

## Individual export cases

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### Case 1

#### **An album of portrait drawings by William Stukeley**

The album contained a number of portraits of Stukeley's contemporaries, including two of Sir Isaac Newton. The applicant had applied to export the album to an institution in the USA. The value shown on the export licence application was £16,000, which represented the agreed sale price.

The Head of Modern Historical Manuscripts at The British Library, acting as the Department's expert adviser, objected to the export of the album under the third Waverley criterion. The material was considered of outstanding importance for the study of the activities of an important pioneering figure in British archaeology, antiquarianism and the history of ideas, in the context of closely related material in national and local collections.

William Stukeley (1687-1765) was famous from his own day onwards as an antiquary who had been called 'the Father of British Archaeology'. A practising physician, clergyman, and F.R.S., he helped to establish the Society of Antiquaries in 1718 and was its first secretary. In the course of his travels and researches throughout the country he became a notable draftsman and topographer. He was the first keeper of the Society of Antiquaries 'drawing book' and his *Itinerarium Curiosum, or an Account of the Antiquities and Remarkable Curiosities in Nature and Art, Observ'd in Travels through Great Britain* was illustrated with his own prints. Many of Stukeley's drawings, plans and works, including some in the album, had strong local connections. He was also the first biographer of Newton, a Lincolnshire man like himself, and his memoir contained the fullest version of the anecdote, probably the most famous in the history of science, which made the connection between Newton's first 'notion of gravitation' and the fall of an apple.

The expert adviser claimed that there was clear evidence of a growing appreciation of Stukeley's importance amongst historians of intellectual history and the history of science. Stuart Pigott's standard biography of 1950 was completely revised for a second edition in 1985 to take account of this and further reassessments had followed. Stukeley's painstaking fieldwork at Avebury, generally acknowledged to be one of the outstanding prehistoric sites in Britain, was now recognized to be of permanent value; the most recent archaeological reassessments relied extensively on it. The most recent general study, David Boyd Haycock's *William Stukeley: Science, Religion and Archaeology* (Boydell, 2002), situated Stukeley's thinking fully within the history of ideas. As befitted Newton's biographer, Stukeley was an important exponent of Newtonianism, which in the words of the historian of science, Professor Michael Hunter, 'he exemplified in the broadest sense of the term', in that he repeatedly championed Newton's explanatory principles and shared his interest in the history of religion.

The most important items in the album were the two profile portraits of Sir Isaac Newton, one in pen and ink and wash, annotated 'raptim ex vita' and dated 1726, and the other a sketch. As Newton's fellow countryman and fellow member of the Royal Society, Stukeley was on friendly terms with him in his later years, and when he went back to live in Grantham himself was at pains to record the memories of those still living who could remember Newton's youth. In his memoir Stukeley also described how he made several impromptu portraits of Newton from life, 'chiefly in the antique way of profile' (Stukeley's works included published and unpublished medallion histories of the Roman Emperors and Kings of England), 'and

very like ... he had a countenance pleasing and good-humour'd, but sufficiently indicative of vast penetration'. Since Newton was only willing to be portrayed full-face, these were 'snatched' while he sat for his formal portrait to Kneller, whose habit of 'keep[ing] up perpetual discourse' with his sitters 'to preserve the lines and spirit of the face' Stukeley noted and was able to take advantage of. The portraits are therefore not only valuable as likenesses of Newton by some one who knew him well, but are linked with another more famous image of him.

Stukeley also stated that one of his portraits of Newton was prefixed to the memoir he was writing. The catalogue entry from Bonham's sale of 17 Dec. 2002 for the album related this to Stukeley's draft of the memoir, now in Grantham Museum (not Grantham Public Library as the sale catalogue states). In fact the Keeper of Collections at Grantham Museum confirmed that this draft included no image of Newton. Stukeley's reference was to the fair autograph version of the memoir now in the Royal Society Library, which had a profile portrait of Newton, 'ad vivam', prefixed to it, though it was a different version from those in the album. Hitherto this had been the only one of the Newton portraits made by Stukeley from life thought to survive. The album portraits must represent the 'lost' versions.

The expert adviser considered that the significance of the album did not derive just from its own content, as was evidenced by the considerations above. In addition to his numerous published works, Stukeley left an extensive working archive. A few manuscripts were sold with his library in 1766, but the bulk of his papers descended intact in the ownership of his descendants until they were dispersed at Sotheby's sales of 15 July 1924 and 5 April 1931. The album (and other Stukeley items in adjacent lots of the Bonham's sale of Dec. 2002) originated in this archive; the album was almost certainly identifiable as lot 277 in the 1924 sale. Much of the material from the earlier dispersals had found homes in appropriate national and local collections, including the Bodleian Library; Corpus Christi College Cambridge, the Wellcome Library, Wiltshire Archaeological Society, the Royal Society, and elsewhere. Much had therefore been done to reverse the process of dispersal, to re-assemble Stukeley's manuscript remains and (in the latest scholarly assessments of Stukeley cited above) to study them in relation to each other. There had as yet been no opportunity for the album or the other Stukeley material in the Bonham's sale which passed into the hands of private collectors, to become a part of this process; hence the inaccuracy of existing statements about the connections with Stukeley's other Newton manuscripts.

The Newton portraits were not the only items with connections elsewhere in Stukeley's archive. The other drawings in the album included portraits of his associates, Michael Mattaire, the classical scholar who wrote a Latin epigram on Stukeley's portraits of Newton; the antiquarian Samuel Gale (godson of Pepys); John Rogers, apothecary of Stamford, and Stukeley's friend the Duke of Montagu. These provided valuable evidence of Stukeley's milieu, and the whole group was also closely related to two further series of portrait drawings in Stukeley's diary and notebooks now in the Bodleian Library. These included drawings of his fellow antiquarians Humphrey Wanley, Ralph Thoresby and Sir John Clerk of Penicuik, as well as members of Stukeley's family. The series bore witness to the influence of Stukeley's fellow antiquary, George Vertue, with whom he was closely associated from the time the Society of Antiquaries was founded in 1718, with Vertue as its official engraver.

Finally, the expert advisor considered that for study purposes, copies of the documents would not be adequate substitutes for the originals.

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The applicant said that the relevance of the Waverley criteria was a matter for the Committee, but doubted that the material was of outstanding aesthetic importance.

We heard this case in 2 July 2003, when the album was shown to us. We concluded that the album did not meet the Waverley criteria. The album was interesting, but not of outstanding importance, either in its own right, or in relation to other papers of Stukeley's held elsewhere. We therefore recommended that an export licence should be issued.

## Case 2

### **The papers of Sir James Watt and his family**

The papers all derived from the archive of James Watt, formerly preserved by his descendants at Doldowlod, Radnorshire. They included both manuscript and printed material, the latter in the form of books and pamphlets, all with manuscript additions. The applicant had applied to export the papers to a private owner in the USA. The value shown on the export licence application was £131,783.50, which represented the price paid for the items at auction together with buyer's premium.

The Head of Modern Historical Manuscripts at The British Library, acting as the Department's expert adviser, objected to the export of the papers under the first and the third Waverley criteria, because the material was an integral part of the archive of one of the most outstanding figures of the 18th Century, James Watt (1736 – 1819), inventor of the modern steam engine, whose partnership with Matthew Boulton at the Soho Engineering Works at Birmingham was one of the driving forces of the Industrial Revolution.

After the death of James Watt's son in 1848, the entire family archive passed into the hands of one of his executors, J. P. Muirhead. In 1870, following a legal dispute which caused all the papers to be deposited in Chancery, it was divided. One part was returned to Muirhead and the remainder was sent to Watt's heir, James Watt Gibson-Watt of Doldowlod. The portion of the archive returned to Muirhead was donated to Birmingham City Council in 1921. Most of that part of the archive allocated to Mr Gibson-Watt was purchased by the City Council, from his descendant Lord Gibson-Watt, in 1994, with the aid of the Heritage Lottery Fund, the V & A Purchase Grant Fund and donations from numerous local sources; it became known as the James Watt Papers. It included James Watt's incoming and outgoing correspondence; notebooks and journals, including the famous experiment notebook in which he described his experiments with latent heat using the domestic kettle; personal and business accounts; surveying reports and plans; and legal papers. It also included material relating to other members of the family, including his sons, James Watt junior and Gregory Watt. Watt junior (1769-1848) succeeded his father at Boulton & Watt from 1800 onwards and was closely involved in the development of the steamboat. Gregory Watt (1777-1804) was a talented mineralogist and geologist who died from consumption at the age of 27.

The James Watt archive was in turn part of a larger archival entity, collectively known as 'The Archives of Soho'. Together these comprised the private and business archives of James Watt, his partner Matthew Boulton, the Birmingham entrepreneur and leading light of the Lunar Society with whom he developed his

steam engine, and their families. These records were remarkable for the extent to which the various components supported and assisted in the interpretation of each other, making them a major source for the history of the community and the industrial sector and scientific communities in which they operated.

The expert adviser considered James Watt's autograph drafts of his family tree, together with the memorials to his parents and accounts of his parentage and early career, to be crucial firsthand additions to his biographical record, as well as testimonies to his sense of family allegiance and his desire, in the light of his achievements, to transmit an accurate account of his origins. James Watt junior's related accounts of his father derived from his continued efforts to collect and compile accurate biographical information for Dominique Francois Jean Arago's *Éloge Historique de James Watt* (Paris, 1839) and for various newspapers and scientific journals. The Muirhead portion of the James Watt Papers included related correspondence about these biographical notices, but not copies of these manuscript accounts written by Watt junior. However they did include an original portfolio cover, in which the label 'Memoir of his Life etc.' had been crossed out, very probably the original wrapping for the present papers.

In the expert adviser's opinion, one of the most famous documents in the James Watt Papers was his account of his experiments with steam in his experiment notebook, illustrated by his sketch of a boiling kettle. The papers included correspondence dated November and December 1834 between James Watt junior and his cousin Jane Campbell, including an account of Watt senior's boyhood by the latter's mother Marion Campbell, which gave a firsthand account of the famous episode of his early painstaking observations of a boiling kettle. This was a unique piece of corroborating information; the notebook itself said nothing about these early observations. The copy of *Letters Respecting the Watt Family*, by George Williamson, 1840, in the Muirhead Papers, included a further manuscript memorandum dated 22 January 1835, with notes by James Watt junior at the end. Entitled 'Memoranda of the early years of Mr Watt, by his Cousin Mrs Marion Campbell', it was closely related to the first item in this lot. Both were collected when Watt junior was compiling biographical information concerning his father, as indicated in the preceding paragraph.

The 'Essay on a System of Character for Chemical Subjects', an autograph draft by James Watt, was originally part of one of the bundles currently in the James Watt Papers. The original bundle wrapper lists five 'Miscellaneous Papers by Mr Watt', only four of which were present. Chemistry was a very important subject in Watt's life, and this essay helped to establish his position in relation to the new chemical nomenclature which was being developed. In a wider sense it was an indication of the growing merger between engineering and experimental science in the 18th century, of which Watt's career was a striking illustration. In a letter in the Muirhead Papers from Watt to Watt junior dated 28 Nov. 1788, Watt said (apropos of the present manuscript) that he had completed his chemical characters and, if encouraged, would publish them.

The papers also included letters by Watt which the expert adviser stated were obvious strays from the Archives of Soho. The letter to Rennie appeared to have been removed at some point from the relevant letterbook in the Boulton & Watt archive, as it was included in the letterbook index and there was a gap at the relevant point in the volume. There was no original of the copy letter from Watt & Co to James Woodmason, who was the London agent for sales of Watt's copying press machinery. The letter from Lord

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de Dunstanville to Boulton & Watt about William Murdoch provided valuable information about Murdoch's career and the Soho Insurance Society.

The premature death of his promising younger son Gregory, also active in the Boulton and Watt partnership, was a terrible blow to James Watt. The several autograph drafts for his epitaph in Exeter Cathedral were a poignant testimony to this, and they supplemented related material in the Archives of Soho. The letter from Gregory to his father of 22 November 1792 was also related to a similar letter from him in the Archives of Soho.

In addition the papers included one of Watt's few printed works, *Manufactures Improper Subjects of Taxation* (1785), annotated by Watt junior with a note of his authorship which provided valuable corroboration of a work not widely attributed to him. There was also printed material containing published works by Watt, James Watt junior and key contemporaries, with manuscript letters and notes inserted or annotations by Watt and his son. These were unique association items which threw light on Watt's reading and the influences which produced his major work: for example, Watt's copy of *A Course of Experimental Philosophy* by John Theophilus Desaguliers, was a reminder of Watt's statement that when he first came to work on steam engines, 'my knowledge was derived principally from Desaguliers'. Of James Black, Watt remarked, 'to him I owe in great measure my being what I am; he taught me to reason and experiment in natural philosophy, and was always a true friend and adviser'. Watt's own copy of his mentor's *Lectures of the Elements of Chemistry*, dedicated to Watt and with marginalia by his son, was included in the papers and much correspondence which confirmed the importance of the association was preserved in the Archives of Soho. Robert Smith's *Complete System of Optics* has been described as 'probably the most influential optical textbook of the 18th century'; the copy which formed part of the papers includes two inserted letters to Watt, one from Sir John Stuart, 1767, and one from Aberdeen, 1773, about barometer experiments. This gave valuable information on Watt's reading at this time and provided additional information on his work as an instrument maker and his contacts in Scotland. The James Watt Papers also included related correspondence, such as that with James Lind in 1774 about barometers.

The expert adviser concluded that the papers were not only important in their own right, but could clearly be seen to be an integral part of a group of related archives, whose importance in understanding the technical, social and economic impact of the Industrial Revolution on the national life was hard to exaggerate. Each contained material essential to the understanding of the other. If the present material were to be exported its proper context for study and interpretation would be lost, to the detriment of both.

The applicant's representative accepted that the items were connected with the industrial history of the United Kingdom but argued that they were not so significant, either individually or as a group, that their departure would be a misfortune. The vast majority of James Watt's papers were in the ownership of the City of Birmingham, including those which were key to James Watt's discoveries and inventions. The papers concerned with this case were considered to be less important than those in Birmingham and not as central to the history of the United Kingdom. It was also argued that the papers were not of outstanding significance for the study of some particular branch of art, learning or history. The majority comprised printed books, other copies of which were represented in public collections in the United Kingdom.

We heard this case in August 2003. We concluded that the papers met the first and third Waverley criteria. The owner withdrew his application to export the papers before a recommendation to defer a decision on the export licence application was made.

Case 3

### **A portrait of Sir James Watt by William Beechey**

The painting is oil on canvas and measures 124.5 X 99.5cm. It was commissioned by Sir James to mark his retirement from Boulton and Watt in 1800 and ranked among the most important works by Beechey, a pre-eminent portrait painter of the late eighteenth century. It depicted Watt as a prosperous businessman and, at the same time, as a brooding scientific giant by employing the newly developed conventions for portraying Romantic genius. The applicant had applied to export the papers to a private owner in the USA. The value shown on the export licence application was £157,192.00, which represented the price paid for the painting at auction together with buyer's premium.

The curator of 18th century collections at the National Portrait Gallery, acting as the Department's expert adviser, objected to the export of the portrait under the first and second Waverley criteria because it ranked among the most important works by Beechey and because James Watt was a leading figure in the industrial revolution and was effectively considered to be the 'inventor' of the steam engine. The painterly handling, composition and lighting, ensured that this portrait succeeded in displaying the ageing Watt as a Romantic hero of the industrial revolution. Furthermore, as Watt passed into a Victorian pantheon of British worthies, Beechey's portrait became the definitive painting of the engineer.

The expert adviser also argued that this particular portrait had a special relationship both with a place and another portrait, which revealed much about the historical context in which this painting was enjoyed. Until this year the portrait had been effectively treated as one of a pair with Beechey's portrait of Matthew Boulton commissioned by James Watt in 1810. Contemporary evidence located this pair at either end of James Watt junior's breakfast room, at Aston Hall, from 1820 to 1848; the pairing was then retained at the Gibson-Watt house at Dowdolod in Wales. In respect of the first Waverley criteria, the expert adviser considered this context and pairing brilliantly represented one of the most important business partnerships of the period. It also suggested the level of affection and respect between Watt and Boulton, two giants of the Industrial Revolution.

James Watt (1736-1819) was a mechanical engineer who trained as a scientific instrument-maker. In 1765 he invented the improved steam engine whose increased efficiency made possible the widespread use of steam power in manufacturing. Moving from Scotland to Birmingham in 1775 he took Matthew Boulton as his business partner and together they founded Bolton and Watt in 1775. At the same time he developed a further version of his engine which revolutionised industry and immortalised Watt's name as the 'inventor of the steam-engine'. Between 1775 and 1800 Boulton and Watt dominated the production of the steam engine. During the 1780s Watt spent time adapting and refining his invention to rotative motion, which enlarged its potential market, not least for the fast-growing cotton industry.

As success prompted other inventors and imitators to enter the field, Watt spent most of the 1790s attempting to protect his patents. In 1800, he retired from business but still spent much of his time

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actively involved in advising on new engineering initiatives and inventions; he was also an active member of the Royal and Lunar Societies.

This portrait of James Watt was considered one of Beechey's finest contributions to the Regency genre of portraits of 'new made men'. Although he did not appear to have taken possession of the painting for some time, Watt was pleased with the work. In 1809 he wrote, 'There is no good portrait of me except that painted by Sir William Beechey, still in his possession'. Being engraved for several publications, after Watt's death, Beechey's portrait arguably became the definitive icon of James Watt who was actively celebrated, during the nineteenth century, as one of the fathers of the Industrial Revolution. As part of this trend the painting was engraved for the *European Magazine*, 1820; *The British Gallery of Contemporary Portraits*, 1822; and *Knight's Gallery of Portraits*, 1833-7.

Beechey entered the Royal Academy schools in 1772. He began to exhibit in 1776 and continued to send portraits to the Royal Academy exhibition for the rest of his career. In 1793 he was appointed portrait painter to Queen Charlotte. Successful as a court artist, Beechey was both elected RA and knighted in 1798, the year he exhibited his large group portrait of *George III Reviewing the Dragoons*. Throughout his career Beechey had many clients and his Royal connections ensured that he appealed to both aristocrats and the aspirant middle classes. His Sitter and Account Books for 1801 are untraced so little is known about the Watt commission; the initial introduction may have been due to Matthew Boulton who was friendly with Beechey and had already had a portrait painted. It may, however, be inferred that Beechey considered this one of his more important portraits from the existence, and exhibition in 1804, of Henry Bone's enamel. The two artists knew each other well and Bone produced and exhibited several enamels which kept Beechey's most celebrated works in the public eye.

The applicant's representative argued that the painting did not come within any of the Waverley criteria. It was accepted that it was connected with the industrial history of the United Kingdom but it was not considered to be so significant that it would be a misfortune if it were to leave the United Kingdom. The painting was not considered to be of outstanding aesthetic importance or of outstanding significance for the study of some particular branch of art, learning or history.

We heard this case in August 2003. We concluded that the portrait met the first and the third Waverley criteria. The owner withdrew his application to export the portrait before a recommendation to defer a decision on the export licence application was made.

Case 4

#### **An oil painting, *Le Jardin d'Octave Mirbeau à Damps*, by Camille Pissaro, 1892**

The painting is oil on canvas and measures 65 x 54cm. It was painted in mid-September 1892, when Pissaro visited his friend, the novelist, critic and fellow-anarchist Octave Mirbeau (1848-1917) at his country home at Damps. The painting was acquired by Mirbeau himself – whether by gift or purchase is not known – and it remained in his important collection of modern art until the writer's death. The applicant had applied to export the papers to the USA. The estimated value shown on the export licence was £650,000, which represented the sterling equivalent on the relevant date when the sale price was verbally agreed between vendor and purchaser.

The Director of the National Gallery, acting as the Department's expert adviser, objected to the export of the painting under the second and third Waverley criteria because it was an important rediscovery in Pissarro's oeuvre, a century after his death, not only for its superb state of preservation but because it dated from a turning point in his artistic development, as he began what would be the final decade of his life.

Gardens were much on Pissarro's mind in the summer of 1892, part of which he spent visiting family in London and painting at Kew. It was to Mirbeau that he expressed his excitement over 'this wonderful garden of Kew! Oh! My dear friend, what trees! What lawns! ... It's a dream!' Returning to France in late August, he soon accepted Mirbeau's invitation to visit and set to work almost immediately painting the writer's luxuriant garden in turn. He wrote to his son Lucien of these works that, while the motifs were 'superb,' the work required 'persistence, will power, and the free play of sensations, detaching [myself] from all else but my own feelings.' Immediately after this statement of artistic purpose, Pissarro returned in his letter to Lucien to the terrifying subject that was preying on his mind, the cholera then ravaging Paris, telling his son to protect the children and ordering his wife not to travel into the city. Mirbeau's garden was, then, not only an emotional sanctuary where Pissarro could refine his sensations, but at that moment a physical sanctuary as well. Moreover, Pissarro shared with his host a passionate commitment to anarchism. Paris had been rocked by anarchist bombs earlier in the year but Pissarro did not address this aspect of the cause. Rather, Mirbeau's garden – like Kew Garden, a kind of dreamscape – can be seen as a symbol of the Golden Age that lay in the future when the anarchist vision was realised; such edenic imagery was coming to play a central role in the anarchist-inspired art of the 1890s.

By 1892 Pissarro was leaving behind his chief artistic enthusiasm of the previous decade, the pointillist painting technique of Georges Seurat (1859-1891). Paris had seen a posthumous Seurat retrospective exhibition that spring and it was as if, honour having been paid, Pissarro could return to a modified Impressionist painting style. This allowed him to paint much more quickly, as was his natural inclination, and to produce more works, an economic imperative. Nonetheless, the paintings he executed in Mirbeau's garden were still characterised by the application of countless small and vibrant dots of colour. Though applied without the 'scientific' precision of late Seurat, the painting technique here was considered to give to these canvasses their distinctive shimmering vivacity. The four paintings of Mirbeau's garden, closely related in choice of motifs, also constituted an early example of series painting in Pissarro's oeuvre. Early the following year, he would paint the streets around the Gare St-Lazare in Paris, launching the cityscape series that henceforth would dominate his artistic production until his death in 1903. Both series were exhibited in the 1893 Durand-Ruel exhibition, suggesting the scope, stretching from country to city, of Pissarro's current artistic ambitions. The expert adviser argued that the *Garden of Octave Mirbeau at Damps* was, literally, a crucial painting for Pissarro, pointing to what had gone before and what was to come in his artistic career, to his personal fears and artistic aspirations in 1892, and to the political and social beliefs he shared with his friend Mirbeau.

The owner argued that the painting did not have a close connection to United Kingdom history or national life and was not considered to be of outstanding aesthetic importance. The owner did not comment on the significance of the work for the study of the history of art.

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We heard this case in October 2003. We concluded that the painting did not meet any of the Waverley criteria. We therefore recommended that an export licence should be issued.

Case 5

### **A Regency carved mahogany centre table designed by Thomas Hope for his house in Duchess Street, c.1805**

The mahogany centre table with profusely carved trestle supports was designed by Thomas Hope, an important figure in the creation of the Regency style, who also exercised far-reaching influence on later 19th-century taste. The table was one of only a few items designed by Hope for his own use. The applicant had applied for a licence to export the table to a client in the USA. The value on export licence was £100,000 and represented the price the client had agreed to pay.

The senior curator in the Department of Furniture, Textiles and Fashion, acting as the Department's expert adviser, objected to the export of the table on the grounds of the second and third Waverley criteria. The expert adviser highlighted the exceptionally high quality of the table and unusual features in its manufacture that may cast new light on other pieces of Hope furniture.

The table corresponded directly to a design (showing the end-view) published in plate 26 of Thomas Hope's *Household Furniture* (1807), which recorded the furniture and interiors commissioned by Hope himself for his show-house in Duchess Street. That this was the very table illustrated – and not a copy after the engraving – was confirmed by the fact that it was sold from the estate of Diana, Duchess of Newcastle, with provenance from the Dukes of Newcastle. The 6th Duke had married Henrietta Adela Hope, Thomas Hope's ultimate heiress, in 1851. Together with the other contents of the house in Duchess Street, the table must have been transferred to Deepdene in Surrey – which Hope had acquired in 1807 – in or before 1851, when the Duchess Street house was demolished. Henrietta Adela (d. 1913) left Deepdene to her second son, Lord Henry Francis Hope Pelham-Clinton-Hope, who in 1928 succeeded his brother as 8th Duke, and must at that stage have taken some Deepdene pieces to his main seat Clumber Castle – though he had sold Deepdene and most of its contents in 1917. No table like this one was described in the celebrated Deepdene sales of 1917, nor in the sale from Clumber Castle in 1937 – so all the available evidence pointed to this being *the* table commissioned by Hope.

Aesthetically, this table was considered outstanding for the exceptional quality of the carving, which was remarkably plastic even in the low-relief areas, and not matched on the V&A giltwood table from Duchess Street. The expert adviser considered that the carving of the table might justly be attributed, for its high quality alone, to Mr Bogaert, the only carver, Hope claimed in *Household furniture*, 'to whose industry and talent I could in some measure confide the execution of the more complicated and more enriched portion of my designs'. It was also considered to be of great interest in terms of its design, which was broadly comparable to other centre tables by Hope, though on a very much smaller scale. But Hope's designs included no other direct parallels for the pedestal-end form (the closest precedents for which come from Renaissance rather than ancient Rome). The form of the double-console supports to the top related closely to examples (of single consoles) drawn in Rome in 1798 by Charles Heathcote Tatham. Tatham indeed appeared – from the recent discovery of a set of drawings by him for alterations to the Duchess Street house – to have played an important, and hitherto unsuspected, role in the creation of Hope's style.

The composition of the base, with erect palmettes between two addorsed creatures, was also paralleled in Tatham's depiction of an 'Etruscan altar', in his *Etchings of Ancient Ornamental Architecture*, and in a closely derivative design by Hope (for a sideboard pedestal), but the remarkable crouching lions at the base seemed to have no close analogies, and were in no sense a conventional Regency design.

The expert adviser considered that the table presented an invaluable opportunity to examine the nature of Thomas Hope's 'public' and 'private' furniture, and perhaps to begin to postulate a chronology for the growth of his 'collection'. In common with a number of pieces shown in detail in the plates of *Household Furniture*, it did not appear in any of the perspective views of rooms, which were confined to the principal floor. So it was reasonable to speculate that it was made for the family apartments at attic level, and perhaps that these were furnished after the main floor – that is, between 1804 (when visitors were first admitted) and 1807 (when *Household Furniture* was published). Support for this conjecture came from the small size of the table, highlighted by its relationship to the chairs depicted in the same plate (which bore a scale); for the family rooms were clearly on a much more intimate scale than the show rooms. This was implied by Henry Moses' engraved plates for Hope's *Designs of Modern Costume* (1812), some of which appeared to be based on the appearance of those rooms; and it was confirmed by the recently discovered Tatham designs for Duchess Street. In one of Moses' plates another centre table of similar shape and size was shown in use.

Also of great interest was the construction of the table, for which the carved elements above and below the shafts were clearly formed separately from the other parts. The expert adviser stated that they were undoubtedly produced by different craftsmen from the uncarved parts, and very probably in different workshops, for the carved parts are not only much more finely executed, but in a darker and closer-grained mahogany. If these elements were indeed carved in separate workshops, then by far the most likely one was that of Mr Bogaert, whom Hope regarded as the only carver capable of the high standards he demanded.

The applicant agreed with the detailed case made by the Expert Adviser under the Waverley criteria. He added that the argument that the drawings by Charles Heathcote Tatham had influenced Hope's style was an interesting one.

We found that the table met the second and third Waverley criteria because it was a classic iconic object which clearly showed a division of labour in design and production. We also agreed that furniture from the house at Duchess Street was rare and valuable for study. We therefore recommended that the table be placed under deferral for an initial period of two months to allow for expressions of interest. We further recommended that if after the initial period there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months.

We were informed by the Victoria and Albert museum of a serious intention to raise funds to make an offer to purchase the table. A decision on the export licence was deferred for a further three months. We were subsequently informed that the table had been purchased by the Victoria and Albert Museum with support from the Brigadier Clark Fund (an internal Victoria and Albert Museum fund) and the National Art Collections Fund.

Case 6

**A pair of paintings by Claude-Joseph Vernet, *Calme: A Landscape at Sunset with Fishermen returning their Catch* and *Tempête: A Shipwreck in Stormy Seas***

The paintings were oil on canvas and measured 114.5 x 163.5 cm, each were signed and dated J Vernet 1773. The applicant had applied for a licence to export the paintings to a company in the USA. The value shown on the licence was £2,402,680, which represented the price paid at auction, plus buyers premium plus VAT. Both paintings were in excellent condition.

The Director of the National Gallery, acting as the Department's expert adviser had objected to the export of the paintings under the second and third of the Waverley Criteria because of their outstanding aesthetic quality and importance for study of Vernet's art.

The paintings had been commissioned by Stanislas Poniatowski, King of Poland, in June or July 1772. However, the King was slow to pay and in March 1773 Vernet, who had completed *Calme : A Landscape at Sunset with Fishermen returning their Catch*, but had yet to finish its pair, wrote to the banker Henry Hoare, agreeing to reserve both paintings for Hoare's client, the celebrated Lord Clive of India. The pictures reached London in May 1773 in the frames which had been made for them in Paris, originally on the instructions of the agent of the King of Poland, and which Vernet described as "un goust simple et noble". The paintings remained with the descendants of Clive until their sale, still in these frames, at Sotheby's, London on 10 July 2003 .

Painted with the care befitting the original royal patron, the expert adviser said that these were two of Vernet's greatest marine pictures, and represented just the type of work for which he was most famous in his day. They portrayed contrasting states of nature. *Calme: A Landscape at Sunset with Fishermen returning their Catch* showed a port bathed in glowing evening sunshine. The overall mood was one of serenity, yet the painting was full of details of human activity, for which Vernet was particularly known. To the left the land rose steeply; a temple "dans le stile grec" (as Vernet described it in his letter to Hoare) stood at the foot of the hill. On the right of the picture a man directed a donkey carrying a woman along the coastal path, his little dog ran on ahead. In the centre two pilot boats rowed by a dozen oarsmen guided the ship, its pennants caught in a gentle breeze, to the mouth of the river. In the foreground women prepared the day's catch that fishermen were unloading in baskets. In the centre a fisherman stood with his line next to his wife who held a basket and net. Vernet was particularly pleased with this group, which he told Hoare "fait une opposition au reflet du disque du soleil qu'on trouve piquant". Indeed, throughout the picture the effects of light were rendered with breathtaking delicacy.

*Tempête: A Shipwreck in Stormy Seas* was one of the sensational scenes of storm and shipwreck with which Vernet's name was most readily associated. Rain lashed the coast where a lighthouse flashed out warnings above treacherous rocks. High on the cliff, trees had been broken by the wind. Ships were tossed on the sea. In the foreground spars of wood were thrown against the shore, and some survivors scrambled onto the rocks to escape the waves, dragging themselves and their possessions onto the sand; others tended to a woman who was half-dead. The effects of light within the painting were exceptional: to the right lightning appeared to strike a distant ship on the horizon, whereas in the background in the centre of the picture the sun was breaking through the clouds, warming the walls of a village along the coast. Vernet

himself referred in his letter to Hoare to the "effet piquant" made by the contrast between the darkness of the sea and the light in the foreground, but just as impressive was his treatment of the water which poured off the rocks at the left.

Vernet was an important influence on British landscape and marine painters down to Turner, and the popularity of his works with British collectors stimulated the rise of a national school of landscape in the 1770s. Artists who looked at his work included Alexander Cozens (whom he taught), Thomas Jones, George Morland, Paul Sandby and Richard Wilson. The fame of the Clive pictures in particular was soon spread through the engravings made by Daniel Lerpiniere and published by Boydell in 1782.

Among those of his contemporaries, Vernet's paintings were the most sought-after by British collectors (comparable only with Canaletto), and they graced the walls of many a country house.

These pictures were among Vernet's greatest paintings. Painted originally for a royal patron, but acquired in their original frames by a famous Englishman for a collection in which they remained for 230 years, they represented the last great pair in this country to typify both the artist and the taste in England for his works.

The applicant said that the paintings had originally been commissioned by a Polish Royal patron rather than an English patron and that the subject matter had no connection with the United Kingdom. The paintings were from late in Vernet's working life and as such were not as aesthetically important as his earlier works. They further submitted that the works did not add to the opportunities for study afforded by other Vernet works in the United Kingdom.

We heard this case in October 2003 when the paintings were shown to us. We concluded that the paintings met the second and third Waverley criteria because the paintings were of outstanding aesthetic importance and as a rare surviving pair were valuable for the study of Vernet's art. We therefore recommended that a decision on the licence application should be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £2,402,680. We further recommended that if at the end of the initial deferral period, there was a potential purchaser who showed serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further four months.

We were informed by the National Gallery of a serious intention to raise funds to make an offer to purchase the paintings. A decision on the export licence was deferred for a further four months. The National Gallery made a matching offer within that period. The pictures have now been acquired by the National Gallery with a grant from the American Friends of the National Gallery, London, made possible by a gift from an individual. They will be on view until the summer of 2005, when they will go out on loan. After the term of the loan the paintings will be returned to the National Gallery permanently.

## Case 7

**A painting by Annibale Carracci, *The Holy Family with the Infant Saint John the Baptist ('The Montalto Madonna')*, 1597-1600**

The *Montalto Madonna*, one of Annibale Carracci's most celebrated and reproduced paintings, was presumed lost until it appeared at Sotheby's sale on 11 July 2003. It is oil on copper and measures 35 x 27.5 cm. The applicant had applied for a licence to export it to Bologna. The value shown on the export licence was £806,780, which represented the hammer price, buyer's premium, plus £1500 insurance costs.

The Director of the National Gallery, acting as the Department's expert adviser, objected to the export of the painting under the second and third Waverley criteria, namely that it was of outstanding aesthetic importance and of outstanding significance for the art history.

The painting was described by early literary sources, including Bellori (1672), who noted that its beauty had attracted many copyists. Indeed, the composition had long been known through engravings and more than ten copies, although none with a claim to autograph status. Thus, the appearance of this exquisitely painted copper, so suffused with Annibale's sure touch and renowned balance of form and colour, constituted a major rediscovery that contributed to knowledge of the artist's development of the Classical Baroque style.

Annibale moved definitively to Rome in 1595 and, though he was preoccupied with the frescoes for the Camerino and Galleria Farnese until 1601, he created a number of easel paintings for exalted patrons. We know that this copper was made for Cardinal Alessandro Peretti Montalto, the great-nephew of Pope Sixtus V, although we know nothing of the circumstances of the commission. Montalto was a major patron of contemporary painters and sculptors, including Bernini, who created the *Neptune and Triton* (Victoria & Albert Museum) for a garden fountain at the cardinal's villa, where Annibale's painting was displayed.

The easel paintings Annibale produced in the years before 1600 provided a fascinating counterpart to his mural work, showing his probing mind and eye on the verge of a breakthrough in the creation of a modern style in the Grand Manner. The *Montalto Madonna* asserted its relationship to the classical tradition by specifically referring to a series of well-known, late Holy Family compositions by Raphael and his school. Annibale seems to have been particularly inspired by the structural system of *The Holy Family with St John the Baptist under the Oak Tree* (Madrid, Museo del Prado), in which virtually the same compositional elements appeared. However, while Annibale retained the basic diagonal disposition of figures, he transformed his model's compositional grace and expressive detachment into a more focused, animated, and emotionally charged image that heralded a new era.

Annibale laid the foundations of the Baroque style by fusing Central Italian design with North Italian naturalism and colour. The *Montalto Madonna* was one of three small works on copper, including the *Madonna and Child with St John the Baptist* (Florence, Galleria degli Uffizi) and the *Vision of St Francis* (Ottawa, National Gallery of Canada), in which Annibale explored combining the sensuous luminosity of Correggio with the principles of the Roman High Renaissance. Each of these coppers showed Annibale creatively adjusting the mix according to the demands of the image, but the conjunction of styles is seamless.

In the *Montalto Madonna*, Annibale endowed the simple gesture of a mother balancing her squirming baby with gravity and grace that demonstrated his growing classicism, seemingly updating Michelangelo's Sibyls by close study from nature. Yet, the Madonna's wide-eyed sincerity and softly painted flesh reflected Correggio's example, as did the Child's round forms, curly locks, and rippling drapery, even if he had gained heroic stature. These forms were infused with a kind of Correggesque sweetness that greatly appealed to Baroque sensibilities. The Madonna was posed with truly Baroque *contrapposto* as she leaned out, boldly engaging the viewer with her knowing gaze. The composition was firmly organized and set before classical columns, while the movement implied in the zig-zagging forms of the Madonna and Child animated the scene. Joseph and John responded with focused attentiveness, their attitudes too revealing figures in motion. This lent the scene a vibrant emotional tenor that was focused in the eyes of the Madonna drawing the viewer into the image. The *Montalto Madonna* was probably the last of the three Correggiesque coppers, because while Correggio's presence was felt, it was more thoroughly assumed into a full Baroque Classicism that approached the grandeur of the Galleria Farnese.

The identification of this copper with the *Montalto Madonna* was principally sustained by its high quality and refined, unlaboured execution. This was confirmed by the inventory number 591 written on the original backing board, which was fortunately reused when the painting was put into a 19th-century English frame. This number was assigned to the painting when it was catalogued in the collection of Filippo III Colonna at the Palazzo Colonna, Rome, in 1783, and this discovery made it possible to trace the painting back to the Montalto collection. Filippo III was forced to sell part of his collection in 1798 and the *Montalto Madonna* probably left at this time, perhaps coming to Britain before the dawn of the 19th century. The painting was next recorded in the collection of Sir Archibald Campbell of Succoth at Garscube House, where it was seen by Waagen before 1854, and where it remained until the house and contents were sold around 1947.

The painting was in excellent condition for a work on copper. Annibale's brushstrokes were palpable and fresh, applied with the utmost sureness as he used the slick surface to demonstrate his mastery of painting with great economy of means. The flake losses that plagued 17th-century paintings on copper were remarkably few and small, and these were confined to secondary areas. There had been a sinking of the dark tones in the figure of the Baptist and in parts of the landscape, but this resulted from natural aging of the paint and was not so pronounced as to alter the balance and play of light in Annibale's painting.

The expert adviser considered the *Montalto Madonna* amongst Annibale's greatest paintings on a small scale. In it, Annibale realized the harmonization of figural form and movement, the lively play of light, and the refined balance of rich colour that pointed the way toward the future of Baroque painting in Italy and throughout Europe.

The applicant's representative stated that the painting was undeniably important and that he did not wish to dispute that it met the Waverley criteria.

We heard this case in November 2003, when this painting was shown to us. We concluded that the painting met the second and third Waverley criteria. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to

be made at the agreed fair market price of £805,280, including VAT. This was less than the figure on the export licence application because insurance costs are not normally included in the recommended price. We further recommended that if at the end of the initial deferral period, there was a potential purchaser who showed a serious intention to raise funds with a view to purchasing the painting, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed by the National Gallery of a serious intention to purchase. A decision on the export licence was consequently deferred for a further three months. We subsequently learned that the National Gallery had acquired the painting.

#### Case 8

### **A painting by Giulio Cesare Procaccini (1574-1625), *The Judgement of Paris***

The painting was oil on canvas and measured 52.9 x 118.2 cm. This recently-discovered painting was one of the very rare mythological works by Giulio Cesare Procaccini. The applicant had applied for a licence to export the painting to Monaco. The value shown on the export licence of £337,470 represented the price paid for the painting at auction together with the buyer's premium.

The Senior Curator at the National Gallery, acting as the Department's expert adviser, objected to the export of the painting under the third Waverley criterion because of its outstanding significance for the study of art history.

*The Judgement of Paris* was a favourite theme of painters because it depicted a mortal judging the beauty of goddesses, with amorous and disastrous results. Eris, the goddess of Strife, was chagrined because she was not invited to the wedding of Paris and the Naiad Oenone, so she cast down a golden apple inscribed "To the fairest." Venus, Juno, and Minerva claimed the prize, so Jupiter wisely dispatched Mercury with the contestants for Paris to judge. Juno tempted him with riches, Minerva offered victory in battle, but the apple was awarded to Venus, who offered the love of the woman of his choice, describing Helen's beauty. Of course, Paris's subsequent abduction of Helen provoked the Trojan War.

On the left side of Procaccini's composition, Paris presents the golden apple to Venus, who is accompanied by Cupid and crowned with flowers by a putto. At centre, the losers turn to comfort each other as Juno glares back at Venus. Juno is identified by her peacock and Minerva's armour lies beneath her. Mercury soars in the clouds, pointing back toward the gods watching from above. Closing the composition at the right is the river god Oeneus, father of Oenone, who would be abandoned by Paris for Helen. In this work, Procaccini was able to indulge in the painting of quasi-nude figures that was not possible in most religious paintings. However, the sensuous quality often evident in his figures' expressions of religious ecstasy is absent here, perhaps to underscore the ultimate tragedy being set in motion.

The composition was very unusual for Procaccini, who most often compressed figures across and toward the picture plane, eliminating all but faint traces of landscape. The composition of *The Judgement of Paris* was originally more compact and barely extended beyond the figures because significant additions were later made to all four sides, but particularly at the top and bottom. Nonetheless, the landscape plays a much greater role than usual in Procaccini's work. The long, narrow format recalls the form of Renaissance

*cassone* and *spalliera* panels. *The Judgement of Paris* was a popular theme for wedding *cassoni* and *spalliere* because Paris chooses love. For this sweeping, mythological tale, Procaccini expands his formal vocabulary by setting the figures in a broad landscape setting with charming results. Here, he seems to be trying to push beyond the old-fashioned spatial ambiguity adopted from Parmese Mannerist models.

The painting probably dates to the last years of Procaccini's life. It shares the graceful animation of broadly gesturing, twisting figures found in works produced in the early 1620s for the Savoy court as well as for patrons in Milan. The theatrical movement anticipates the Baroque, but the poses of the figures retain a courtly Mannerist quality, which seems particularly fitting for the treatment of this subject.

A generation ago, Procaccini was virtually unknown outside Italy. Two British scholars, Peter Cannon-Brookes and Hugh Brigstocke, have played major roles in the scholarly study of his work and the revival of his reputation. In 1974, Cannon-Brookes organized the exhibition *Lombard Painting c. 1595-c. 1630: The Age of Federico Borromeo* for Birmingham (Milan's sister city in Britain), which essentially introduced Procaccini to the British public by setting him in a wider cultural context. Brigstocke has defined the painter's oeuvre in numerous publications, culminating in his *Procaccini in America*, the catalogue of an exhibition organized by Hall & Knight Ltd in New York in 2002, which includes a fine study of the artist and establishes a reliable checklist of his paintings.

The expert adviser considered Procaccini to be one of the leading Lombard painters of his generation and, in the context of this school, he was unmatched in his lovely refinement of colour and technique. *The Judgement of Paris* was a very desirable object owing to the extreme rarity of secular subjects in his oeuvre, as well as for the exuberant, mannered charm with which he treats this classic subject and the personal association of the painting with the artist and his family. Public collections in the United Kingdom were not rich in paintings by Procaccini, with the exception of the National Gallery of Scotland, which had acquired *The Raising of the Cross*, *The Virgin and Child with the Infant St John and Angels* and *Cupid*, a fragment. The retention in the UK of Procaccini's *The Judgement of Paris* would enable the further study of Procaccini's work and the Lombard school of painting generally.

The applicant did not consider the painting to be of outstanding significance for the study of some particular branch of art, learning or history. Although there were few Lombard pictures in public collections in Great Britain, *The Judgement of Paris*, was neither a typical work by the artist nor was it particularly representative of the Lombard school of painting.

We heard this case in December 2003 when the painting was shown to us. We concluded that the painting did not meet the Waverley criteria. We therefore recommended that an export licence should be issued.

## Case 9

**A draft royal warrant for a patent to be issued to Robert Hooke for his 'watches with springs'**

The draft manuscript warrant, written in several hands and heavily revised in places, was for a royal patent. The applicant had applied for a licence to export the draft warrant to the USA. The value on the export licence was \$125,000, which represented the sale value. This converted to £78,889.

The Head of Modern Historical Manuscripts at The British Library, acting as the Department's expert adviser, objected to the export of the draft warrant under the first and third Waverley criteria. She referred back to evidence provided when the draft warrant came before the Committee previously in May 1991 and March 1997.

The expert adviser considered that the warrant was an outstanding document in the history of horology, providing unique contemporary evidence that Robert Hooke, with the aid of Sir Robert Moray, vice-president of the Royal Society, was seeking a royal patent in the mid 1660s for an application of a spring to the balance-wheel of watches. This gave Hooke a primary place in a development which led to a dramatic improvement in time-keeping and ultimately in the measurement of longitude. The warrant was the only known contemporary evidence that a patent was actually sought, and its wording gave new clues as to what Hooke's spring-invention really consisted of. The changes in wording and different hands of the draft offered detailed evidence which has yet to be fully studied in context about Hooke's invention and its supporters.

It has been claimed that in the history of mechanical timekeeping there were two crucial developments: the application of the pendulum to clocks and the invention of the balance-spring, which gave a comparable precision to portable timekeepers. For both, the actual break-through was achieved by the Dutch astronomer and physicist, Christiaan Huygens (1629-95), but from the very first there were claims for Robert Hooke (1635-1703) as the first contriver of the balance-spring.

Robert Hooke was a physicist and instrument maker who became professor of geometry at Gresham College, London. He discovered 'Hooke's Law' and his work on springs led him into horology. It appeared that some time before 1660, Hooke conceived the idea of regulating clockwork by means of springs. He tried to dispose profitably of his invention of a balance spring, but failed to do so. In or around 1660, Hooke reached an agreement with the physicist Robert Boyle (1627-91), Sir Robert Moray, a founder of the Royal Society and Lord Brouncker, the President of the Royal Society, whereby Hooke would apply for a patent and the four of them would then make the invention profitable. As a demonstration Hooke applied his invention to a watch, which was tested by Lord Brouncker, with rather indifferent results. Nothing came of it all and Hooke later claimed that he could not agree to the conditions of the patent.

In 1665, Hooke gave a lecture at Gresham College on his invention. Little was known about this lecture. In 1668 there was a demonstration of Hooke's sprung watch at the Royal Society, but whether this was the same invention or a developed version was not certain.

The matter then lapsed until February 1675, when Huygens, the Dutch astronomer and physicist,

announced his application of a spiral spring to the balance, and triggered a great controversy between Hooke on one side, and Henry Oldenburg, Secretary of the Royal Society, and Lord Brouncker on the other. Due to the acrimony that ensued, it became very difficult to assess the real merits of Hooke's invention. Hooke passionately claimed the balance spring as his own, but could not convincingly substantiate his claim.

Hooke's invention, referred to in the warrant, must have been arrived at some time between 1663, when Hooke became a Fellow and Curator of Experiments at the Royal Society, and 1665, when he was known to have given his lecture. Hooke's publication of a paper on his invention, which the draft warrant specified as being due to be published 'before the 1st day of May Next', was not published until 1676, the year after Huygens had announced his independent discovery of a seemingly similar invention. However, Huygens's discovery was of far less importance, in that he merely added a spring to the common escapement, whereas Hooke had come up with the idea of controlling the oscillation of the balance by an independent spring device.

Research, published as a chapter in *The Quest for Longitude* in 1996, confirmed the exceptional significance to Britain of the warrant in the international race to solve the 'longitude problem'. This showed that in September 1663, after the return of certain trial clocks used at sea, the question of patenting the timekeepers was discussed and Sir Robert Moray took particular interest in the project. This was important, as the passage in the warrant concerning the technical uniqueness of Hooke's invention was in the hand of Sir Robert Moray.

Interest became increasingly intense in February 1665, when Huygens published instructions for the use of marine timekeepers at sea and the Royal Society moved to apply for a patent for its pendulum marine timekeeper, which it received. It seemed likely that the warrant would, in due course, prove Hooke's claim to have been the first to understand the isochronous property of the spring, while Huygens was still devoting the greater part of his energies to the same quality in the pendulum.

Recent academic studies, conferences and biographies had confirmed the outstanding importance of Robert Hooke and of documents bearing on his inventions for the study of the history of science and technology.

The applicant stated that neither he nor the owner wished to argue that the manuscript did not meet at least the third Waverley criterion.

We heard this case in January 2004, when the manuscript was shown to us. We concluded that it met both the first and the third Waverley criteria. We then considered the history behind the application.

In 1991, following our recommendation, a decision on the licence was deferred by the then Secretary of State for Trade and Industry for three months to give an opportunity for an offer to purchase to be made at or above the recommended price of £23,730. A compensating offer to purchase at £23,730 was subsequently made by the Clockmakers' Museum & Educational Trust. This offer was not accepted by the owner and the Secretary of State for Trade and Industry, taking into account the existence of the offer from the Trust, refused the export licence.

In 1997, the manuscript came before us again. We concluded that there had been no material change in circumstances since the 1991 application. We therefore recommended that the export licence should be refused without a deferral period and this was agreed.

By the time the application came before us in January 2004, ownership had changed, but we were aware of evidence indicating that the current and previous owners were partners. We concluded that there was a strong probability the current owner of the document was closely connected with the previous owner and there was no change of circumstances to justify approval of the licence or a deferral of a decision on the licence application. We recommended accordingly and you refused an export licence. A new application was subsequently submitted with evidence that there was no close connection between the previous and current owners. We will report on this in next year's annual report.

Case 10

**A painting by Andrea Soldi (Florence, c. 1703- London 1771), *Portrait of Henry Lannoy Hunter in oriental dress, resting from hunting, with a manservant holding game***

The painting was oil on canvas and measured 118.5 x 146 cm. It showed the English merchant of Huguenot descent, Henry Lannoy Hunter, in Turkish hunting dress kneeling on an oriental rug after a rewarding hunt. Lannoy points proudly at his dogs while a servant behind presents him with game recently shot. Among the architectural ruins in the background, a second servant covers the horses to keep them warm. The applicant had applied for a licence to export the painting to the USA. The painting had been given a provisional pre-sale estimate of \$500,000 – \$1,000,000 and the figure on the export licence form was £311,798.45, representing the low estimate. The applicant subsequently asked that this be changed to £448,032, to reflect value in sterling of the mid provisional pre-sale estimate of \$750,000.

The Senior Curator at the National Gallery, acting as the Department's expert adviser, objected to the export of the painting under the second and third Waverley criteria because of its outstanding aesthetic importance, and its outstanding significance for the study of art history.

Painted between 1733 and 1736 while Soldi was travelling through the territories of the Ottoman Empire, it was one of the very few paintings by Soldi of that early period to have survived and was definitely one of his most distinguished compositions to that date. In addition, it was an important example of eighteenth-century English artistic patronage with an added spice of the eccentricity of the Englishman abroad.

Although little was known about Henry Lannoy Hunter, he was one of many young men who entered the Levant Company which operated throughout the Ottoman Empire. With offices in cities such as Constantinople, Smyrna and Aleppo, it traded in woollen fustian from England, silks from Persia, spices, carpets, mohair yarn and other exotic merchandise.

Soldi was mainly known for his portraits of English sitters after 1738 when he settled in London, where he remained for the rest of his life. Demonstrating as they did capabilities beyond those of most English painters at the time, these portraits indicated why his Levant merchant friends should have encouraged him to settle in England.

Soldi brought to his portraiture skills that set him apart from native British painters of the post-Kneller generation, middle-aged artists such as Richardson, Jervas and Vanderbank whose work, though showing ability and technique, collectively aimed at a sober description of their sitters. Soldi's continental training was revealed in the lively presentation of his sitters, his sound draughtsmanship and his sure touch in handling paint to render texture.

Arrogance and snobbery led to Soldi's downfall and in 1744 he was arrested for debt. Despite this setback, however, he went on to confirm a relatively successful career as a painter, leaving among his most famous works a group portrait of *Thomas, Fourth Viscount Fauconberg and his family* (1755- Newburgh Priory), and charismatic portraits of *James Gibbs* (c. 1745- London, Saint Martin's in the Field), *Roubiliac* (1751- Dulwich Picture Gallery), and *Rysbrack* (1753- Yale Centre, New Haven). His main supporter, Vertue, wrote in 1751 after he had seen Soldi's portrait of Roubiliac that 'his portraits are freely and well drawn and his colouring true and very natural. He is certainly a painter of superior merit in the portrait way. Very light and airy.'

The expert adviser considered that Soldi far outclassed his Italian rivals such as Cavaliere Rusca and Andrea Casali and played a significant role in the development of portraiture in England. The inclusion of such a picture in a British collection would allow the public to see an early painting of excellent quality by a promising young Italian artist who went on to lead a successful career as a portraitist in this country. It would also document England's role in world trade in the eighteenth-century. Most important of all, however, the painting was important for the study of English eighteenth-century painting, as it provided a context for the study of patronage of that period. Such a painting possibly paved the way for a taste and popularity for the Oriental, particularly with Jean-Etienne Liotard's oriental portraits.

The applicant regarded the painting as highly attractive but considered there to be some weakness in the painting of the horses and the servants. Andrea Soldi was an exotic artist rather than an artist of outstanding ability. His output was not generally of equal quality to that of some of his contemporaries in London, including William Hogarth and the young Allan Ramsay. The painting was not considered to be of outstanding significance for the study of some particular branch of art, learning or history. Whilst it was interesting in its depiction of a merchant in the Levant trade, it did not show a scene which was identifiably in the Levant. Furthermore, the applicant considered Soldi to be well represented in British public collections and the loss of his work would not deprive scholars of the opportunity to study his work.

We heard this case in January 2004 when the painting was shown to us. We concluded that the painting did not meet the Waverley criteria. We therefore recommended that an export licence should be issued.

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Case 11

### **The *Virgin in Mourning*, attributed to the Master of Moulins (c.1480-c.1500)**

The painting was oil on panel and measured 27 x 18cm. It was a fragment of a larger composition, perhaps from a scene of the Crucifixion or Lamentation or from some other episode of the Passion of Christ. The applicant had applied for a licence to export the painting to an institution in the USA. The value shown on the export licence application was £600,000, which represented an estimate.

The Director of Collections at the National Gallery, acting as the Department's expert adviser, objected to the export of the painting under the second and third of the Waverley Criteria, because of its outstanding aesthetic importance, and its outstanding significance for the study of art history.

The Master of Moulins was one of the greatest painters working in early Renaissance France. He appears to have been court painter to the Bourbon court at Moulins. His masterpiece, the large triptych of the Virgin and Child with the Duke and Duchess of Bourbon as donors was still preserved in the Cathedral at Moulins. The Master of Moulins was probably trained in the Netherlands, and was profoundly influenced by the work of the greatest Netherlandish painter of the latter part of the fifteenth century, Hugo van der Goes.

The Master's work was exceptionally powerful in its vivid and intense use of colour and lighting and in its elegant and dramatic compositions, showing evidence of a careful study of the principles of perspective, as well as Renaissance architectural motifs. The Master was also a portraitist of considerable sensitivity: his characterisations of the donors in a number of his religious works, as well as in independent portraits, could well stand comparison with the greatest works of Northern European portraiture of the fifteenth century.

This painting was a fragment of a larger composition. The sensitive rendering of the Virgin's distress could be compared to the tradition of sorrowing figures of the Virgin and the three Maries established by the great Early Netherlandish painter Rogier van der Weyden in his *Deposition in the Prado*, which was echoed in Northern European painting throughout the second half of the fifteenth century. The head of the Virgin here was composed with the greater monumentality and simplification that was typical of the Master of Moulins, and the quality of its depiction might be compared to the painting of portrait heads and religious figures in other works by the painter, including the *Moulins Triptych*. The ability to invest his figures with human interest and emotion and to combine this with arresting and even experimental poses and attitudes was characteristic of the best work of the Master of Moulins.

Although most of the few surviving religious works by the artist have the Virgin as their subject, she is shown in glory or in a nativity scene, not in mourning. Moreover, since a number of works survived as partial ensembles in which the panel, which would have shown the subject of devotion, had been lost or destroyed, it is difficult today to appreciate the full range of the religious subject matter to which the artist, like others of the period, would have devoted most of his efforts. This is unusual in comparison to other artists of the time, and limits our appreciation today of the achievements of this important painter. Only one painting has a subject that relates to the Passion of Christ, the *Ecce Homo* at Brussels, which depicts a suffering Christ, not a suffering Virgin. The *Virgin in Mourning* is therefore of the greatest importance in extending our knowledge of the Master's oeuvre.

The applicant did not oppose the argument that the painting met the Waverley criteria.

We heard this case in January 2004 when the painting was shown to us. We concluded that the painting met the second and third Waverley criteria and agreed that the valuation represented a fair market price. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at the fair market price of £600,000. We further recommended that, if at the end of the initial period of two months there was a potential purchaser who showed a serious intention to raise funds with a view to making an offer to purchase, the deferral period should be extended by a further three months.

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

Case 12

### **A Siena marble side table made for William Beckford**

The table measured 72 inches wide x 25 inches deep x 33 inches high. The columns were solid pieces of marble with the remainder of the table being Bath stone clad in marble.

The applicant had applied for a licence to export the table to the USA. The value shown on the export licence was £220,000. This represented the price at which an overseas client had shown interest in buying the table.

The Keeper of Furniture, Textiles and Fashion at the Victoria and Albert Museum, acting as the Department's expert adviser, had objected to the export of the table under all three of the Waverley criteria.

The console table had been designed for the vestibule of the Tower built on Lansdown, a hill above Bath, by William Beckford in 1826–29. It was a rare survival of the first period of furnishing the interior and although the table was removed in 1848 from the niche into which it was originally built, it still maintained considerable architectural presence, representing a completely novel design in the 'Greco-Italian' style that Beckford created for the Tower with the help of the young architect Henry Edmund Goodridge.

William Beckford (1760–1844) was one of the most remarkable men of his time. The only son of a fabulously rich sugar planter, he was dubbed 'England's wealthiest son' by Byron. William Pitt was his godfather, Mozart taught him the piano, Sir William Chambers and Alexander Cozens were his tutors in architecture and painting. At the age of twenty-one he wrote the ground-breaking romance *Vathek*. However, after a homosexual scandal, he was ostracised by society and lived in splendid seclusion – 'une faste solitaire', as described by the French poet Mallarmé – on the continent and in a series of houses in Britain. He refurbished his father's Palladian mansion, Fonthill Splendens, which he subsequently demolished to build the mock-Gothic Fonthill Abbey, in which he lived from 1807–22. With a spire 300 feet in height, the Abbey was recognised as having been the most magical mock-Gothic house ever built in this country.

In 1822 debts forced the sale of the Abbey – it collapsed in 1825 – and Beckford's move to Bath, where he lived at No. 20 Lansdown Crescent. He bought a strip of land leading up the hill beside the house, which he transformed into a garden, named Beckford's Ride. This was slightly less than a mile in length; at its end he built the Tower, to which he rode each day to read, write and reflect in solitude – and to admire his art collection. From its belvedere, 154 feet high, it was possible to see 30 miles. Beckford called it 'The finest prospect in Europe'.

Beckford was an exceptional amateur architect and designer, collaborating with designers of decorative objects, furniture, and buildings through his own sketches and instructions. To design the Tower, which in style was Greco-Italian', he chose a young, local architect named Henry Edmund Goodridge, who was to become Bath's finest 19th-century architect. Lansdown Tower was one of the most significant buildings of the 1820s. The table was crucial to the carefully designed experience of entering the Tower and, highly architectonic in style, exemplified the style of the building as a whole.

The Tower contained a series of small rooms on two floors in the block at its base, each displaying works of art in fairly small interiors lit by windows divided by gilded lattices, all with red walls and several with luxurious red hangings at the windows. There were red carpets throughout and the ebony chairs with gilded details were upholstered in red. The joinery throughout was in light, orangey, varnished oak, with gilded details.

The Vestibule had no windows but was illuminated by reflection, with the day-light from the triple-light bow-window in the Drawing Room shining on the tripartite mirror above the table and glimmering on the mirror-panels set into the doors. Reflected light was a speciality of Beckford's, and the marble surface of the table would have been a glassy plane of light; the deep window sills in adjacent rooms were also of marble. The table was used as a place to display antique and Oriental vases and bronze statuettes; one idiosyncrasy of Beckford's was the display of objects at a level just above the floor, and vases were shown both on the table surface and on the plinth.

Beckford's interest in architecture continued to be astonishingly dynamic throughout his life, and in the interiors at Lansdown Tower he was once more developing a wholly novel synthesis of historical styles to suit his own purposes. Unlike most people, Beckford seems to have become more *avant garde* in his taste as he got older, rather than more conservative. Little survives of his architectural achievement, however: with Fonthill Splendens and the Abbey gone, the only survivals are two interiors at Lansdown Crescent and the reconstructed rooms inside the Tower.

The Tower was emptied of its contents in the sale of 1848, after Beckford's death, the table was lot no. 87 in the sale of the Tower's contents held by his daughter the Duchess of Hamilton in 1848. Although the sale was held at Beckford's house in the city, the catalogue noted that this piece came from the tower. A Dr Burt lived at No.10, The Circus from 1935 to 1950. It is possible that he brought the table to the house; on the other hand, buying a house with this table already in situ may have stimulated his interest in the Tower.

The applicant did not oppose the argument that the table met the Waverley criteria.

We heard this case in February 2004 after viewing the table. We concluded that the table met all three of the Waverley criteria and agreed that the piece was not only important in the understanding of Beckford's last great project, but was also important evidence of his collaboration with Goodridge on the design of interior fittings and of his use of the skills of the Bath stonemasons to realise his vision. We therefore recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at the agreed fair market price of £220,000. We further recommended that if at the end of the initial deferral period there was a potential purchaser who showed serious intention to raise funds with a view to making a purchase, the deferral period should be extended by a further three months.

We were informed by the Bath Preservation Trust and Beckford Tower Trust of a serious interest to raise funds with a view to making an offer to purchase the table. A decision on the export licence was deferred for a further three months. We subsequently learned that the table had been purchased by the Beckford Tower Trust with assistance from the MLA/Victoria and Albert Museum Purchase Grant Fund, The Art Fund, The National Heritage Memorial Fund and donations from local individuals and organisations.

Case 13

### **Four silver wine coolers, one pair by Robert-Joseph Auguste of Paris and one pair by Parker and Wakelin of London**

The Auguste wine coolers were engraved on the foot 'Auguste F AParis'. The bodies of the Auguste pails bore the Paris date letter for 1766-7, and the foot rims bore the Paris date letter for 1767-8. The body of each of the Parker and Wakelin wine coolers bore the mark of John Parker and Edward Wakelin, London marks for 1768-9 and the sterling standard. They were made and supplied to Parker and Wakelin by Thomas Pitts.

Both pairs of silver wine coolers featured applied silver goat masks and festooned foliage and were engraved with the Harcourt arms in mantling under an earl's coronet. The silver liners of both pairs of wine coolers bore the mark of John Bridge for Rundell, Bridge & Rundell, and London marks for 1831-2. The silver rims bore John Bridge's mark and London duty and standard marks, and were engraved with the Harcourt crest.

The applicant had applied to export the wine coolers to Monaco. The value shown on the export licence application was £1,098,513.68. This represented the hammer price at auction plus the agent's commission and VAT.

The Deputy Keeper Department of Metalwork, Ceramics and Glass at the Victoria and Albert Museum, acting as the Department's expert adviser, objected to the export of the Auguste wine coolers under the second Waverley criterion because their design and their modelling made them of outstanding aesthetic importance. The French goldsmith Robert-Joseph Auguste was one of the greatest exponents of Neo-classicism in silver. These pails were the earliest known examples of his influential designs for ice pails incorporating festoons and goat heads, variants of which were later supplied to the courts of Hanover, St Petersburg and Lisbon.

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The expert advisor also objected under the third Waverley criterion because the Auguste wine coolers were of outstanding importance to the history of taste and collecting in Britain in the eighteenth century. Until 1993 the French silver in the Harcourt Collection was the supreme example of the most sophisticated British patronage of the 1760s. Of all the silver made by Auguste and Francois-Thomas Germain which Earl Harcourt acquired, the ice pails were the most ambitious and aesthetically important objects. They were also of exceptional significance for the study of the art of the goldsmith in Britain. By virtue of the fact that they were copied within a few months of their making by one of the leading London goldsmiths, the craftsmanship of some of the finest French silver of its date can be compared directly with the craftsmanship of London. The design of Auguste's wine coolers had a direct influence on London Neo-classical silver.

The expert adviser objected to the export of the wine coolers made by Parker and Wakelin under the third Waverley criterion because they were of exceptional significance for the study of the art of the goldsmith in Britain. They were pre-eminent examples of London goldsmiths' work in the French Neo-classical style and evidence that London goldsmiths could produce goods to match the quality of those made by their Parisian rivals. The Parker and Wakelin wine coolers provided conclusive visual evidence of the immediacy of the transmission of the Neo-classical style from France to the highest levels of the English goldsmiths' trade in the 1760s. With the Auguste wine coolers upon which they were modelled and the documentary evidence for Earl's Harcourt's commission from Parker and Wakelin, they formed an unparalleled group of objects for studying the development of fashionable taste in the 18th century.

Simon, 2nd Viscount Harcourt, was born in 1714, and studied classical architecture for four years on the Continent before attaining his majority. He became a Lord of the Bedchamber, was with George II at the Battle of Dettingen in 1743, and was created Earl Harcourt in 1749. His importance at court was demonstrated by his appointment to the sensitive position of Governor to the Prince of Wales in 1751-2, and by his being entrusted with the duty of escorting the future Queen Charlotte from Mecklenburg-Strelitz in 1762. His daughter was one of her bridesmaids, and he was subsequently Lord Chamberlain to the Queen from 1763-8. He was Ambassador to Paris from 1769-72 and Lord Lieutenant of Ireland from 1772-6. He died while trying to rescue a favourite dog from a disused well in his garden at Nuneham in 1777.

Knowledge of the early history of the wine coolers is greatly aided by the survival of an unparalleled set of ledgers belonging to Parker and Wakelin (Archive of Art and Design, Victoria & Albert Museum), one of the richest available sources for the study of 18th century business history. According to the ledgers, Harcourt also received four pairs of candlesticks and one pair of candelabrum branches identical to the set by Auguste in the Harcourt Collection, and a dessert service of a dozen knives, forks and spoons which matched a service of two dozen by Germain. The most reasonable explanation of why Earl Harcourt commissioned the ice pails, candelabra, and dessert service from Parker and Wakelin is that he already owned the French examples and that he was extending his service.

When both pairs were inherited in 1830 from Field Marshal Harcourt, the third earl, by Edward Venables-Vernon (afterwards Vernon-Harcourt), Archbishop of York, he sent them to the royal goldsmiths, Rundell, Bridge & Rundell, to receive the new liners and rims, which they retain. The family had a notable record of public service in the nineteenth and early twentieth centuries, including Sir William Harcourt (1827-1904),

Home Secretary and Chancellor of the Exchequer, and the first Viscount Harcourt (1863-1922), Secretary of State for the Colonies.

Earl Harcourt's silver illustrated the emphasis on lavish display at the dining table as a measure of status. It also represented the taste amongst an informed Francophile section of the British aristocracy for French silver in the distinctive new Neo-classical style. That the original pails made by Auguste and their English copies have survived is extraordinarily rare. They are pre-eminent witnesses in telling the story of the French influence of French silversmithing on British taste. Their importance is further enhanced by the documentary evidence for Harcourt's commission of the ambassadorial service which covers both supplier and sub-contractor.

Robert-Joseph Auguste was born in Mons in 1723. He was appointed *orfèvre du roi* in 1775 and supplied the crown of Louis XVI for his coronation in the same year. He received major commissions from the courts of Lisbon, Stockholm, Copenhagen, and St. Petersburg. In 1775 the Swedish ambassador to Paris, the Comte de Creutz, ordered a service decorated with gold plaques honouring Gustave III of Sweden which was bought by the monarch in 1781. Between 1777 and 1786 Auguste supplied a large service to George III for use in his palaces in Hanover. Catherine the Great, who commissioned four services, was one of his best and more exacting patrons.

Auguste was amongst the first exponent of Neo-classicism in silver, and his place as one of the greatest of Neo-classical silversmiths was firmly established. His work was celebrated for the strength of its design, the superb modelling of its sculptural features, and the quality of its chasing. The Harcourt wine coolers demonstrated all these features: the clarity of the design and the modelling of the goats' heads were of the highest order.

From 1760 John Parker (1734-96) and Edward Wakelin (1717-84) ran one of London's most successful goldsmiths shops; it is known that between 1766 and 1770 the partnership counted over 270 clients on its books. Wakelin organised the supply of silver and Parker was responsible for administration, a task he clearly undertook with great thoroughness. The surviving ledgers revealed Parker and Wakelin employed a small workforce under skilled managers but as was normal in the trade, also relied on at least 75 outworkers offering specialist talents.

One of their suppliers was Thomas Pitts, a specialist maker of *épergnes* and *tureens*, amongst the most ambitious and costly types of silverware then in fashion. Apprenticed to Charles Hatfield and David Willaume II, his mark was probably registered at Goldsmiths Hall not long after the start of the largeworkers' register of 1758-73 (now missing from the Goldsmiths' Company archives). He appeared as plateworker, Air Street, St James's in the Parliamentary Report list for 1773 and the 'Workmens Ledgers' in the Parker and Wakelin archive contained many pages of accounts from Pitts for *épergnes* from 1766. On 18 March 1769 a transaction between Pitts and the partnership was recorded: 'By 2 ice pails ... Harcourt 225 (oz) 2 (dwt) 3 (shillings per ounce) 33/15 (total cost in pounds and shillings)'.

The link which the ledgers established between the superbly chased wine coolers and the workshop of Thomas Pitts was of particular importance, because Pitts' own speciality appeared to have been that of chaser. He described himself as 'working silversmith and chaser' on his trade card, and was the master of

the chaser Henry Gubbin. His son, William, was a chaser, and his grandson was the sculptor and chaser, William Pitts II, who as well as being one of the most celebrated silver chasers of his day, carved reliefs for the decoration of some of the principal rooms of Buckingham Palace.

The Harcourt family papers revealed that the choice of Parker and Wakelin to meet Harcourt's order was hotly contested by the royal goldsmith Thomas Heming (Principal Goldsmith to the King 1760-82), evidence that the commission was recognised by contemporaries as important both to the profitability and the prestige of the selected goldsmith.

Using the Auguste wine coolers as models, Pitts achieved a level of workmanship which clearly aspired to the quality of contemporary Parisian goldsmiths. Pitts' work proves that a London workshop was able to meet, with considerable skill, the demand for items in the latest French style.

The applicant did not oppose the argument that the wine coolers met the Waverley criteria.

We heard this case in February 2004, when the wine coolers were shown to us. We concluded that as a group of four the wine coolers met the second and third Waverley criteria. We therefore recommended that the decision on the export licence application should be deferred for two months to enable an offer to purchase to be made at the agreed fair market price of £1,098,513.68. We further recommended that if at the end of an initial deferral there was a potential purchaser who showed serious intention to raise funds with a view to making a purchase, the deferral period should be extended by a further three months.

We were informed by a private individual of a serious intention to raise funds. A decision on the export licence was deferred for a further three months. We subsequently learned that the private individual had acquired the wine coolers and had entered into a generous agreement with the Victoria and Albert Museum to allow public access.

Case 14

### **The archive of G King and Son of Norwich**

The archive comprised the records of G King and Son, Norwich-based lead glaziers established in 1924. The applicant had applied for a license to export the archive to an institution in the USA. The value on the export licence application was £11,500, which represented a firm offer for the archive on delivery.

The Head of Modern Historical Manuscripts at the British Library, acting as the Department's expert adviser, had objected to those parts of the archive that were over fifty years old under the third Waverley criterion: that the archive was of outstanding importance for the study and conservation of medieval stained glass in the United Kingdom.

Under Dennis King, MBE MA FSA the firm of G King and Co became the leading stained glass conservation firm in Britain, working not only on the many parish churches of East Anglia, including such famous sites as Long Melford (Suffolk), East Harling (Norfolk) and St Peter Mancroft in Norwich, but also on many of the greatest ecclesiastical sites for surviving stained glass nationally, including Great Malvern Priory, Wells

Cathedral and Winchester College. Its influence extended beyond its own work, since Dennis King also acted as consultant to conservation workshops at York and Canterbury.

The archive was a very comprehensive and well-organized visual and documentary record of this work. It included the firm's job files and account books, related collections of many thousands of black and white photographs and glass negatives and over 9,000 cutline rubbings of glass (rubbings made from a panel before it had been taken apart for conservation, so that it could be reassembled accurately) that had passed through the workshop. The expert adviser considered all of this material essential to the future study of the glass concerned, making the archive of exceptional importance both on a national scale and in relation to the individual localities and regions involved. She took the view that no study of medieval stained glass in East Anglia could be written without detailed study of it and found that for some churches the issue was even more pressing. Over 180 trays of unleaded medieval glass, all of known or suspected origin but lacking any specific orders for conservation work were relocated from the closing firm to other conservators to await subsequent contracts. Some, for example that relating to Bramshall in Staffordshire, had been at King and Son since before 1939. The best hope of establishing the history and ensuring the successful return of this precious glass to its correct position lay in a study of the firm's files. King and Son had worked on some of its most important sites before the 1950s, including the churches of East Harling, Norfolk, St Peter Mancroft, Norwich, and Winchester College Chapel. The records reflected the consistent importance of the firm's work over this period.

The expert adviser considered that the King archive was of major importance for the study of English painted and stained glass, which was an important part of our heritage. No other studio had handled so much conservation work in connection with historic stained glass as that of G. King and Son and the expert adviser considered it by far the most important archive for the study and conservation of stained glass in Great Britain. Its size and nature would make any kind of surrogate copying impossible.

The applicant accepted that those parts of the archive that were over fifty years old might meet the Waverley criteria.

We heard this case in March 2004, when some examples from the archive were brought before us. We found that those parts of the archive that were fifty years old met the third Waverley criterion and agreed that the archive should be starred, meaning that every possible effort should be made to retain it in the United Kingdom. In the interests of keeping the papers together, the applicant agreed that the whole archive would be placed under deferral. We recommended that a decision on the export licence application should be deferred for a period of two months to enable an offer to purchase to be made at an agreed fair market price of £13,810, excluding VAT. This price was higher than the figure on the export licence application because, exceptionally, some allowance towards storage costs was made. We further recommended that if, at the end of the initial deferral period, there was a potential purchaser who showed a serious intention to raise funds with a view to purchasing the archive, the deferral period should be extended by a further three months.

During the initial deferral period, we were informed of a serious intention to purchase by a UK Charity, the Norwich Town Close Estate. The deferral period was consequently extended. We were subsequently informed that the whole archive had been purchased by the Norwich Town Close Estate Charity and deposited at the County Archive in Norwich as a memorial to the work of Dennis King.