillería* was forgotten because the archivist of the new *Audiencia* could not understand “the old handwriting”.

The state of the building continued to get worse and thoughts turned to another purge, stopped in 1874 by the Head of the Government, Don Práxedes Mateo Sa-

gasta. Finally, in 1909, the President of the *Audiencia Territorial* handed over the old documentation to the *Ministerio de Instrucción Pública* (Ministry of Public Instruction), which immediately assigned two archivists from the *Cuerpo Facultativo* to take charge of the transfer of the building, its repair and conservation, and at the same time to begin the work of organising the old documentation.

The fond of the *Audiencia Territorial* was preserved in its archives, which from 1931 were directed by a qualified archivist, but this post disappeared when the body was abolished in 1989. During those years its sentences, books and proceedings were regularly transferred to the *Real Chancillería de Valladolid*.





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