

Alfred Bader

Alfred Bader Fine Arts

[Export of Works of Art - Thirty-ninth Report of the
Reviewing Committee]

1992-1993.

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EXPORT
OF
WORKS OF
ART
1992-93

Thirty-ninth Report
of the
Reviewing Committee

appointed by the
Chancellor of the Exchequer
in December 1952







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Presented to Parliament by the
Secretary of State for National Heritage
by Command of Her Majesty
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Reviewing Committee
on the Export of Works
of Art

Members of the Committee

Mr Jonathan Scott (*Chairman*)

Mr Henry S Fotheringham

Mr Jack Baer

Professor Francis Haskell

Mr Gervase Jackson-Stops OBE

Dr Jennifer Montagu

The Hon Miss Georgina Stonor (from 1st February 1993)

Sir Keith Thomas (to 31st October 1992)

Mr Simon Mitchell (*Secretary*)

Previous Reports

1991-92 Cm 2071

1990-91 Cm 1641

1989-90 Cm 1225

Thirty-ninth Report

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Report of the
Reviewing Committee on the
Export of Works of Art

1 July 1992–30 June 1993

To:
The Right Honourable Peter Brooke, CH, MP
Secretary of State for National Heritage

Part I

Report for the year ended 30 June 1993

The State of Export Controls

1. It is an ill wind that blows nobody some good. The decrease in activity in the London art market reduced the number of licence applications for the export of works of art in the year under review.

2. Regrettably, this reduced case load has not resulted in a higher retention rate; out of a total of 15 cases in which a licence was deferred, for objects with an aggregate value of £22,461,119, only five objects were acquired by public collections, for a total value of £747,880. This is a pathetic record, but, although important works of art were exported because no funds were available to acquire them for retention in the UK (the Guido Reni, for instance, which had been on loan for some years in the National Gallery; a fine Ribera, which had been a striking feature in the recent exhibitions of that artist in Naples and Madrid; and a magnificent inlaid cabinet by Piffetti, the greatest Italian furniture maker of the eighteenth century), it must be admitted that there was no loss of any really key work of art such as the Committee has deplored in recent years.

3. This is not a cause for complacency because, when the art market revives, it is likely that we shall be faced with a larger number of more important objects at risk. The flow of funds from the National Lottery cannot start too soon. Furthermore, the position would have been radically different if the National Gallery had not been willing to pledge nearly three years' purchase grant and if the National Heritage Memorial Fund (NHMF) and National Art Collections Fund (NACF) had not made such substantial contributions towards the acquisition of Holbein's 'Lady with a Squirrel and a Starling'.

Collections

4. The Reviewing Committee continues to be concerned about the problem of key historic collections, which contain objects valued at less than the current Open General Export Licence (OGEL) limits. Control at the point of export is, of course, as we have consistently pointed out, an ineffective method of preserving integral collections. Nevertheless, the break up of the George Brown collection and the export of those drawings from the Holkham collection which were valued at less than the OGEL limits show that there is a worrying gap in the protection available to such collections.

5. The Committee put forward a proposal for a new fourth Waverley criterion whereby Expert Advisers could seek to defer a licence for objects from key integral collections even if they were valued at less than the OGEL limits for that category of item. The matter was extensively debated by the Secretary of State's consultative group. Although the existence of such key collections and the need to protect them was not questioned, some members drew attention to practical and legal problems of the proposal. It was agreed that the matter would be considered further and, in addition, that discussions would be held with the Inland Revenue to see if tax concessions could be made more attractive to the owners of such collections. Although any

tax concessions would be welcome, we believe that further protection is required in the case of key collections. At the very least, further funding should be made available to retain exceptional groups of objects in a historic context.

The Royal Holloway College Turner

6. One case did cause us considerable concern, both because it creates a disturbing precedent, and because it breaks up a highly important collection. The Royal Holloway and Bedford New College applied for a licence to export a seascape by Turner, 'Van Tromp, going about to please his masters', to the Getty Museum for £11 million. It is a fine Turner and in excellent condition but, given the riches of the nation's holdings of works by the artist, we might well not have recommended the deferral of a licence for the painting if it had not been part of a particularly important collection.

7. In the 1880's, Thomas Holloway founded a college for female education at Egham. This, in itself, was unusual at that period, but he then proceeded to create an astonishing architectural *tour de force*, modelled on the châteaux of the Loire. There are two quadrangles, separated by the dining hall, all in the most flamboyant style; the rear quadrangle contains the library and, formerly, the gymnasium, while the front quadrangle contains the chapel and the recreation room, which also served as the picture gallery. It was a remarkable example of improving Victorian philanthropy, with the emphasis on *mens sana in corpore sano*, and the gallery was an integral part of the complex. Holloway sought to buy paintings by the leading contemporary artists (Landseer, Frith, Roberts, etc.), who were then linked back to the foundations of British art by the acquisition of three masterpieces by Gainsborough, Constable and Turner. These are the three paintings which the Royal Holloway and Bedford New College now proposes to sell, the Turner, the most valuable, being their first choice.

8. The Committee felt most strongly that Holloway's concept was so striking and the collection so exceptional that it was extremely important that the Turner should be retained *in situ* with the rest of the paintings. We therefore recommended that a licence should be deferred, and we urged you to consider the matter in a broader context together with the Secretary of State for Education.

9. It is not the function of our Committee to comment on the actions of the authorities of Royal Holloway and Bedford New College in seeking to dispose of parts of the founder's collection. Where, however, we see the start of a potentially large flow of licence applications coming for objects which have hitherto been considered to be inalienable, we think that it is our duty to bring the matter vigorously to your attention at an early stage so that it is properly discussed and so that *ad hoc* actions taken by one body do not create a universal precedent. We look forward to hearing what initiatives you intend to take with your colleagues.

10. In most cases where donors have given important works of art to a public institution, they have intended their gift to be permanently available for the benefit of the students or inmates. If financial considerations are now causing trustees of these institutions to sell such property, their sales are not just destroying our nation's heritage but are endangering any future gifts and thus permanently deflecting the generosity which has enriched those institutions over the centuries. We are, of course, well aware of the notorious funding constraints that affect all public bodies at present. Nevertheless, this principle seems too important to be left solely to the discretion of

individual institutions without considering the wider context, and we consider that the matter needs to be debated at a national level.

11. We should also like to make a more general observation. It seems anomalous that some institutions which happen to have been left saleable assets should be able to dispose of them and enjoy the proceeds, while other institutions, which may be of equal merit but have no such inherited legacies, have to raise funds by appeals, joint ventures with commerce, etc. A case can be argued in respect of *public* institutions that any sale of assets should be matched by a reduction in public funding. If that were to be introduced, the sales and hence the pressure on export licences from this source would vanish overnight.

Advisory Council on the Export of Works of Art

12. The Advisory Council met on 23 July 1992 to consider the draft of the Reviewing Committee's Annual Report 1991-92. Among the matters raised, the Council recognised that there was no immediate prospect of an increase in direct public funding for the purchase of works of art, and Council members pressed the case for proceeds from the National Lottery to be directed to assist in the retention of key heritage items in the UK. The Council were also concerned at evidence that exporters were applying for UK export licences for goods which had uncertain provenance and had possibly been illicitly exported from third countries. We are particularly concerned that such cases should not be referred to us for consideration under the Waverley criteria in order to provide a spurious bill of health.

European Community

13. We were pleased to hear of the outcome to the negotiations in Brussels on the European Community (EC) Regulation and Directive on cultural goods; and would like to congratulate the UK negotiators for their efforts in achieving necessary amendments to the two instruments. We are aware that the Secretary of State took a political decision to vote for the instruments as the best compromise available, and agree with the objectives of mutual co-operation and protection which lie behind them. We are also aware that the art trade considers their obligations to be potentially damaging and onerous, and would ask you to keep a close monitor on their operation in the years to come.

14. The introduction of the Regulation on 1 April was achieved as smoothly as could be expected given the constraints imposed on the Department of National Heritage by the European Commission's timetable; and the Regulation now operates alongside the UK's own export controls. The Waverley system remains for applications for EC and UK licences for objects over 50 years of age which have been in the UK for more than 50 years, and which are valued at or above the UK's Open General Export Licence (OGEL) limits. We understand that the staff of the Export Licensing Unit has been increased to cope with the additional licence applications made necessary by the Regulation, so that a speedy and efficient service can continue to be provided to exporters.

15. The Directive, which will provide a mechanism for obtaining the return of nationally important items that have been illicitly removed to another Member State, should be implemented into UK legislation by mid-December. This will provide some necessary additional protection for certain cultural objects, and will help in the

fight against illicit movements. At the time of writing, the Statutory Instrument to implement the Directive was in the process of being drafted, with the aim of making it available for public consultation by the end of September.

Committee membership

16. In February 1993, Miss Georgina Stonor joined the Reviewing Committee in place of Sir Keith Thomas. Miss Stonor also chairs the Working Party on Manuscripts and Documents.

Manuscripts, documents and archives

17. The Working Party on Manuscripts and Documents met on 10 June 1993. The Victoria and Albert Museum reported on the operation of the Purchase Grant Fund, which is administered by the Museum on behalf of the Museums and Galleries Commission. The vote for the whole of the Purchase Grant Fund for 1992–93 was £1,500,000, a slight increase on the previous year. The Manuscript Fund was also increased, to £70,000. The maximum grant was increased to £12,000 and the minimum purchase price raised for the first time since 1987, to £350. There had been a drop in the number of applications to the Fund, which perhaps reflected the difficult financial circumstances of record offices and libraries. The depressed art market had reduced the number of sales, but there was concern that there should be sufficient resources to support applications to the Fund when the market revived.

18. Following the entering into force of the EC Regulation, exporters were unable to export items to destinations beyond the EC under an Open Individual Export Licence (formerly known as Bulk Licences). This had caused a significant increase in workload for exporters in making export licence applications. We are told that the Department regrets this and will be arguing strenuously in the next three years for either a *de minimis* monetary level or a derogation similar to that achieved for archaeological items of no archaeological or scientific importance. The categories and value limits will be reviewed in 1995–96. In the meantime the Department is doing all it can, in co-operation with the antiquarian book trade and the British Library, to lighten the additional burdens caused by the EC Regulation. We are hopeful that the majority of Member States will agree to sensible change in this area.

Part II

Operation of the control

19. The following figures cover the period of this Report (that is, 1 July 1992 to 30 June 1993). The figures in brackets next to them are the corresponding figures for the previous 12 months.

(a) Number of applications for individual export licences*	3,904	(3,872)
(b) Number of above applications which were for manuscripts, documents or archives**	1,041	(849)
(c) Number of items licensed after reference to Expert Advisers on the question of national importance	3,000	(3,434)
(d) Total value of items in (c)	£675,323,197	(£701,244,545)
(e) Number of Open Individual Licences issued to regular exporters for the export of manuscripts, documents, archives and photographic positives and negatives	18	(18)
(f) Number of items licensed after the Department of National Heritage were satisfied of import into the United Kingdom within the past 50 years	2,744	(2,762)
(g) Total value of items in (f)	£782,705,570	(£704,263,960)
(h) Number of items in (f) which were manuscripts, documents or archives	360	(270)
(i) Total value of items in (h)	£7,786,686	(£7,882,193)
(j) Number of items given an EC licence without reference to Expert Advisers on the question of national importance because they were valued at below the appropriate UK monetary limit***	181	(not applicable)
(k) Total value of items in (j)***	£27,090,202	(not applicable)

* One application may cover several items.

** In 321 of the cases where a licence was sought to export manuscripts, documents or archives, photostat or microfilm copies were supplied either with applications or at the request of the Expert Adviser concerned.

*** With effect from 1 April 1993, new procedures for the licensing of exports from the European Community were introduced. In some cases an EC export licence may be required to export items which are valued below the relevant UK monetary limit. In such cases, an EC licence will normally be given without referring the licence application to the Expert Adviser on the question of national importance. See Appendix G.

Part II Operation of the control

Reviewing Committee year	(1) Total number of cases considered by Committee during year	(2) Number of cases where a decision on the export licence application was deferred for a period	(3) Number of works in (2) which were not exported	(4) Total value (£) of works in (3)	(5) Number of works in (2) which were licensed for export	(6) Total value (£) of works in (5)	(7) Percentage of cases in (2) where a licence was eventually granted
1988-89	26	15	8	10,633,685	7	23,649,000	47
1989-90	24*	15	5	1,479,452	10	16,653,839	67
1990-91	27	19	10	3,265,705	9	36,504,550	47
1991-92	47	43**	18	2,092,952	23	25,985,761	54
1992-93	20***	15****	7	861,108	8	21,600,011	53
Total	144	107	48	18,332,902	57	124,393,161	54

* Of these, one case was found to be a recent import and the Committee therefore recommended that an export licence should be granted. In one other case the item was found to be outside the export control

** Of these, one case was still under deferral at the time of writing this report. In one other case, the application was withdrawn before a recommendation was made to Ministers.

*** One further case was referred to the Committee to consider whether copies of papers should be placed with the British Library before an export licence was granted

**** Of these, in one case the applicant indicated an unwillingness at the Committee meeting to sell the item and the Committee recommended the refusal of an export licence. In one further case (not included in these statistics), the Committee was unable to make a recommendation to the Secretary of State because of the condition of the export licence application.

Cases referred to the Reviewing Committee

20. During the 12 months under review, 24 cases were referred to the Committee because the appropriate Expert Adviser had objected to the proposed export of the object concerned on the grounds of national importance. Four of these cases were withdrawn before they reached the stage of consideration by the Reviewing Committee. One further case was put to the Reviewing Committee to consider whether copies of papers should be placed with the British Library before an export licence was granted, because the papers were of British historical importance. Accordingly, 21 cases were considered at eight meetings.

21. Since it may be of interest to examine the variations over a number of years, the table above shows for each of the last five years the total number of works on which a decision was deferred for a period to allow an offer to purchase to be made, the number of works which were not, in fact, exported and the number of works which were subsequently granted export licences because no offer to purchase was made at or above the recommended fair market price.

22. The criteria which the Waverley Committee recommended as a guide in dealing with such cases were:

- (i) Is the object so closely connected with our history and national life that its departure would be a misfortune?
- (ii) Is it of outstanding aesthetic importance?
- (iii) Is it of outstanding significance for the study of some particular branch of art, learning or history?

These criteria were applied in each case.

Individual Export Cases

Case 1

A painting, 'Landscape with Ruth and Boaz', by Josef Anton Koch, c.1823–25

This painting, executed in oil on canvas, measures 84.5 by 110 cm. David Carritt Ltd had applied for a licence to export the painting to the Cleveland Museum of Art, Cleveland, Ohio, USA. The value shown on the export licence application form was £343,000.

The Director of the National Gallery, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the painting under the first and third of the Waverley criteria. He said that, throughout his career, Koch was able to count on the support of numerous British patrons, including the Earl of Bristol, the Earl of Sefton and Sir Alexander Mackenzie. In 1798, and again in 1812, Koch contemplated moving to England because he had found a ready market for his work in this country. Koch's most loyal and fervent supporter was Dr George Nott, the first owner of the 'Landscape with Ruth and Boaz'. Nott's collection was dispersed after his death and the recent discovery of this painting was of major significance, not simply because an important and very beautiful painting had been restored to view, but also because the picture provided a concrete reminder of an important episode in the history of British taste and patronage. 'Landscape with Ruth and Boaz' was an important work, depicting a theme that Koch painted on several occasions during his career in a variety of media. The version commissioned by Nott had been described by the leading Koch scholar, Otto von Lutterotti, as 'the most beautiful and richest version of this theme'. The picture clearly illustrated Koch's approach as a landscape and subject painter, combining his admiration for the classical tradition of Claude and Poussin with a rigorous and almost scientific scrutiny of nature.

We heard this case in July 1992, when the painting was shown to us.

The representative for the applicant contended that the painting had no connection with our history or national life, was one of four versions and had also suffered severe damage when first at auction ten years before. A large tear, visible in raking light, had been repaired, and spoiled the painting. Although not satisfying the Waverley criteria in any way, there could however be some case to support the theory that this example of English patronage to a German artist was interesting to the study of collecting in the early nineteenth century.

We concluded that the painting satisfied the third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for three months to give the opportunity for an offer to purchase to be made at or above the recommended price of £343,000.

At the end of the three month period, no offer to purchase had been made. An export licence was therefore granted.

Case 2

A book, 'Foochow and the River Min', by John Thomson, illustrated with 80 carbon prints of views of China, c.1873

This book, containing 80 mounted prints of photographs, measures 37.5 by 57.5 cm. Ken and Jenny Jacobson had applied for a licence to export the book to the Gilman Paper Company, New York, USA on behalf of Charles Wood III Inc., Boston, USA. The value shown on the export licence application form was £26,200.

The Head of the National Museum of Photography, Film and Television, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the book under the second and third of the Waverley criteria. He said that Thomson's central role in the history of nineteenth-century photography was generally accepted. Thomson was born and worked in Britain, but he travelled extensively and became known as an eminent explorer as well as photographer. Thomson was widely recognised for the quality of his photography and for his contribution to the progress of photographically illustrated books during the last decades of the nineteenth century. His publications with the Autotype Company were among the most beautiful and lavish of all photographically illustrated books, and exemplified the peak of production skills just prior to the introduction of half-tone illustration. This rare book was of outstanding aesthetic importance and of outstanding significance in the history of photography and photographic reproduction. The 80 Foochow prints used Thomson's favoured carbon process, and none of his other books had so many original photographs. Thomson's biographer believed that this book was one of only four surviving copies known in the world and was the only one currently in Britain.

We heard this case in July 1992, when the book was shown to us.

The representative for the applicant contended that, although the book was important aesthetically and historically, it was a matter of subjective judgement for the Committee as to whether it satisfied any of the Waverley criteria within the broader context of the entire history of British art. The photographs were neither Thomson's earliest nor generally his most celebrated images, and they were only of one particular area visited in his epic trips around South-East Asia and China. On aesthetic grounds, it was generally believed that carbon prints were not as pleasing as the same image printed as an albumen print, nor was the book in very good condition.

We concluded that the book satisfied the third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for three months to give the opportunity for an offer to purchase to be made at or above the recommended price of £26,200 (the sterling equivalent, on the date of the sale agreement, of US \$45,000).

We subsequently learned that the book had been acquired by the National Museum of Photography, Film and Television with assistance from the National Heritage Memorial Fund and the National Art Collections Fund.

Case 3

Various designs for textiles and wallpaper from the Silver Studio Collection between 1880 and 1963

Messrs M and P Haxworth had applied for a licence to export the wallpaper and textile designs to the Wolfsonian Foundation, Florida, USA. The value shown on the export licence application form was £1,105,000.

The Curator of the Collection of Prints, Drawings and Paintings at the Victoria and Albert Museum, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the wallpaper and textile designs under the third of the Waverley criteria. She said that the items for which an export application had been made formed an integral part of the Silver Studio Collection. The Collection was of outstanding importance in the study of design history, not only as an unparalleled record of the workings of an independent decorative arts design practice, but also as the most complete surviving account of the shifts of taste across the whole spectrum of middle-class furnishing and decoration between 1880 and 1963. Like all collections, the Silver Studio Collection was an indivisible whole, its importance and usefulness lying in its completeness and the interdependence of its parts. The removal of any material, let alone 17,500 designs and 2,000 wallpaper samples, would destroy the integrity of the Collection (it would actually cease to be a collection as usually defined) and make access to the removed part very difficult. In addition, there were insurmountable problems in choosing items from a group of material in which there are no true duplicates. All changes to designs, however slight, were of the same potential importance in the history of a particular pattern, and the selection of unique designs was, of necessity, a random business, such concepts as 'a representative sample' being enormously difficult to define. In the case of the Silver Studio Collection, the problems of selection were further compounded by the fact that it was not completely catalogued or sorted, rendering impossible any attempt to produce a 'balanced' group. Furthermore, the size and media of such design drawings generally made photographs an unsatisfactory way of studying them.

We heard this case in September 1992, when samples of the wallpapers and designs were shown to us.

The representative for the applicant contended that Middlesex University was under considerable pressure on its space resources and, although some two-thirds of the Collection were stored in an environmentally controlled room, there was considerable doubt as to whether this would continue. He added that the applicants, the Museums and Galleries Commission and Middlesex University, had been working to find a solution and to identify a UK institution which could properly house and conserve the Collection, but to no avail. An American museum, the Wolfsonian Foundation, had offered to work in partnership with Middlesex University and, in exchange for a representative holding, to offer a well-funded programme of conservation and research. They also offered to return their part of the Silver Studio Collection to the UK at any time, provided their expenses were met. It was proposed to export in the region of 20,000 designs. The designs selected for export were so similar to those which would remain that their loss would not be a misfortune to Britain. The designs were typical of the Silver Studio's work and were not of aesthetic importance. The original purpose of the Collection as a research collection was not being fulfilled, and the improved funding and access which would result from the export to the Wolfsonian Foundation of a selected number of drawings would enhance rather than diminish the Collection's importance.

It subsequently emerged, through discussions with the applicants' representative, that the applicants had not identified precisely which of the designs they wished to export. The licence application was not therefore in a condition whereby the Committee was able to recommend a fair market price.

We concluded that the wallpaper and textile designs satisfied, in principle, the third of the Waverley criteria, but were unable to make a recommendation to the Secretary of State because of the condition of the export licence application.

We urged the representatives of the Trustees of the Silver Studio Collection and Middlesex University to explore with the Museums and Galleries Commission the possibility of finding an alternative solution which would not involve the break up of the Collection.

We understand that the University is trying to find a solution.

Cases 4 and 14

Drawings from the collection of Old Master drawings at Holkham Hall

Last year, we considered applications for licences to export a number of drawings from the collection at Holkham Hall. The acting Keeper of Prints and Drawings at the British Museum, then acting as the Department of Trade and Industry's Expert Adviser, had objected to the proposed export of the drawings under the first of the Waverley criteria.

We concluded that each of the drawings satisfied the first of the Waverley criteria and, in some cases, also the second and third criteria. In addition, we gave a starred recommendation in each case and strongly urged that every effort should be made to raise the necessary funds to purchase the drawings.

In this reporting year we considered applications for licences to export two further drawings from Holkham Hall. The acting Keeper of Prints and Drawings at the British Museum, acting as the Department of National Heritage's Expert Adviser, again objected to the proposed export of both the drawings under the first of the Waverley criteria.

He said that the drawings at Holkham were assembled in the first half of the eighteenth century by Thomas Coke, first Earl of Leicester. Holkham had been designed by William Kent to house the outstanding collection of paintings and statues assembled by Lord Leicester. Kent also designed the park and its buildings and much of the furniture in the house. The collection included a fine library and a notable assembly of Old Master drawings. Other such collections existed in England from the seventeenth and eighteenth centuries, but this was perhaps the most complete ensemble of Grand Tour taste to have survived *in situ*.

The collection of drawings strongly reflected Thomas Coke's personal enthusiasms. This was seen in his desire to acquire the work of contemporary artists whom he had met as well as drawings by his favourites of an earlier generation, such as Claude and Guido Reni. In this respect his approach differed from that of Howard, Bouverie and other contemporary Grand Tour collectors, who were more interested in forming encyclopaedic collections. This made the collection at Holkham of special interest in the history of the early appreciation of Italian drawings in this country and in the history of collecting in general. The collection was also better documented than

any other formed in this country in the eighteenth century. This was due in large part to the survival of the account books, which record the purchases made by Coke on his Grand Tour. Further documentation was provided by Brettingham's 1773 description of the house, in which the display of some of the drawings was described. Finally, the organisation and preservation of the drawings had maintained to an unusual extent the original character of the collection. The drawings survived on their original mounts, many with contemporary annotation and numberings. Although the present bindings of the portfolios were nineteenth century, they repeated the character of the original bindings.

We again concluded that each of the drawings satisfied the first of the Waverley criteria. We also gave a starred recommendation in each case and strongly urged that every effort should be made to raise the necessary funds to purchase the drawings.

Case 4

'A Bearded Man Seated at a Table', by Baccio Bandinelli, c.1530-40

This drawing measures 30.7 by 21.3 cm and is executed in black chalk. Colnaghi Drawings had applied for a licence to export the drawings to Colnaghi USA Ltd, New York, USA. The value shown on the export licence application form was £50,000.

An objection to export had been made under the first of the Waverley criteria.

We heard this case in September 1992, when the drawing was shown to us.

The representative for the applicant felt that the drawing did not meet any of the Waverley criteria. As so many of the Holkham Hall drawings had left the country, the collection was no longer intact and *in situ*.

We concluded that the drawing satisfied the first of the Waverley criteria. We therefore recommended that a decision on the licence application should be deferred for three months to give an opportunity for an offer to be made at or above the recommended price of £50,000. We strongly recommended that every effort should be made to raise the necessary funds.

At the end of the three month period, no offer to purchase had been made and we were not aware of any serious intention to raise the funds. An export licence was therefore granted.

Case 14

'St John the Baptist Pointing to the Saviour', attributed to Annibale Carracci or Gianangelo Canini

This drawing measures 38.7 by 24.7 cm. It is executed in pen and brown ink, with touches of red and black chalk on ivory-coloured paper. It is inscribed with 'Mola' and 'KS:A'. Kate Ganz Ltd had applied for a licence to export the drawing to a purchaser in the USA whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application form was £166,250.

An objection to export had been made under the first of the Waverley criteria. The Expert Adviser said that the drawing had been attributed to Annibale Carracci

by the applicant, but another opinion of its authorship was that it might be by Gianangelo Canini.

We heard this case in February 1993, when the drawing was shown to us.

The representative for the applicant maintained that the drawing was connected to a known painting of this composition by Annibale dated c.1601, which was recorded in contemporary literature and known through several copies and a contemporary print. The argument put forward under the first of the Waverley criteria was weakened by the fact that a significant number of drawings from the Holkham Hall collection had now been granted export licences.

We concluded that the drawing satisfied the first of the Waverley criteria. We therefore recommended that a decision on the licence application should be deferred for one month to give an opportunity for an offer to be made at or above the recommended price of £166,250. We strongly recommended that every effort should be made to raise the necessary funds. We further recommended that, if there was a serious intention to raise funds, with a view to making an offer to purchase, at the end of the one month period, the decision should be deferred for a further two months.

At the end of the one month period, no offer to purchase had been made and we were not aware of any serious intention to raise the funds. An export licence was therefore granted.

Case 5

An ormolu and ivory mounted bureau cabinet with marquetry of kingwood and ivory, attributed to Pietro Piffetti, c.1770

This bureau cabinet measures 85 cm wide by 230.5 cm high by 47 cm deep. Christie, Manson and Woods Ltd had applied for a licence to export the cabinet to a purchaser in Italy whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application form was £899,980.

The Curator of the Furniture and Woodwork Collection, Victoria and Albert Museum, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the cabinet under the second and third of the Waverley criteria. He said that Pietro Piffetti was the pre-eminent Italian cabinet maker of the eighteenth century. It was during the 1730's, when Turin embarked on a period of grand expansion, that Piffetti's creativity blossomed. The King took a personal interest in Piffetti's designs for decoration for his palaces, and encouraged his taste for the exotic by supplying the ivory, ebony and other rich materials. Piffetti's early works on the form of the bureau cabinet were exuberantly Italian, but by the time of this cabinet the influence of French rococo design had caused the mass to be fined down; the carcass, raised on tall legs, which were delicately flexed, gave the impression of the piece being poised or finely balanced. The concave and convex curving of the carcass had none of the early flamboyance, but used great skill to overcome the technical challenges of veneering curved surfaces, to create a sleek shape. Representation of Piffetti's work in British collections was limited, and the provenance of this cabinet was in itself worthy of further study to illustrate the history of British taste. It could have been acquired by the third Lord Ashburton, who would have had contact with a cosmopolitan society in Paris in the mid-nineteenth century, at a time when collecting the decorative arts was becoming a widespread phenomenon. He was not, however, the only candidate as the original collector of

this cabinet; there was the possibility that the first Lord Ashburton might have acquired it before his death in 1848. Although the interior of the cabinet had suffered some alteration, the Expert Adviser maintained that the aesthetic quality of the cabinet was undiminished; the prime function of this piece was to be seen closed, as an object of admiration. This was the grandest, most elaborate, most complex piece in the UK and was necessarily important for the study of Piffetti.

We heard this case in September 1992, when the bureau cabinet was shown to us.

The representative for the applicant contended that the cabinet was not of English production and that there were other examples of Piffetti's work in England.

We concluded that the cabinet satisfied the third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for two months to give the opportunity for an offer to purchase to be made at or above the recommended price of £899,980. We further recommended that, if there was a serious intention to raise funds, with a view to making an offer to purchase, at the end of the two month period, the decision should be deferred for a further two months.

At the end of the two month period, no offer to purchase had been made and we were not aware of any serious intention to raise the funds. An export licence was therefore granted.

Case 6

A drawing, 'A Peasant Family Going to Market', by Thomas Gainsborough, c.1770

Christie, Manson and Woods Ltd had applied for a licence to export the drawing to a purchaser in Jersey whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application form was £357,600.

The Keeper of Prints and Drawings at the British Museum, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the drawing under the second and third of the Waverley criteria. He said that there could be no doubt that this drawing was of outstanding aesthetic importance. It was one of Gainsborough's largest and most elaborately finished drawings. The group of figures dominated the composition more than in any other of his works on paper, yet the landscape was carefully considered and highly finished, making this a successfully balanced combination, a drawing of great beauty and power. It was unique in Gainsborough's *oeuvre*. The drawing was created at a time when Gainsborough was preoccupied with producing landscape drawings which could vie in size and presence with paintings in oil at the Royal Academy; these early attempts to reset the standard by which landscapes were judged by the art establishment of the time were far-reaching in their effect on the history of British landscape painting. They were among the earliest attempts, to be repeated by Richard Wilson, the Cozenses, Sandby, Girtin and Turner, to raise landscape to a higher position in the contemporary hierarchy of taste, which placed history painting as the only suitable subject for 'great art'. This drawing of 'A Peasant Family Going to Market' prefigures Gainsborough's later 'Fancy Pictures', large landscapes dominated by figures of peasants, which represented his own final attempts to answer the problems

posed by the Academy (through Reynolds' annual *Discourses on Art*) concerning the proper constituents of history painting.

We heard this case in September 1992, when the drawing was shown to us.

The representative for the applicant contended that it was difficult to argue that this drawing was so closely connected with our history and national life that its departure would be a misfortune. Writing about it in his catalogue *raisonnée* (*The Drawings of Thomas Gainsborough*, 1970), Dr John Hayes goes no further than describing it as an 'unusually elaborate treatment (for a drawing) of the theme of travelling to and from market, with which Gainsborough was particularly preoccupied in the early 1770's'. Although it was a very good drawing, its scale and contrived composition lacked the poetry, romanticism and spontaneity of many of Gainsborough's later drawings, which were so well represented in British collections. Gainsborough was a prolific draughtsman, and there were over 240 drawings spread across the country, in public collections, ranging from Bristol to Aberdeen, and hundreds more in private collections. The range of style, subject matter and technique was well represented throughout the country, and the export of this drawing would not be a substantial loss to the study of some particular branch of art, learning or history.

We concluded that the drawing satisfied the second of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for four months to give the opportunity for an offer to purchase to be made at or above the recommended price of £357,600.

We subsequently learned that the drawing had been acquired by the Trustees of Gainsborough's House, Sudbury, with assistance from the National Heritage Memorial Fund, the National Art Collections Fund and the Museums and Galleries Commission/Victoria and Albert Museum Purchase Grant Fund.

Case 7

Three albums comprising 'The Sutlej Indian Groups', 'Indian Architecture and Scenery Vol I' and 'Himalayas' by Samuel Bourne, Shepherd and Robertson, c.1870

Sotheby's had applied for a licence to export the albums to Mr K Gujral, Hamburg, Germany. The value shown on the export licence application form was £32,407.50.

The Head of the National Museum of Photography, Film and Television, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the albums under the second and third of the Waverley criteria. His representative said that Samuel Bourne was one of the most notable and successful photographers to have worked in India during the nineteenth century. His contribution to the history of photography was widely recognised and acknowledged in every standard reference work. Bourne's topographic, architectural and ethnic studies shaped the British vision of India for several generations. These particular albums contained many of Bourne's finest prints, and they formed the most comprehensive group of his work that had appeared at auction. They related directly to the five albums, held in the collection of the Royal Photographic Society, Bath, which were donated by Major Bourne, a descendant, in 1972. Several British institutions owned examples of Bourne's pictures, which were widely distributed throughout the nineteenth century, but none could match the holdings of the Royal Photographic

Society, whose groups of negatives and albums, assembled with personal knowledge, represented the best study collection in the country. The three albums for which an export licence had been applied were identical in binding, size, design and format to those owned by the Society. The handwriting and lettering suggested that all eight albums were made at the same time and probably by the same person(s). In particular, the 'Himalayas' album had been assembled chronologically and followed closely the route described by Bourne in the *British Journal of Photography*. It was true that a significant number of examples of Bourne's work existed in the UK, but these particular albums comprised prints which were particularly fine in terms of their aesthetic and technical quality.

We heard this case in October 1992, when the albums were shown to us.

The representative for the applicant contended that on the evidence of the substantial quantities of Bourne's prints which survived, the majority of his subjects were clearly printed in extensive runs. They were purchased by many visitors to India and could be seen regularly in albums recording travels in India. The volumes in question comprised extensive but not unique sets of prints.

We concluded that the three albums satisfied the third of the Waverley criteria. The representative for the applicant had informed us that, if the albums were found to satisfy the Waverley criteria, the owner wished to keep them in the UK and would not be prepared to consider an offer to purchase at or above the recommended price of £32,407.50. We therefore recommended that an export licence be refused without a deferral period.

Case 8

A gold and sapphire mounted clasp from the thirteenth century

This clasp measures 6.4 cm in length. Rainer Zietz Ltd had applied for a licence to export the clasp to the Metropolitan Museum of Art, New York, USA. The value shown on the export licence application form was £50,000.

The Deputy Curator of the Metalwork Collection at the Victoria and Albert Museum, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the clasp under the third of the Waverley criteria. She said that this jewel was unknown until its sale at Sotheby's in July 1992. It dated from the thirteenth century and was of western European origin, perhaps English. It was a beautiful, unique and important piece, in unrestored condition. There was a notable lack of evidence for the European jewellers' art of the thirteenth century. Very little jewellery of any sort, least of all in gold, had survived. There was no evidence, however, to indicate either who the jewel was made for, nor precisely when it was made. The delicacy and small size of the jewel suggested that it might have been worn by a woman or a child. The large sapphire and the use of gold suggested an owner of considerable social standing, at this date a princess or noblewoman. Certain elements of the jewel compared in style with those in a number of thirteenth-century pieces, many English, some French or generally western European, but the form was otherwise unknown. The Expert Adviser stated that she knew of no representation of such a piece on a funerary monument or other sculpture (often the best source for the historian of jewellery and dress). Its precise function and significance required further research: there was nothing quite like it with which it might be compared. She concluded that this suggestive piece was a remarkable

survival of the thirteenth-century jewellers' art and was the sole testimony to a type of ornament hitherto unknown.

We heard this case in October 1992, when the clasp was shown to us.

Rainer Zietz Ltd did not wish to be represented at the meeting. However, in their written submission they maintained that, as the clasp had not been seen in public prior to its sale, it would accordingly be difficult to argue that it had a close connection with our history or national life. Furthermore, although the clasp appeared to be unique in that nothing of a similar design had yet been found, it was nevertheless the case that the elements from which it was made up were all well recorded in the history of medieval English jewellery.

We concluded that the clasp satisfied the third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for three months to give the opportunity for an offer to purchase to be made at or above the recommended price of £45,000.

We subsequently learned that the clasp had been acquired by the Victoria and Albert Museum with assistance from the National Art Collections Fund. We now understand that the jewel is rumoured to have appeared on the London market after having been found in the UK by a metal detector. While we are delighted that this important and beautiful object has been acquired by a public collection in the UK, we regret that the unauthorised use of metal detectors generally makes it impossible to discover the provenance of artefacts and thus impedes scholarship.

Case 9

An Empire porcelain-mounted bronze gilt and thuya wood secretaire, attributed to Adam Weisweiler, c.1804

This secretaire measures 122.5 cm high by 78 cm wide by 42 cm deep. Sotheby's had applied for a licence to export the secretaire to the Rijksmuseum, Amsterdam, Netherlands. The value shown on the export licence application form was £100,000.

The Curator of the Furniture and Woodwork Collection at the Victoria and Albert Museum, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the secretaire under the second and third of the Waverley criteria. He said that this secretaire was supplied by Martin-Eloy Lignereux to the seventh Earl of Elgin in 1804 as part of a larger, exceptionally well-documented purchase of furnishings for his new house. There was no more famous name in the history of collecting than that of Lord Elgin. In its combination of exotic materials this secretaire represented the highest-quality work of several workshops. The integration into the design of the secretaire of the earlier Sèvres plaque illustrated the French eighteenth-century taste for *curiosités*, for the collecting and re-use of items of high-quality design and workmanship, a tradition which continued into the Empire period. The plaque on this secretaire could be dated stylistically to 1760–61, which made it one of the first to be produced by the Sèvres factory, and its use in 1804 was the expression of the high value maintained by such luxury pieces. The materials of this piece were of the highest fashion in 1804. The thuya veneers were still relatively new, expensive and luxurious. The shape of the secretaire derived from Weisweiler models of the late 1770's, but the massive form of the verticals looked forward to the standard shapes of the Empire. The strengthening of the bronze figure mounts until



Plate 1.
Case 1. A painting,
'Landscape with Ruth and
Boaz', by Josef Anton Koch,
c.1823-25.
Considered July 1992.
Licence issued.





Plate II.

Case 3. One of the designs for textiles and wallpaper from the Silver Studio Collection between 1880 and 1963. Considered September 1992. Licence application withdrawn.

Plate III.

Case 5. An ormolu and ivory mounted bureau cabinet, attributed to Pietro Piffetti, c.1770. Considered September 1992. Licence issued.



Plate IV. *Case 4.* A drawing, 'A Bearded Man Seated at a Table', by Baccio Bandinelli, c.1530–40. Considered September 1992. Licence issued.



Plate V. Case 14. A drawing, 'St John the Baptist Pointing to the Saviour', attributed to Annibale Carracci or Gianangelo Canini. Considered February 1993. Licence issued.



(Above) Plate VI. Case 6. A drawing, 'A Peasant Family Going to Market', by Thomas Gainsborough, c.1770. Considered September 1992. Retained.

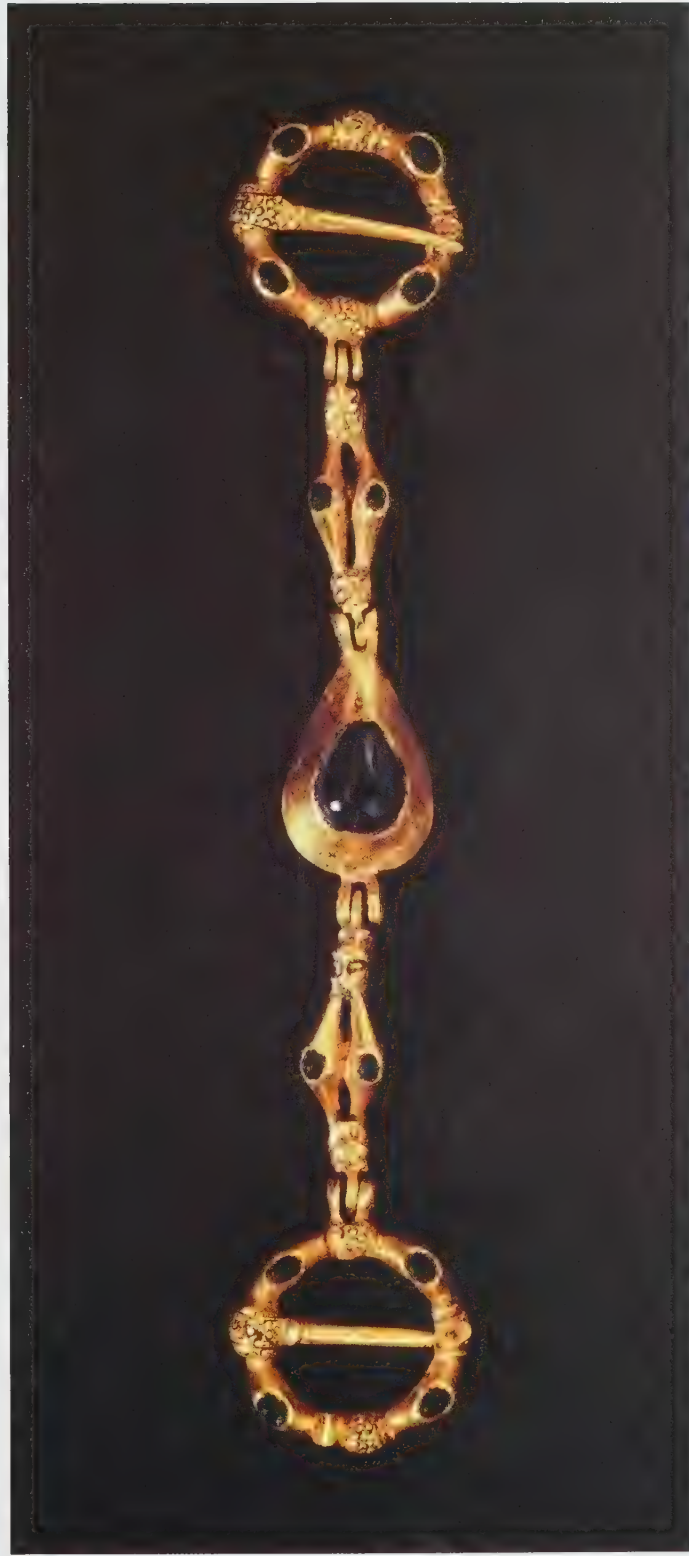


Plate VII. Case 8. A gold and sapphire mounted clasp from the thirteenth century. Considered October 1992. Retained.



Plate VIII. Case 2. Two carbon prints from a book, *Foochow and the River Min*, by John Thomson, c.1873. Considered July 1992. Retained.



Plate IX. *Case 9.* An Empire porcelain-mounted bronze gilt and thuya wood secretaire, attributed to Adam Weisweiler, c.1804. Considered October 1992. Licence issued.

(Right) Plate X.

Case 11. A pair of George III ormolu, bronze and white marble three-light candelabra by Matthew Boulton, c.1762-78. Considered October 1992 and again in April 1993. Licence refused.



(Below) Plate XI.

Case 18. A George III library table, manufactured by Gillow to a design by Thomas Chippendale, 1778. Considered April 1993. Retained.





Plate XII. *Case 15.* A painting, 'The Penitent St Peter', by Jusepe de Ribera, c.1630.
Considered March 1993. Licence issued.

(Facing page) Plate XIII.

Case 16. A painting, 'David with the Head of Goliath', by Guido Reni, c.1630.
Considered March 1993. Licence issued.





Plate XIV.

Case 19. A painting,
'Van Tromp, going
about to please his
masters, ships a sea,
getting a good
wetting', by

J.M.W. Turner, 1844.
Considered April 1993.
Licence issued.



Plate XV. Case 20. A painting, 'The Fortress of Königstein', by Bernardo Bellotto, c.1757. Considered April 1993. Licence issued. (Reproduced with the permission of the National Gallery of Art, Washington, Patrons' Permanent Fund).



Plate XVI.
Case 21. A painting,
'Brighton Pierrots', by
Walter Sickert, 1915.
Considered April 1993.
Licence issued.

they almost became a small sculpture in their own right was also new. The sophistication of the finishing techniques of the bronzes showed in the careful colouring of the patination and the heavy matting of parts of the surface. The entire secretaire was in remarkably fine condition. There were several arguments for the significance of this piece for the study of furniture. It was important in the history of French furniture because of its high quality and the detailed nature of its documentation, which illustrated the phases of the commission during the period immediately after the Peace of Amiens. It was also suggested that Elgin's French neo-classical furnishings were an important source for the style of designers and cabinet makers in Scotland, such as Trotter of Edinburgh. Lastly, the Elgin purchases from Lignereux provided an important art historical document.

We heard this case in October 1992, when the secretaire was shown to us.

The representative for the applicant maintained that, since the secretaire had been purchased as part of a group of items which had subsequently been dispersed, there seemed to be no reason for one piece of the group to be retained in Great Britain on its own. Sotheby's further contended that, although the secretaire was interesting and of good quality, it was basically a piece of early nineteenth-century French furniture incorporating a mid-eighteenth-century Sèvres porcelain plaque based on a seventeenth-century Dutch painting, and therefore not aesthetically significant. The secretaire presented no features or characteristics that could not be studied in other pieces in British collections.

We concluded that the secretaire did not satisfy the Waverley criteria and therefore recommended that an export licence should be granted.

Case 10

The Lyttelton letter books, including a charter and seal of George II

Applications for specific export licences for documentary or photographic material need not be accompanied by a copy of the material but, if any such item is of British historical or literary interest, a copy may be requested by the Department of National Heritage before an export licence is granted. The copy is deposited in the British Library and access to it is denied for a period of seven years from the date of deposit unless the owner of the original specifically consents to some lesser restriction. If an exporter challenges a request that a copy should be provided, the Department of National Heritage will refer the matter to the Reviewing Committee.

Sotheby's had applied for a licence to export the Lyttelton letter books (including the George II charter and seal) to Yale University Library, Connecticut, USA.

The Manuscripts Librarian at the British Library, acting as the Department of National Heritage's Expert Adviser, had requested that a copy of the letter books should be provided by the exporter, to be deposited in the British Library, since the material was of British historical interest. He said that the letter books covered a large part of W H Lyttelton's service as Governor of South Carolina (1755-60). The governor was a royal appointee, acting in the name of the King, but unreliable communications allowed him a fairly free hand in the administration of the colony. The letter books in fact showed that Governor Lyttelton did more than direct policy from on high, at a time of Indian unrest; he helped to raise troops and prepared to direct military action himself; he kept in as close communications with the military

in the battle areas as possible, arranging and guiding the transport of supplies and ammunition; he tried to arrange assistance from other colonies for the forces, and communicated with the British military and naval leaders, such as Lord Loudoun and Admiral Boscawen. Furthermore, he forwarded to the military authorities, great and small, the decisions and feelings of the colonial assembly, a body of growing importance in the period shortly before the American War of Independence. Governor Lyttelton was clearly an active representative of British authority in South Carolina, and the letter books as records of his administration gave a detailed account of his actions. They also showed the continental extent of the military activity of the time; the Indian troubles of this colony were to British and to many colonists' eyes part of the general French and Indian War, or Seven Years' War (1756–63), a major influence on the subsequent course of British colonial and American history; the consequent inter-colony and general military co-operation at this time was reflected clearly in these records. Lyttelton was also governor in the last years of British rule in North America. The letter books' contents shed light on many aspects of colonial administration and on the relationship between the colonial representatives, the military and the governor at this important late stage in the history of British administration in the American colonies other than Canada. It was important that copies of such significant source materials should be available eventually for study in close proximity to material in institutions such as the Public Record Office and the British Library.

We heard this case in October 1992, when the books, charter and seal were shown to us.

The representative for the applicant conceded that there was some British interest in the material but argued that the provision of copies would greatly diminish its commercial value; the purchaser of the letter books was purchasing on the basis that they were unique and that no copies were retained. The representative further stated that the purchasers would allow unrestricted access to study the letter books.

We concluded that the letter books were of British historical interest. We saw no reason why the requirements of British scholarship should be postponed to the commercial interests of the vendor, which had acquired the documents in the first place as a financial investment. We therefore recommended that the applicants should comply with the request to provide copies to be deposited in the British Library before an export licence was granted.

The British Library subsequently received copies of the Lyttelton letter books and George II charter and seal, and an export licence was therefore granted.

Case 11

A pair of George III ormolu, bronze and white marble three-light candelabra by Matthew Boulton, c.1762–78

These candelabra measure 35.5 cm wide by 68 cm high. Christie, Manson and Woods Ltd had applied for a licence to export the candelabra to a purchaser in Canada whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application form was £80,460.

The Curator of Metalwork at the Victoria and Albert Museum, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the candelabra under the third of the Waverley criteria. She said that this

pair of candelabra, decorated with figures of Apollo and Diana, were the only surviving examples of ormolu candelabra undertaken by Boulton and John Fothergill. Boulton was an important figure in the history of decorative arts in Britain and, equally, in the industrial history of Birmingham. He was the first British ormolu manufacturer to set out seriously to rival the pre-eminent French manufacturers in the field and was the epitome of the successful eighteenth-century entrepreneur, rapidly assimilating new ideas and inventions and successfully putting them into practice in his Birmingham foundry. The recent provenance of these candelabra was traced to the Trafford family. John Trafford inherited them from the maternal side of his family, the Moffats, who in turn had inherited Goodrich Castle, the house belonging to the collector, Sir William Rush Meyrick. It was possible, therefore, that the candelabra had once belonged to Meyrick.

We heard this case in October 1992, when the candelabra were shown to us.

The representative for the applicant maintained that although they were of remarkable quality, the candelabra were atypical of Boulton's work. They had no proven eighteenth-century or early nineteenth-century provenance, and this was important in assessing their relevance for future scholarship; they could not, therefore, be considered to satisfy the third criterion.

We concluded that the candelabra satisfied the third of the Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for three months to give the opportunity for an offer to purchase to be made at or above the recommended price of £80,820 (inclusive of restoration costs of £360). Before this recommendation could be put to the Secretary of State, the owner decided to withdraw his export licence application.

The Birmingham Museum and Art Gallery independently made an offer to purchase the candelabra. However, the owner asked for a price which was higher than that recommended by the Committee, and the Museum was not able to acquire them.

The owner subsequently decided to export the candelabra, and Christie, Manson and Woods Ltd re-applied for an export licence on his behalf in February 1993, at the original price of £80,460 plus the restoration costs of £360. The Expert Adviser again objected to the export under the Waverley criteria, and the case was referred to the Reviewing Committee.

We heard this case again in April 1993.

The owner did not contest that the candelabra were of Waverley standard, and both owner and Expert Adviser agreed, therefore, that it was reasonable that the Committee's original recommendation for a three month deferral period should stand and be put to the Secretary of State.

We subsequently learned that an offer to purchase the candelabra at the recommended price had been made by the Birmingham Museum and Art Gallery. An export licence has therefore been refused.

Case 12

A portfolio of architectural drawings and designs collected by William Talman (1650–1719) and his son, John Talman (1677–1726)

Sotheby's had applied for a licence to export the portfolio to a purchaser in Switzerland whose name was supplied to the Committee but is withheld from the Report by request. The value shown on the export licence application form was £89,200.

The Curator of the Prints, Drawings and Paintings Collection at the Victoria and Albert Museum, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the portfolio under the third of the Waverley criteria. She said that this portfolio contained a group of 151 architectural drawings and designs on 99 leaves. It comprised the contents of one of the 200 volumes of drawings collected by William Talman and his son, John Talman. The drawings had been removed from the original binding but were typical of the Talman Collection in their beautiful presentation, with characteristic Talman borders and the exquisite collector's marks. The drawings were largely *ricordi* of windows and doorways or designs for them. Some of the latter were of great bravura. Most of the drawings dated from the seventeenth century and some sheets had been attributed to known artists, including Bernardino Poccetti (1548–1612), Giovanni Battista Montano (1534–1621), Giovanni Battista Mola (c.1588–1661) and Orazio Sammacchini (1532–77). There were also some British artists represented, including the architect, Edward Pearce (c.1630–95). The Talman Collection was the largest and most significant collection of architectural drawings assembled in Britain early in the eighteenth century, at a period when few British artists had studied for a prolonged period in Italy. The drawings must have provided a source of reference for English architects, including William Talman himself, who did not visit Italy. They would have played a vital role in the development of Italian-inspired British baroque and Palladian architecture. The Expert Adviser further added that this group of drawings was of outstanding importance for the study of two distinct areas of British culture: British architecture and the early history of British collecting and connoisseurship.

We heard this case in December 1992, when the portfolio was shown to us.

The representative for the applicant maintained that the portfolio's existence was unknown to all but its owner until its sale in 1989, and it could not, therefore, be described as closely connected with our history and national life. The Talmans' collecting policy seemed to have been to buy drawings *en masse*, with little concern for individual merit. The destruction of its original binding in the last century and its successor some years ago had left the portfolio as a series of loose sheets, devoid of documentary value. Given the wide dispersal of the Talman Collection, and also the existence of several of the surviving complete albums in British collections, the portfolio was not of outstanding significance for the study of art history; although of some interest, the discovery of this album did not significantly enrich our knowledge of the Talman Collection.

We concluded that the portfolio did not satisfy the Waverley criteria and therefore recommended that an export licence should be granted.

Case 13

A Mameluke dress sword, said to have been the property of Lord Byron, by Osborn and Gunby, c.1820

Vulcan International Services Ltd had applied for a licence to export the sword to Athens, Greece, for VDV Hauptgeschallsstelle, Nettetal, Germany. The value shown on the export licence application form was £30,800.

The Master of the Armouries of the Royal Armouries, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the sword under the first of the Waverley criteria. He said that the so-called Mameluke style of sword became popular in Britain as an unofficial pattern worn by general officers following the Egyptian Campaign of 1801. Swords of similar style were made as a response to the requests of fashion-conscious individuals who in the first two decades of the nineteenth century followed the trend for wearing oriental garb. As one known for his keen fashion sense, it was entirely believable that Lord Byron should have purchased a sword of this type. This sword had a long and apparently supportable association with Lord Byron; on the locket of the scabbard was engraved the name BYRON and a coronet. Its export from Britain would be regrettable. It could be argued that, because it was an indicator of the taste of such a notable English literary figure of the nineteenth century, a licence should be withheld on the basis of the third Waverley criterion. Its association with Lord Byron, however, made it a rare object and its departure would indeed be a misfortune, so that the first Waverley criterion should apply.

We heard this case in February 1993, when the sword was shown to us.

The representative for the applicant maintained that, although the sword might have belonged to Byron, its importance was not in relation to British but to Greek history, because it was probably acquired by Byron shortly before he was in Greece at the time of the War of Independence. There were other examples of Byron's swords in England, although they were of the more typical European patterns.

We concluded that the sword did not satisfy the Waverley criteria, and therefore recommended that an export licence should be granted.

Case 15

A painting, 'The Penitent St Peter', by Jusepe de Ribera, c.1630

This painting, executed in oil on canvas, measures 126 by 97 cm. Matthiesen Fine Art Ltd had applied for a licence to export the painting to the Art Institute of Chicago, Chicago, USA. The value shown on the export licence application form was £850,000.

The Director of the National Gallery, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the painting under the second of the Waverley criteria. He said that Ribera's reputation as one of the finest 'naturalist' painters of the seventeenth century was perfectly illustrated by this autograph picture, unknown until its recent showing in the Ribera exhibition held in Naples in 1992. Ribera had painted the subject of the Penitent St Peter in several canvases, but none projected the sense of starkness and sudden encounter the viewer experienced when seeing this one. It was the artist's skill in employing an intense directional light to carve the forms out of the darkness and to define the planes of the

head and hands, as well as the weighty folds of the saint's robe, that helped to convey the impression of a real physical presence. The characterisation of the saint drew on the cast of rustic types which the artist habitually employed for his paintings of Apostles and philosophers, and illustrated his link with Caravaggio. With the exception of a little wear, the painting was in very good condition. The picture had been in Britain since at least the end of the nineteenth century, when it was recorded in the collection of Sir Stephenson Clarke. It remained with the family until its sale in 1992.

We heard this case in March 1993, when the painting was shown to us.

The representative for the applicant maintained that Ribera was already represented in this country by works which were of greater importance than this painting. This painting had been offered to the National Gallery during 1992, but had not been purchased.

We concluded that the painting met the second of the Waverley criteria. We therefore recommended that a decision on a licence application should be deferred for one month to give an opportunity for an offer to purchase at or above the recommended price of £850,000. We further recommended that the deferral period should be extended for an additional three months if there was a serious intention to raise funds with a view to making an offer to purchase.

At the end of the one month period, no offer to purchase had been made and we were not aware of any serious intention to raise the funds. An export licence was therefore granted.

Case 16

A painting, 'David with the Head of Goliath', by Guido Reni, c.1630

This painting, executed in oil on canvas, measures 215.5 by 145 cm. The owner, whose name was supplied to the Committee but is withheld from this Report by request, had applied for a licence to export the painting to Austria. The value shown on the export licence application form was £2,230,000.

The Director of the National Gallery, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the painting under the second of the Waverley criteria. He said that until recently this work, which could reasonably be identified with a picture referred to in 1631 as newly completed, was thought to be lost. Although it appeared to have come to Britain in the late eighteenth century, it resurfaced only in 1985, when it was sold at Sotheby's. Reni painted this composition twice. The earlier picture, datable on stylistic grounds to c.1605, was in the Louvre. It betrayed the impact that the works of Caravaggio had on the artist. Several copies of the Louvre picture existed. The existence of other copies, however, which differed in character from these, suggested the existence of another original by Reni, considered to be lost. The publication (1953) of a letter written in 1637 by Cardinal Bernardino Spada, an enthusiastic admirer and patron of the artist, to Marie de' Medici's agent in Italy, confirmed that Reni did execute a second version of the composition in about 1630. This second version was acquired in 1633 by the Duke of Modena for 275 Ducatoni. Despite the fact that the provenance of the picture under consideration could not be traced with absolute certainty, there seemed good reason to suppose that it was identical with the one purchased by the Duke of Modena. The quality of the execution appeared to be very high and autograph. The suggestion recorded in the Sotheby's sale catalogue that the picture

might be the work of Simone Cantarini, Reni's close follower, was, in his view, unfounded. In this work, Reni had devised a composition of measured grandeur and carefully constructed equilibrium. David's pose, drawn with great refinement, was one of acute poise and balance, reminiscent of classical statuary. The transitions from light to dark were softer than those of the earlier picture, particularly in the flesh tones, and the shadows less impenetrable. The head of David was more subtly characterised, and throughout the paint was handled with great freedom and confidence. Reni seemed to have purposely purged the work of the earlier Caravaggesque chiaroscuro, and had recast the composition in a lighter but profoundly monumental mode.

We heard this case in March 1993, when the painting was shown to us.

The representative for the applicant did not contest the importance of the painting under the Waverley criteria.

We concluded that the painting met the second of the Waverley criteria. We recommended that a decision on the export licence application should be deferred for three months. The Expert Adviser had questioned the valuation shown on the export licence application form. It was agreed by all interested parties that an independent valuation of the painting should be sought. The recommended deferral period would not begin until a fair market price had been established.

An independent valuation was later agreed and a decision on the licence application deferred for three months to give an opportunity for an offer to purchase the painting to be made at or above the recommended price of £2,000,000. We further recommended that, if there was a serious intention to raise funds, with a view to making an offer to purchase, at the end of the three month period, the decision should be deferred for a further three months.

At the end of the three month period, no offer to purchase had been made and we were not aware of any serious intention to raise the funds. An export licence was therefore granted.

Case 17

Ledgers and account books of Messrs Fribourg and Treyer, 1764–1816

These are a direction book, 1810–16, and the three earliest surviving ledgers of Fribourg and Treyer. Christopher Edwards Antiquarian Books and Manuscripts had applied for a licence to export the ledgers and books to the New York Public Library, New York, USA. The value shown on the export licence application form was £4,080.

The Manuscripts Librarian of the British Library, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the ledgers and account books under the third of the Waverley criteria. He said that they covered the periods 1764–78, 1796–1803 and 1803–12, with a direction book covering the period 1810–16. All the subsequent ledgers, 1812–1966, were already in the Westminster City Archives, as were two earlier direction books, 1789–1813, and indeed as was, with the exception of the four volumes under consideration, the entirety of the firm's surviving archive 1789–1977. Fribourg and Treyer, whose Georgian former premises are still a landmark in the Haymarket, were at the time of the four volumes under consideration the leading firm of snuff merchants and tobac-

consists in Westminster, and indeed in the country, since not only did they supply the Court, the aristocracy and the dandies, but also sent orders to clients in the country and even in Ireland. The volumes were both of great local interest and of wider importance to economic and business historians, the more so since there appeared to be no other records of the tobacco trade extant earlier than the year 1850. They had been illogically separated from a very large archive, the remainder of which remained intact.

We heard this case in March 1993, when the ledgers and account books were shown to us.

The representative for the applicant maintained that, while the ledgers were of some significance for the study of the tobacco trade, they were not of outstanding importance in that field. Furthermore, there was little to be gained from keeping the ledgers in this country that could not be obtained from a microfilm or photocopy record of them.

We concluded that the ledgers and account books satisfied the third of the Waverley criteria. We therefore recommended that a decision on the licence application should be deferred for three months to give an opportunity for an offer to purchase the ledgers and account books to be made at or above the recommended price of £4,080.

We subsequently learned that the ledgers and account books had been acquired by Westminster City Archives.

Case 18

A George III library table, manufactured by Gillow to a design by Thomas Chippendale, 1778

This library table measures 80 cm across, 105 cm deep and 200 cm long. Sotheby's had applied for a licence to export the table to Mr J Coutinho, Oeiras, Portugal. The value shown on the export licence application form was £315,000.

The Curator of the Furniture and Woodwork Collection at the Victoria and Albert Museum opposed export under the third of the Waverley criteria. He said that the table had been well known among furniture historians for many years, although precise details of its commission had only recently come to light. It had been supplied by Gillow in 1778 for Sir James Ibbetson Bt for Denton Hall, Yorkshire, following a design published in Chippendale's *Director* in 1754. The furnishing of this house, which was completed in 1778, was on a lavish scale. The most important part of the commission went to Thomas Chippendale, providing his only commission in the parish in which he was born. The other major commission went to Gillow. The table represented fine-quality cabinet-making by one of the largest and most successful cabinet-making firms in England. The success of the alliance of a 20-year-old firm with the more modern neo-classical motifs on the corners was the result of careful consultation between the client and the cabinet maker, and illustrated the skill with which a fine craftsman would use published designs as a source for invention and adaptation. The significance of this piece for the study of furniture related precisely to those matters of imitation and 'old fashionedness' which might at first sight preclude its retention under the Waverley criteria. It was exactly dated and documented, and thus shed light on the relationship between clients and cabinet makers and showed how a pre-eminent cabinet maker influenced both the market and the

wares produced by other firms. Chippendale's *Director* was universally acknowledged as the most important and influential book in the history of furniture design, and this table illustrated supremely well one aspect of its intended and actual importance as a source book for furniture makers in London and in provincial British cities.

The representative for the applicant maintained that there were numerous documented examples of Gillow's work in collections accessible to the public in national museums. Over the 200-year history of the company, they had produced furniture for clients in all parts of the country. Gillow was among many firms producing furniture in the style of Chippendale's *Director*, and students of Gillow, Chippendale and the influence of the *Director* were already well supplied with material relevant to all three subjects.

We heard this case in April 1993, when the library table was shown to us.

We concluded that the table satisfied the third of the Waverley criteria. We therefore recommended that a decision on the licence application should be deferred for three months to give an opportunity for an offer to be made at or above the recommended price of £315,000.

We subsequently learned that the table had been acquired by Lancashire County Council with assistance from a number of sources, especially the National Heritage Memorial Fund, the Museums and Galleries Commission/Victoria and Albert Purchase Grant Fund and the National Art Collections Fund together with additional contributions from charitable trusts, institutions, companies and private citizens.

Case 19

A painting, 'Van Tromp, going about to please his masters, ships a sea, getting a good wetting', by J M W Turner, 1844

This painting, executed in oil on canvas, measures 91.4 by 121.9 cm. Royal Holloway and Bedford New College had applied for a licence to export the painting to the J Paul Getty Museum, California, USA. The value shown on the export licence application form was £11,000,000.

The Keeper of the British Collection, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the painting under all three of the Waverley criteria. He said that this work occupied a key position in one of the most important Victorian collections of paintings – one which had been expressly formed for a particular place, Royal Holloway College, for the benefit of students, staff and public. It was of greater interest on account of the buildings, their decoration and adornment. The collection was one of the very greatest of Victorian collections, and its consistent quality and specifically public institution set it apart from other, private, collections. It was the High Victorian equivalent of the earlier collections of British painting made by John Sheepshanks and Robert Vernon. Holloway's intention had been to create, for the benefit of the College, an assemblage of masterpieces by recent or contemporary British artists. The collection had been intended to be educational and inspirational, and was of the greatest importance for students of the history of collecting, of education, of philanthropy and of a wide study of Victorian values. Turner was the supreme master of marine painting in the history of British art. This was an outstanding example of his mature style and was also a concluding statement of his long interest in the Dutch tradition, combining both a marine setting and an ingredient of narrative that belonged more to genre than to pure history. Together

with the Gainsborough and Constable pictures in the collection, this Turner served as one of the chief old masters of British art whose work and inspiration had underpinned the achievement of the Victorians. It was, chronologically and aesthetically, central to the collection.

We heard this case in April 1993, when we visited Royal Holloway College at Egham and saw the picture *in situ* with the rest of the collection.

The representative for the applicant did not contest the importance of the painting under the Waverley criteria. They did, however, point out that the College had sought and received approval from the Charity Commission to sell the painting in order to raise funds for the maintenance and restoration of the Founder's building. The College representatives did not accept the assertions of the Expert Adviser and, in particular, pointed out that there was no evidence that the pictures in the Royal Holloway collection had been purchased for any reason other than for the 'decoration of the building'. Most had, in fact, been purchased on behalf of Mr Holloway, and there was no evidence of a planned or coherent collection policy. The decision to sell was very much regretted, but was unavoidable.

The College Council had considered the matter carefully over a long period and had taken particular note, on the basis of the original deeds and other information, of the fact that the founder's primary objective had been to establish a university college for women, and not a picture collection, and that in the circumstances now facing the College, Thomas Holloway would have been likely to take the same decision to sell the painting in order to ensure the future well-being of the Grade I listed Founder's building and the remainder of the collection. The College representatives also agreed that the points made about the collection as a whole had been dealt with by the Charity Commissioners. If the picture had been sold within the country the Reviewing Committee would not have been involved. The question, therefore, in the view of the College, was that of the loss of a Turner to an overseas gallery. The College had always hoped that it would remain in this country, but the terms of the Charity Commission scheme required the College to secure the best possible price for the painting, and no matching offer had been received from within the UK.

We concluded that the painting satisfied the first and the second of the Waverley criteria. We therefore recommended that a decision on the licence application should be deferred for three months to give an opportunity for an offer to purchase the painting to be made at or above the recommended price of £11,000,000. We further recommended that, if there was a serious intention to raise funds, with a view to making an offer to purchase, at the end of the three month period, the decision should be deferred for a further three months.

At the end of the three month period, no offer to purchase had been made and we were not aware of any serious intention to raise the funds. An export licence was therefore granted.

Case 20

A painting, 'The Fortress of Königstein', by Bernardo Bellotto, c.1757

This painting, executed in oil on canvas, measures 133 by 235.7 cm. Bernheimer Fine Arts Ltd had applied for a licence to export the painting to the National Gallery of Art, Washington DC, USA. The value shown on the export licence application form was £6,290,781.

The Director of the National Gallery, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the painting under the first and second of the Waverley criteria. He said that this picture belonged to a series of five large views of the Fortress of Königstein, near Dresden, which had been commissioned in about 1756 by the Elector of Saxony, Frederick Augustus II, although he had never received the work. At present all five pictures were in Britain: two were in the collection of Lord Derby at Knowsley Hall and two had been acquired from the Marquis of Londonderry in 1983 by Manchester City Art Gallery. The exact date when this painting had come to England was not known, but it was likely that it was already here by 1778, when the two views of Königstein now in Manchester were sold at Christie's. The painting had been first recorded in a manuscript 'Catalogue of Pictures belonging to Lord Palmerston in Hanover Square' which could be dated to c.1800. Lord Palmerston was Henry Temple, the second Viscount Palmerston (died 1802), father of the famous Foreign Secretary and Prime Minister, the subsequent owner. It was the latter who had ceded the picture, before 1865, to Lord Beauchamp at Madresfield Court, where it had remained until its sale at Sotheby's in December 1991. The early arrival of the picture in England, possibly in the artist's own lifetime, put it among the very first works by Bellotto to have entered a British collection. The Earl of Derby's pictures showed exterior views of the fortress from the north and south, whereas the Manchester paintings showed views inside the castle perimeter. The painting under consideration, which depicted the fortress as seen from the north-west, presented the most dramatic prospect, and in it Bellotto showed his mastery of a whole range of visual and pictorial effects. The alternately shadowed and sunlit patches of landscape suggested scudding clouds overhead, and the blue-grey sky to the left implied specific weather conditions. The broad diagonal brushstrokes warned of approaching showers. The perpetual artistic problem of combining a foreground scene with a distant prospect was here skilfully resolved. Bellotto was not well represented in British public collections. This painting was possibly the finest example in this country of the artist's non-urban views, which were generally less well-known than his celebrated views of Dresden and other cities.

We heard this case in April 1993, when the painting was shown to us.

The representative for the applicant maintained that the painting had no connection with British history and national life. Significantly, for an eighteenth-century picture, it was not produced for an English patron, nor did it have a Grand Tour connection, and the circumstances under which it had entered England were not known. Henry Temple, second Viscount Palmerston, had most likely bought the painting in the late eighteenth century, and it had hung in his house in Hanover Square, which the family had acquired in 1792. The painting was so little regarded, however, that, according to tradition, the third Lord Palmerston gave it to William Lygon, first Earl Beauchamp, in payment of debt. Although the painting was a fine example of his work, Bellotto was not an artist of the first rank compared with the leading view painters of the Italian *Settecento*, Canaletto or Guardi. It was generally agreed, moreover, that Bellotto's greatest works were his precise topographical views of Dresden, Munich, Vienna and Warsaw. The present view was therefore not representative of the paintings that had established the artist's reputation, and the fact that it was never consigned to Augustus II, Elector of Saxony, may have suggested dissatisfaction on the part of the patron with the finished composition.

We concluded that the painting satisfied the second of the Waverley criteria. We therefore recommended that a decision on the licence application should be deferred

for one month to give an opportunity for an offer to purchase the painting to be made at or above the recommended price of £6,290,781. We further recommended that, if there was a serious intention to raise funds, with a view to making an offer to purchase, at the end of the one month period, the decision should be deferred for a further five months.

At the end of the one month period no offer to purchase had been made and we were not aware of any serious intention to raise the funds. An export licence was therefore granted.

Case 21

A painting, 'Brighton Pierrots', by Walter Richard Sickert, 1915

This painting, executed in oil on canvas, measures 63.5 by 76.2 cm. The Fine Art Society had applied for a licence to export the painting to the WBR Association Partnership, California, USA. The value shown on the export licence application form was £234,075.

The Keeper of the British Collection at the Tate Gallery, acting as the Department of National Heritage's Expert Adviser, had objected to the proposed export of the painting under the second of the Waverley criteria. He said that Sickert was arguably the most important British artist of the late nineteenth and early twentieth centuries. He had been the leading figure and driving force in the development of British Impressionism. He had forced British painters to come to terms with, and absorb, the developments in French painting of 1870-1900, through his influence at the New English Art Club in the 1890's and his formation of the secessionist and innovative Fitzroy Street, Camden Town and London Groups in the early years of this century. 'Brighton Pierrots' had been elaborately planned. Sickert had been to the Pierrots' performance on Brighton front every evening for five weeks. He had also been engaged for many months previously, making etchings. Never before had Sickert painted a figure subject with such a vividly rich and hot palette. This painting was one of Sickert's pre-eminent and most original canvases, and bridged his earlier and later work. It had characteristics of both periods, yet showed the different aesthetic stance of the two halves of his career. Sickert had painted two versions of this subject, but this version was undoubtedly the superior. This work was one of outstanding and highly individual aesthetic importance, both within Sickert's output and within the history of modern British painting.

We heard this case in April 1993, when the painting was shown to us.

The representative for the applicant maintained that Sickert's work was already very well represented in British public collections and, although this painting was certainly at the top end of Sickert's work, this did not automatically make it of outstanding aesthetic importance.

We concluded that the painting did not satisfy the second of the Waverley criteria and therefore recommended that an export licence should be granted.

We have the honour to be,

Sir,

Your obedient servants

J SCOTT (*Chairman*)

H S FOTHRINGHAM

J BAER

F HASKELL

G JACKSON-STOPS

J MONTAGU

G STONOR

SIR KEITH THOMAS

S MITCHELL (*Secretary*)

Appendix A

Terms of reference of the Reviewing Committee on the Export of Works of Art

The Committee was established in 1952, following the recommendations of the Waverley Committee in their Report in September of that year, and was directed:

- (a) to advise on the principles which should govern the control of export of works of art and antiques under the Import, Export and Customs Powers (Defence) Act 1939;
- (b) to consider all the cases where refusal of an export licence for a work of art or antique is suggested on grounds of national importance;
- (c) to advise in cases where a special Exchequer grant is needed towards the purchase of an object that would otherwise be exported; and
- (d) to supervise the operation of the export control system generally.

Appendix B

Composition of the Advisory Council on the Export of Works of Art

The Chairman of the Reviewing Committee is the Chairman of the Advisory Council, and the membership is as follows:

- (a) the independent members of the Reviewing Committee *ex officio*;
- (b) the Departmental Assessors on the Reviewing Committee (that is, representatives of the Department of National Heritage, Department of Trade and Industry, HM Treasury, Foreign and Commonwealth Office, HM Customs and Excise, Scottish Office Education Department, Welsh Office and Northern Ireland Ministry of Education);
- (c) the Directors of the English and Scottish National Collections, the National Museum of Wales and the Ulster Museum, and the Librarian of the National Museum of Wales;
- (d) the Expert Advisers to the Department of National Heritage, to whom applications for export licences are referred, other than those who are members by virtue of (c) above;
- (e) eight representatives of non-grant-aided museums and galleries in England, Scotland, Wales and Northern Ireland, nominated by the Museums Association;
- (f) representatives of the Arts Council of Great Britain, the National Art Collections Fund, the National Heritage Memorial Fund, the Friends of the National Libraries, the National Trust, the National Trust for Scotland and the Museums and Galleries Commission/Victoria and Albert Museum Purchase Grant Fund;
- (g) representatives of:

The Royal Academy of Arts	The Royal Commission on Historical Manuscripts
The Royal Scottish Academy	
The British Academy	The Museums and Galleries Commission
The Society of Antiquaries of London	The British Records Association
The Historic Houses Association	The Scottish Records Association
The Royal Historical Society	The Society of Archivists
The Council for British Archaeology	The Library Association
The Standing Conference of National and University Libraries	The Canadian Cultural Property Export Review Board (<i>observer status</i>)
- (h) twelve representatives of the trade, nominated by:

The British Antique Dealers' Association (<i>three</i>)	Christie's
	Sotheby's
The Society of London Art Dealers (<i>two</i>)	The London and Provincial Antique Dealers' Association (<i>two</i>)
The Fine Art Trade Guild	
The Antiquarian Booksellers' Association (<i>two</i>)	

Appendix C

List of Independent Assessors who attended meetings during the year ended 30 June 1993

Name	Institution
Professor B Alford	University of Bristol
Dr C Bailey	Edinburgh College of Art
Dr W Baron	Government Art Collection
Sir Geoffrey de Bellaigue	Royal Collection
Ms D Bosomworth	Warner Archive
Dr B Boucher	University College, London
Miss F Carey	British Museum
Mr J Cherry	British Museum
Mr J Clark	Museum of London
Dr R Cocke	University of East Anglia
Mr C Cooper	Public Records Office
Mr P Cormack	William Morris Gallery
Miss F Dimond	Royal Archives, Windsor Castle
Mr R Emmerson	National Museums and Galleries on Merseyside
Mr G Evans	National Museums of Scotland
Mr N Evans	Formerly of the Public Record Office
Dr D Farr	Courtauld Institute Galleries
Dr K Garlick	Formerly of the Ashmolean Museum
Mr C Gilbert	Temple Newsam House, Leeds
Dr J Harris	Whitworth Art Gallery
Mr D Hemsoll	University of Birmingham
Professor L Herrmann	Formerly of the University of Leicester
Mr J Jacob	Formerly of the Iveagh Bequest, Kenwood
Dr N James	Royal Commission on Historical Manuscripts
Dr C Kitching	Royal Commission on Historical Manuscripts
Professor M Kitson	Formerly of the Paul Mellon Centre
Mr A Lang	National Trust
Mr C Lloyd	Surveyor of the Queen's Pictures
Mr J Lomax	Temple Newsam House, Leeds
Professor R Marks	University of York
Professor H Miles	Formerly of the Barber Institute
Mr J Murdoch	Victoria and Albert Museum
Dr J Newman	Courtauld Institute of Art
Mr A North	Victoria and Albert Museum
Mr T Pepper	National Portrait Gallery
Miss J Poole	Fitzwilliam Museum
Dr K Quickendon	University of Central England in Birmingham
Ms P Roberts	Royal Photographic Society, Bath
Mr A Rota	Antiquarian Booksellers' Association
Mr D Scrase	Fitzwilliam Museum
Miss L Wood	Lady Lever Art Gallery, Merseyside
Mr R Woosnam-Savage	Art Gallery and Museum, Kelvingrove

Appendix D

Items accepted in lieu of Capital Transfer Tax or Inheritance Tax

The following property was accepted in lieu of tax and allocated in the period 1 July 1992–30 June 1993:

<i>Item</i>	<i>To whom allocated</i>	<i>Amount of tax satisfied (£)</i>
Rembrandt etching and 31 illuminated manuscripts	NACF	404,544
*Sculpture by Henry Moore	Leeds City Art Gallery	87,500
Painting with chalk study by Beccafumi, and Michelangelo diagrams	Fitzwilliam Museums (study and painting) British Museum (diagrams)	119,000
Satham collection of porcelain (further payment)	Fitzwilliam Museum	4,333
*Chattels at Sheringham Hall	National Trust	119,119
Charles I silver gilt standing cup and cover (including further payment)	Victoria and Albert Museum	206,014
*Painting by Reni	Fitzwilliam Museum	2,492,875
*'Corbridge Lanx' silver dish	British Museum	1,832,000
*Chattels at Nostell Priory	National Trust	30,820
Barrington Archive & model gun ship	Not yet allocated (archive) National Maritime Museum (ship)	147,000
*Two sculptures by Hepworth	Wakefield District Council	156,750
*Collection of glass	Victoria and Albert Museum	99,974
Portrait by Romney	Not yet allocated	105,000
*Two hats by Agar	Victoria and Albert Museum	3,500
Total		5,808,429

* These items carried a condition regarding allocation.

Appendix E
Export licences issued after reference to the Expert Advisers for advice as to national importance
 1 July 1992–30 June 1993

Works of art and other objects over 50 years old

Cases valued at above the relevant Open
 General Export Licence (OGEL) limit

Category	Advising authority	No. of cases	Total value (£)
Archaeological material	British Museum, Keeper of Medieval and Later Antiquities	14	39,249
Arms and armour	Royal Armouries, HM Tower of London, Master of the Armouries	55	1,354,676
Books, maps, etc.	British Library, Keeper of Printed Books, Keeper of Printed Maps	21	1,931,382
Books (natural history)	British Museum (Natural History), Head of Library Services	—	—
Clocks and watches	British Museum, Keeper of Clocks and Watches	18	2,145,554
Coins and medals	British Museum, Keeper of Coins and Medals	1	170,000
Drawings, prints, watercolours	British Museum, Keeper of Prints and Drawings	347	50,453,091
Drawings: architectural, engineering and scientific	Victoria and Albert Museum, Curator of the Prints, Drawing and Paintings Collection	28	353,450
Egyptian antiquities	British Museum, Keeper of Egyptian Antiquities	1	300,000
Ethnography	British Museum, Keeper of Ethnography (Museum of Mankind)	4	437,285
Furniture and woodwork	Victoria and Albert Museum, Curator of the Furniture and Woodwork Collection	271	38,445,197
Greek and Roman antiquities	British Museum, Keeper of Greek and Roman Antiquities	10	1,054,077
Japanese antiquities	British Museum, Keeper of Japanese Antiquities	17	1,002,426
Oriental antiquities (except Japanese)	British Museum, Keeper of Oriental Antiquities	67	5,971,449
Manuscripts, documents and archives	British Museum, Manuscripts Librarian	981	21,187,428
Maritime material, including paintings	National Maritime Museum	2	548,000
Medieval and later antiquities	British Museum, Keeper of Medieval and Later Antiquities	3	790,500
Paintings, British, modern	Tate Gallery, Keeper of the British Collection	244	149,972,929
Paintings, foreign	National Gallery, Director	248	336,050,195
Paintings, miniature	Victoria and Albert Museum, Curator of the Prints, Drawings and Paintings Collection	5	189,326
Paintings, portraits of British persons	National Portrait Gallery, Director	63	10,054,140
Photographs	National Museum of Photography, Film and Television, Head	203	4,602,740
Pottery	Victoria and Albert Museum, Curator of the Ceramics Collection	24	2,060,488
Prehistoric and Romano-British antiquities	British Museum, Keeper of Prehistoric and Romano-British Antiquities	3	259,127
Scientific and mechanical material	Science Museum, Director	66	9,251,004
Sculpture	Victoria and Albert Museum, Curator of the Sculpture Collection	52	9,352,739
Silver, metalwork and jewellery	Victoria and Albert Museum, Curator of the Metalwork Collection	202	23,265,299
Silver and weapons, Scottish	Royal Museum of Scotland	5	8,381
Tapestries, carpets (and textiles)	Victoria and Albert Museum, Curator of the Textile Furnishings and Dress Collection	42	3,749,565
Wallpaper	Victoria and Albert Museum, Curator of the Prints, Drawings and Paintings Collection	—	—
Western Asiatic antiquities	British Museum, Keeper of Western Asiatic Antiquities	3	275,000
Zoology (stuffed specimens)	British Museum (Natural History), Keeper of Zoology	—	—
Total		3,000	675,323,197

The figures include licences issued in respect of temporary exports, e.g. for exhibition and return, restoration, etc.

Appendix F

United Kingdom exports and imports of works of art, collectors' pieces and antiques (1988-93)

United Kingdom exports and imports of works of art, collectors' pieces and antiques (1988-92)

	Paintings, drawings, etc.		Other items	
	<i>Number of items</i>	<i>Value £(000)</i>	<i>Value £(000)</i>	<i>Total value £(000)</i>
Exports (including re-exports)				
1991-92	134,854	1,009,128	622,405	1,631,533
1990-91	109,322	1,111,498	654,735	1,766,233
1989-90	104,599	1,444,924	795,253	2,240,177
1988-89	77,654	1,053,832	545,334	1,599,166
Imports				
1991-92	785,255	716,480	518,363	1,234,843
1990-91	1,901,327	989,717	522,557	1,512,274
1989-90	7,976,967	1,365,101	668,956	2,034,057
1988-89	614,101	1,039,872	494,731	1,534,603

United Kingdom non-EC exports and imports of works of art, collectors' pieces and antiques (1992-93)

Details of United Kingdom EC exports and imports were not available at the time of writing this report.

	Paintings, drawings, etc.		Other items	
	<i>Number of items</i>	<i>Value £(000)</i>	<i>Value £(000)</i>	<i>Total value £(000)</i>
Exports (including re-exports)	73,629	542,577	418,383	960,960
Imports	282,062	613,497	394,605	1,008,102

Source: trade returns

Appendix G

Open General Export Licence limits

	UK licence (£)	EC licence (£)
Any antique item not shown below, more than 50 years old	39,600	39,600
Archaeological material found in UK soil or UK territorial waters	Zero	Zero
Archaeological material from outside the UK*	39,600	Zero
Elements forming an integral part of artistic, historical or religious monuments, which have been dismembered, and which are:		
– more than 50 years old but less than 100 years old	39,600	No EC licence required
– more than 100 years old	39,600	Zero
Incunabula more than 50 years old	39,600	Zero
Manuscripts more than 50 years old, including maps and musical scores, singly or collections	Zero	Zero
Archives, and any elements thereof, of any kind, on any medium, which are more than 50 years old	Zero	Zero
Architectural, scientific and engineering drawings produced by hand, more than 50 years old	Zero	11,900
Firearms more than 50 years old but less than 100 years old	39,600	39,600
Firearms 100 years old or more, and any other arms and armour more than 50 years old	20,000	39,600
Textiles (excluding carpets and tapestries)**	6,000	39,600
Mosaics (other than those falling in the archaeological or monument categories above) which are more than 50 years old	39,600	11,900
Drawings executed entirely by hand on any medium and in any material, more than 50 years old	39,600	11,900
Original engravings, prints, serigraphs, and their respective plates, and original posters, more than 50 years old	39,600	11,900
Photographs, films and negatives thereof, which are more than 50 years old	6,000	11,900

Notes:

* Archaeological material from outside the UK

There is a discretion under the EC Regulation which allows Member States not to require EC export licences for objects of limited archaeological or scientific interest. Guidance on this can be obtained from the Department of National Heritage.

** If the object is a portrait of a British historic person or a textile (excluding carpets and tapestries) for export within the EC and worth at or above the UK licence limit and below the EC licence limit, an application may be made to the Director of the National Portrait Gallery (in respect of portraits) or the Director of the Victoria and Albert Museum (in respect of textiles) for an export certificate.

A British historic person is someone listed in the *Dictionary of National Biography*, *Who's Who* or *Who was Who*.

Appendix G *continued*

	UK licence (£)	EC licence (£)
Printed maps which are:		
– more than 50 years old but less than 200 years old	39,600	No EC licence required
– more than 200 years old	39,600	11,900
Original sculptures or statuary, and copies produced by the same process as the original, which are more than 50 years old (other than those which fall within the archaeological category)	39,600	39,600
Books which are:		
– more than 50 years old but less than 100 years old	39,600	No EC licence required
– more than 100 years old	39,600	39,600
Collections and specimens from zoological, botanical, mineralogical or anatomical collections	No UK licence required	39,600
Collections of historical, palaeontological, ethnographic or numismatic interest	No UK licence required	39,600
Means of transport which are:		
– more than 50 years old but less than 75 years old	39,600	No EC licence required
– more than 75 years old	39,600	39,600
Portraits or likenesses which are more than 50 years old, of British historic persons**	6,000	119,000
Paintings in oil or tempera, which are more than 50 years old (excluding portraits of British historic persons)	119,000	119,000
Paintings in other media, which are more than 50 years old (excluding portraits of British historic persons)	39,600	119,000

Note:

** If the object is a portrait of a British historic person or a textile (excluding carpets and tapestries) for export within the EC and worth at or above the UK licence limit and below the EC licence limit, an application may be made to the Director of the National Portrait Gallery (in respect of portraits) or the Director of the Victoria and Albert Museum (in respect of textiles) for an export certificate. A British historic person is someone listed in the *Dictionary of National Biography*, *Who's Who* or *Who was Who*.





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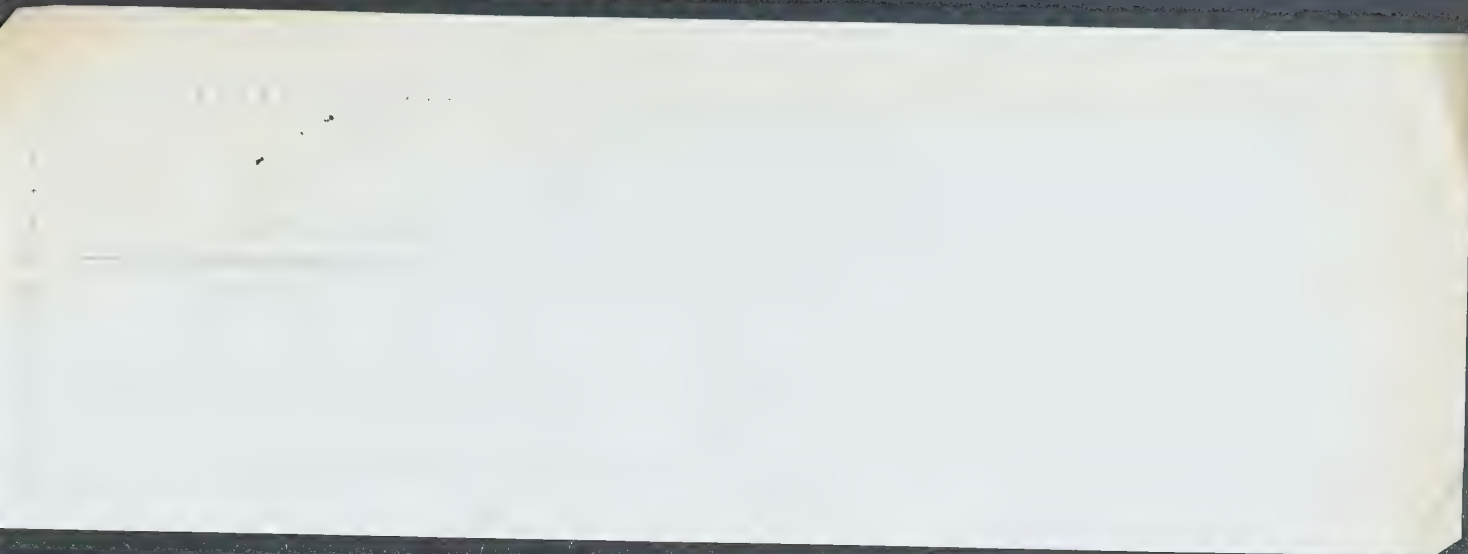
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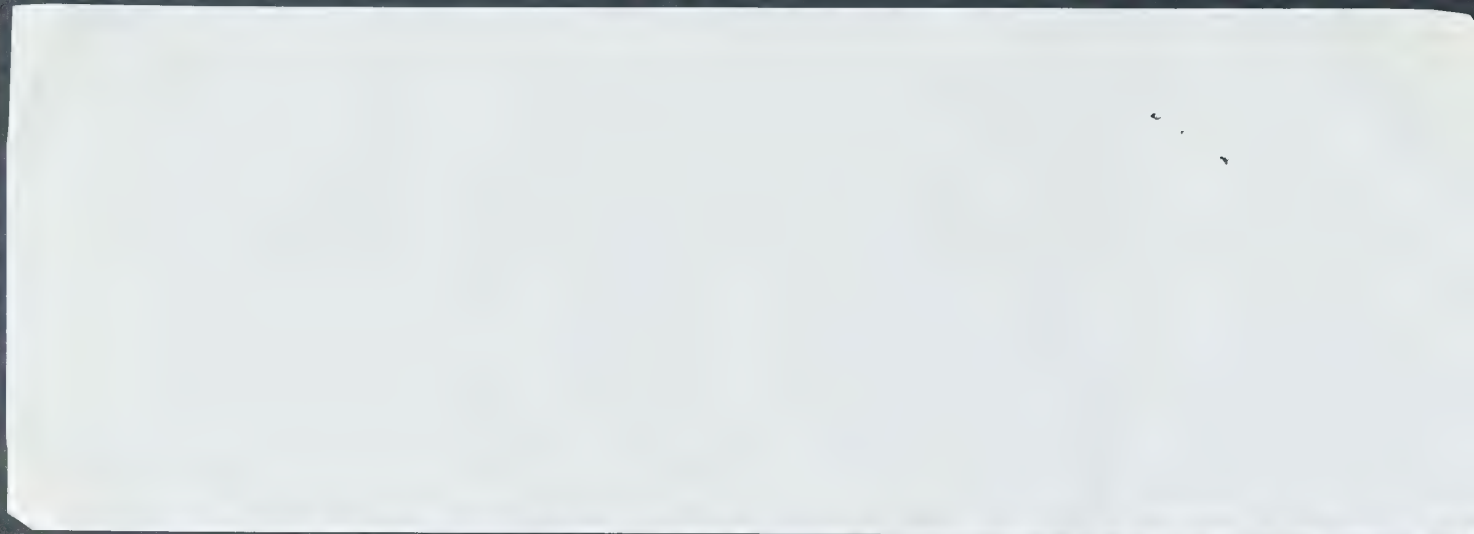
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Dr Alfred Bader
Alfred Bader Fine Arts
Astor Hotel Suite 622
924 East Juneau Avenue
Milwaukee
Wisconsin
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3 August 1995

Dear Dr. Bader,

(By fax and post)

REVIEWING COMMITTEE'S ANNUAL REPORT - CASE NO. 23

Thank you for your letter of 2 August which Mr Jenkins has shown to me. I should like to explain the reasons behind the wording of the draft of the Annual Report which you have seen and to clarify the handling of the case after it was considered by the Reviewing Committee.

The applicant for the export licence was Vulcan International Services who submitted the application to the Department of National Heritage to export the painting to yourself, Alfred Bader Fine Arts, the owner. Following normal practice, the Report records the statement which was supplied by the applicants, Vulcan International, as to whether the Waverley criteria were met.

As you know, the National Heritage Minister deferred a decision on the licence application for two months until after 8 April with the possibility that the deferral period could be extended for an additional four months if there was a serious intention to raise funds with a view to making an offer to purchase.

I should like to emphasise that the purpose of the deferral period is to enable offers to purchase to be made from any source, either a public institution, or a private individual or company. At the end of the initial two months we were not aware of any interest having been shown by a public institution. However, we were informed that a private collector was in direct negotiation with you to purchase the picture. In response to questions from both Christie's and Vulcan International who, we understood, were acting for you in the matter of the sale and shipping arrangements, we explained that, in the light of the private interest in acquisition, it was probable that the deferral period would be extended.



We later received a formal request for the Minister to apply the extension to the deferral period to enable these negotiations to continue. However, before the Minister's decision was received we were informed that the sale of the picture to the United Kingdom buyer had been concluded and the application was effectively withdrawn. This was confirmed by your letter of 27 April.

Given that a British museum or gallery was not interested in acquiring the picture there was no further information that we could provide you with until the Minister's decision was received on whether to extend the deferral. As I have already explained, events overtook this communication.

I can assure you that the Reviewing Committee makes every effort to deal fairly as between all parties and we will endeavour to ensure that if any of your paintings are referred to the Committee in the future, the cases proceed smoothly.

Yours sincerely,

Simon Mitchell

Simon Mitchell
Secretary

To Rachel Goto: Ugh!

*If this is really correct,
we were screwed!*

*Rachel: I have misplaced Mr. Fish's
card. Please fax his address and
fax number.*

Thanks Anna

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