The “private” cultural heritage: management, right and public fruition. The case of Cedovim manor’s house (Vila Nova de Foz Côa, Portugal)

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1. Cedovim’s Manor house: history, art and architecture

Cedovim’s manor house is a typical 18th century Portuguese noble house, that we can find in Região Demarcada do Douro (Portugal). Located in Cedovim (Vila Nova de Foz Côa), a small town, this manor house presents several late-baroque characteristics that can be seen along the Region. According to some authors for example José Correia de Azevedo [1974: 309-310], the construction of this house is related to a particular episode. During the 18th century, Francisco Xavier Teixeira Rebelo (? -?), a nobleman of the Royal Court and Knight of Christ’s Order, that possessed a simple house in Cedovim, fell in love with one of the daughters of the Pais de Sande e Castro’s noble, who had an enormous noble house in São João da Pesqueira. Unfortunately for Teixeira Rebelo they didn’t accept the romance because of its small and simple house. Feeling outraged and as a reaction to such outrage, the Cedovim’s noble built his house as a demonstration of his social and economic condition. The new «palace» was built next to an older building, certainly the primitive house of the Aguilar’s family, natural of Spain that had settled in Portugal during the reign of King John I (1357-1433). Nowadays, the old house is merely utilitarian and used as a kitchen.

By the end of the century, the house was renovated, along with his oratory. In the nineteenth century, during the British contingent settlement in Cedovim, Colonel William Anson (1st Foot Guards) stayed in the manor house. After this episode, we only heard about this house one century later when in 1977, the Portuguese Directorate-General for Culture Heritage, responsible for the heritage protection and safeguard, listed it as a building of public interest, recognizing its historical and artistic relevance. In 2004, we heard again about Cedovim’s manor house when one of the heirs dies. In that year, the family decided to sell the property and since then it has
remained in a sale process, resulting in its present state of ruin. Despite that, it is still possible to see some of the main architectural characteristics from this period and region. For example, a markedly horizontal design especially due to the architectural development of its body (“long house”) and a long façade excessive decorated with shells, floral elements, ribbons, and the family heraldic arms, on the door and windows. As a mark of this region, granite is used, a regional and typically stone used for constructions. These features emphasize the monumentality of the house, which is also given by the city location, in a large square which highlights the house.

As for the interior, it shows the decorative taste of its period’s construction. At the centre, there is the typical noble staircase with a baroque expression of thick balustrade and large bonfires in granite. In the rooms, despite of their decay and abandonment there are some painted ceilings with floral motifs, as well a set of paintings, specially portraits (from the owners?), and some original furniture. These decorative elements, in such remote geographical space show the carefulness of the decorative and architectural program undertaken by the proprietors and their will to praise their residence. In our view, it contributed to the rivalry with Cabo’s manor house, whose particular architectural and decorative choices are very similar.

Unfortunately, as we had referred before, this house has lost its original function, as residential, and has been abandoned for a long time leading to a higher level of degradation. If the exterior features have a notorious neglect and lack of maintenance, with no windows or door frames, the inside reveals an impressive decay. Some of the elevations suffered even a cave, the ceiling has large cracks and some parts have already partially collapsed, putting the roof in sight. And most of the paintings that decorate the rooms have high disrepair. Conservation measures are therefore urgently needed, in order to preserve all its historical and artistic elements. However, since the house has remaining for long years in a sell process the proprietors completely forgotten their duties. A look into some definitions may help to rethink these issues.

2. Private property and cultural heritage

2.1. Some definitions

Cedovim manor’s house is a cultural monument, but also a private propriety that has passed from generation to generation. The complexity of issues sur-
rounding this theme leads us to analyze the «heritage» concept into the private and «cultural perspective».

According to the Oxford Dictionary of Current English, «Heritage» has several meanings. First it is related to “anything that is or may be inherited”, and to “inherited circumstances, benefits, etc. (a heritage confusion)” [Allen, 1990, 634]. This means that «private heritage or private property» is something that belongs to someone, despite of its historical, cultural, social and economic value. And secondly «Heritage» is applied to culture and history, with a wide meaning, as “a nation’s historic buildings, monuments, countryside, etc. esp. when regarded as worthy of preservation” [Idem].

From this perspective, heritage means any asset or group of assets, natural or cultural, tangible or intangible, that a community recognizes for its value as a witness to history and memory, while emphasizing the need to safeguard, to protect, to adopt, to promote and to disseminate such heritage. In order to safeguard the cultural heritage the heritage protection includes legislation, policies and management frameworks.

In Portugal, is the Portuguese Heritage Protection Law [Law nr. 107/01, 8 September 2001] that establishes the basis for the policy and cultural heritage protection and improvement regime. There we can find the concept of «cultural heritage» as being applied to: «All goods which reflect a civilization or culture and of relevant cultural interest must be afforded special protection and enhancement» [art. nr.2, al.1]) which «(...) reflect values of history, antiquity, authenticity, originality, rarity, individuality or exemplariness» [art. nr.2, al.3]). This concept is applied to immovable, movable and immaterial heritage. The Portuguese Heritage Protection Law also refers to some important regulations and guidelines about the heritage protection. As we are focusing on a specific case, the Cedovim’s manor house, of a private owner, and listed as “Imóvel de Interesse Municipal” (local-interest building), and to sustain the aim of this paper, we will examine those regulations affected to the management, right and public fruition, in order to stimulate the required debate «private heritage» topic.

2.2. Management - duties and mission

When we talk about «heritage management», we are dealing with the protection and conservation guidelines that avoid the dereliction, abandonment and future loss of classified and inventoried cultural heritage. It provides the cultural heritage places, objects and practices’ enhance, but especially it ensures its transmission to future generations, by giving them a new function and use. In order to guarantee the protection and conservation, the Portuguese Heritage Protection Law and the Urban Rehabilitation Law [Law nr.32/2012, 14 August 2012] as we are examining a private building, established several duties. In the first one, article nr.11 describes all citizen duties related to preservation, defence and enhancement, that should be present in heritage management: «Everyone has the duty to preserve the cultural heritage, by not offending the integrity of the cultural assets and not contributing to their exit from the domestic territory in such terms as not legally permitted; (...) to defend and to conserve the cultural heritage, notably by preventing, within the scope of
its legal faculties, the destruction, decay or loss of any cultural assets; (...) to enhance the cultural heritage without harming the citizens' rights, by acting, to the extent of his abilities, with a view to divulge, provide access to the enjoyment and enrich the cultural values comprised therein» [art. nr.11, Law nr. 107/01, 8 September 2001]. As this article points to all citizens duties in general, article nr.21 focuses on the role of the cultural heritage (classified and inventoried) owners, whether it's a citizen, an association or the state. Despite the fact that they have the same duties of those ones, they specially have the duty «to disclose to the administration of the cultural heritage any information that proves to be necessary for performance of this law; to duly conserve, take care of and protect the asset, so as to ensure its integrity and prevent its loss, destruction or decay; to adjust the destination, the exploitation and the use of the asset so as to guarantee its conservation. (...) to carry out any works or actions as the competent department may, upon the appropriate procedure, consider necessary to ensure the asset safeguard» [art.nr.21, Idem].

So far, as we can see, these two articles haven't been accomplished by the Cedovim's manor house owner. Despite their duties of protection and specially conservation, in our research we didn't find any register of rehabilitation and restoration works. Nevertheless we found a letter written by Francisco Antonio de Aguilar Azevedo Machado, one of the owners in 1980, that was requiring some economic funds to the Portuguese Directorate-General for Culture Heritage. Unfortunately, those works weren't done for a specific reason that is unknown. However, we believe that over the years they should have done some maintenance so as to preserve and protect its originals features as it can be possible. But specially to allow the hygienic and security conditions so that they could live there, even for short periods of time.

At this point it becomes clear that the absence of a correct management is due to the lack of economic funds. At the same time it appears, not only in this specify case but in others, that the owners don't know the cultural and historical importance of their property. And because of that, they have completely neglected it. But in some cases they accomplish some works without any
technical advice or even permission of the responsible organizations, as the Law requires (article nr.60). In these cases the owners put at risk the monument, but especially their original aesthetic characteristics. What we defend is the correct enforcement of the law, not only by those who are proprietors of cultural heritage, but all citizens should take care of their proprieties, as it is referred to in the Portuguese Urban Rehabilitation Law: «the building’s owners have the duty to ensure its rehabilitation, including performing all works necessary for its maintenance or replacement of safety, health and aesthetic arrangement, under the terms of this ordinance» (art. nr.6, al1./2 in Law nr.32/2012 14 August of 2012).

To conclude, if the owner has duties to his properties he also has rights. But since we are focusing our study on a historical building, we should also mention the public rights.

2.3. Right(s): private and public (fruition)

As we had referred before, Cedovim’s manor house was listed and inventoried as a local-interest building, because of its artistic and historical relevance. This takes us to another question: the right that the owner has over his property and the public’s right to benefit of a cultural monument. The first one, «private property» is characterized in the Portuguese Civil Code, in the article nr.1305: «the owner has full and exclusive rights of use, fruition and disposal of all things that belong to him, within the law’s limits and in compliance with restrictions that it imposes» [art.nr.1305 in DL n.º 47344/66, 25 November 1966]. According to this article, it seems to us that the Cedovim’s manor house owner has just been enjoying his own property. On the other hand, the public, since this historical building is a private property has some restrictions to visit it. However, the Portuguese Heritage Protection Law also makes considerations on this issue, article nr.7 where it says that «everybody is entitled to enjoy the values and assets incorporating the cultural heritage as a means to develop personality through cultural fulfilment», but especially when it comes to «private heritage», that «enjoyment by third parties of cultural assets having an underlying private ownership of any other private enjoyment rights in rem shall operate through public diffusion forms as shall be agreed upon by and among the public bodies in charge of the administration of the cultural heritage and the holders of such assets» [art. nr.7 in Law nr. 107/01, 8 September 2001]. This means that when the owner allows a cultural visit, this should be organized with the Portuguese Directorate-General for Culture Heritage or the City Hall. In this case study, since it is a local-interest building the owner could arrange some visits with the City Hall. As far as we know, there haven’t been any visits or aren’t even programmed for the future. And those that have taken place, happened when students or researches, like us, showed particular interest in studying this historic building.

At this point, it’s clear that in this kind of case-study, a «private» cultural heritage, there is a conflict of interests and rights. If on the one hand, we have the owner that has the right of benefit of his own property, on the other hand we have the public’s rights to enjoy any cultural heritage. In order to solve this question, we may suggest that in the future after performing the rehabilitation
and conservation measures urgently needed to ensure the protection, safeguard and enhancement of the building, the owner should find out a definitive solution to solve the issue of abandonment of his property, that would allow the public to visit it in good conditions of security and hygiene.

3. Some solutions and examples
After relating this example to others, conclusions show that it’s possible to find solutions to the management, fruition and valorization of built heritage when possessed by private owners. But before given some examples we should make some considerations about the solutions’ choices. First, the Law itself gives guidelines for the enhancement’s heritage procedures. Article nr.71 describes the instruments of the enhancement system with the follow features: «general inventory of the cultural heritage; instruments of territorial management; (...) programs and projects of support to museum handling, public exhibition and temporary deposit of assets and estates; programs of support to original, traditional or natural forms of asset use; systems of access, notably public visit and collections that may be visited; programs and projects of dissemination, awareness and animation; specific and contract training programs; volunteer programs; programs of support to educative action; tourism exploitation programs; plans and programs for acquisition and exchange» [art. nr.71 in Law nr. 107/01, 8 September 2001]. However, to the implementation of this enhancement’s instruments the monument should have, in first place, a preventive and programmed conservation that could allow in the future the public access and enjoyment.

Second, we should take a look into some rehabilitation solutions adapted by the Portuguese Directorate-General for Culture Heritage. However, the variety of monuments also presents different types of restoration, demonstrating that each case has different hypotheses of action, depending on the concrete conditions that they present. Some structures have a set destination, others are otherwise foreseen or use already consolidated. Other structures are already occupied by institutions whose activities don’t have a direct relationship with the cultural area, nevertheless they aren’t totally absent of their concerns. In general, the main objective of rehabilitation’s projects is that the monument could have public fruition. And it isn’t only the enjoyment of its interior (building and grounds) with the possibility of a guided tour, but also of the surrounded area where the building is located (road, square, etc.). Therefore the proposals that have been adopted follow the law’s guidelines. In first place they are directly related to the cultural and tourism sector, for example, the monuments are adapted or transformed into museums, cultural centers, libraries, tourism offices or hotels. And in second place, they are related to public and county services, as City Halls or courts. In fact, in this region we find several examples that show that is possible to find solutions to the management, fruition and valorization of built heritage when possessed by privates. For example, Casa Grande’s Museum, located in Freixo de Numão, also a typical 18th century manor house was sold by its owners in the 80’s to the City Hall of Vila Nova de Foz Côa. After buying the house, the City Hall gave it to a Cultural and Sporty Association of Freixo de Numão so that they can have a space to
carry out their cultural activities. However, since the house was in ruin, the Association applied for European Monetary Founds to restore and transform the house into a museum. Nowadays, this manor house is an important local museum where is an interesting archaeological and ethnographic collection, that results from the work and research’s Association.

In Torre de Moncorvo, the City Hall also bought in 1997, to Caetano de Oliveira’s family their manor house. And since then, the house has been occupied by the library and the historical archival.

Another example is the Cabo’s House, in São João da Pesqueira, above, where the City Hall also bought and transformed the house into a Court.

4. Conclusions
After connecting with some of the examples that we have referred, we believe that is possible to find a solution to the management, fruition and valorization of built heritage when possessed by privates. The owners of a cultural heritage, being immovable (as a building) or movable (as a painting or other) must find a profit solution so that public fruition can be a reality. However, after taking a brief look into these cases and respective rehabilitations projects we realized that the ruin and abandonment problems are majority solved by the City Hall’s intervention. It seems that in all cases, when the county intervened, by buying the buildings to the owners, and proposing a solid rehabilitation project, the solution had success. Despite of the different function of its original features, as residential, the integrity of the monument was respected. But those successful cases were also because of the owner’s interest.

In others cases, when they don’t have any interest over the house its recommended to them to search and apply to monetary funds to support the rehabilitation interventions. However, in the point of view, in which the Heritage is better managed “... by local authorities or other entities with benefits for citizens, by linking to regulations objectives, preferably in integrated planning tools, dealing with various matters (...)", and in these days if the county had eventually the opportunity to were able to purchase the building, they should to it. In the case of the owner, we know that are interested in selling the property. Unfortunately, the price stills to higher. Even though, we hope that in the future a cultural heritage solution could be arranged so that the public fruition could be a reality.

References
Abstract
This paper analyses the main aspects of “private” cultural heritage, applied to a specific case-study: the Cedovim manor’s house. Three main issues appear to have been refocused by our research, first and foremost the cultural heritage management which involves measures of conservation, rehabilitation, and enhancement. Secondly, the owner and public’s right over a “private” cultural monument, which leads us to the final and third issue, the public fruition. In order to explore these topics, the first part of this paper presents a brief historical and artistic description of Cedovim’s manor. Then, the second part focuses on the issues referred above by analyzing the definitions and the cultural heritage law about these special questions. The last section summarizes and concludes by making some connections with similar cases but also proposing some solutions.