



Department  
for Culture,  
Media & Sport

# Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest 2022-23



ARTS COUNCIL  
ENGLAND

# **Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest 2022-23**

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# Report of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

1 May 2022 to 30 April 2023

**To:**

The Rt Hon Lucy Frazer KC MP  
Secretary of State for Culture, Media and Sport

68th Report of the Reviewing Committee

**Members of the Committee 2022–23**

Sir Hayden Phillips (Chair, appointment extended until 16 September 2022)

Mr Andrew Hochhauser KC (Chair, appointed 17 September 2022)

Mr Christopher Baker

Mr Peter Barber

Mr Mark Hallett

Mr Stuart Lochhead

Mr Tim Pestell

Mr Christopher Rowell

Ms Pippa Shirley

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Ms Mafalda Raposo

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Reviewing Committee on the Export of Works

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**A register of interests held by Committee members is posted on Arts Council England's website: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)**

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# Report of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

## Annual Report to Parliament

### By the Secretary of State for Culture, Media and Sport and the Minister for Arts and Heritage

We are pleased to lay before Parliament the 68th annual report of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, which covers the period 1 May 2022 to 30 April 2023. This is our first foreword to an annual report, and it is Andrew Hochhauser KC's first year as Chairman of the Committee: we warmly welcome him to the role.

As always, the objects which are referred to the Committee and which are detailed in this report continue to be both fascinating and diverse. We are impressed at the quality of advice and the depth of understanding that the Committee is able to provide to assist us in determining whether those objects are sufficiently important to our cultural heritage that we should seek to keep them in the UK.

Last year, we celebrated the 70th anniversary of the Waverley criteria – which are used to assess national importance and which have served us so well over the past seven decades. It is important, however, that we take stock of their continuing relevance and applicability today and we are grateful to the Committee for offering its further advice and support as it and others were invited to do.

The case histories in this report are a delight to read and we are pleased that, of the thirteen cultural objects found to meet the Waverley Criteria and subsequently placed under

temporary export deferral, five items, worth £3.6 million, were saved from being exported overseas and now enrich public collections here in the UK.

A key feature in last year's annual report was the *Portrait of Mai (Omai)* by Sir Joshua Reynolds, considered by the Reviewing Committee and then export deferred in March 2022. As was noted then, it is a masterpiece of British portraiture, at the very top end of the scale of national importance. It was a truly exciting moment therefore when the National Portrait Gallery announced that it had entered into an agreement with the Getty Museum in Los Angeles, to acquire the painting so that it would be jointly owned and seen by people from all over the world both here in the UK and in America. We applaud the imaginative thinking and collaboration which led to that happy outcome, in which the Department was proud to be involved, and hope that such creative solutions might be considered in future for exceptional works which might be beyond the fundraising efforts of single institutions.

This year's report is no less short of cultural treasures saved for the nation. Some notable examples are *A Young Teacher* by Rebecca Solomon, a pioneering Jewish painter who campaigned for women artists and was known for showing an awareness of inequality through her work. Tate and the Museum of the Home will provide a permanent new home for her work. We would also highlight the Victoria Cross posthumously awarded to Squadron Leader A.S.K. Scarf of the Royal Air Force, and four of his other medals. The Victoria Cross is incredibly special as it was the only one awarded to the

RAF for service in the Far East. Thanks to support from the National Heritage Memorial Fund and members of the public, the medals have been acquired by the RAF Museum in Edgware. Another work which is very special is the *Allegorical Painting of Two Ladies* from the English School, c.1650. It shows two women with beauty patches, one black and one white, side by side, presented as companions and equals. The painting has been acquired by Compton Verney where it will delight audiences and add to discussions about race and gender during the period.

We are pleased to hear that the system of binding offers is working well and was used in the case of most of these acquisitions. We would second Andrew's comment that much work went into agreeing the standard template and, apart from the areas he mentions where the terms can be altered, it should be used consistently to ensure fairness across the binding offers process.

We note Andrew's views on the provenance of items referred to the Committee, how its consideration can be presented as an endorsement of legitimacy and the difficulty this creates for expert advisers. We agree with his comment that members of the art trade need to ensure that their own code of practice in doubtful cases is strictly upheld and that every effort is made to establish the full provenance of items before items are referred to expert advisers. Where there is a lack of evidence to show when an object has been brought into this country or unresolved questions about ownership, the Committee may reasonably decide not to consider the case or to delay making a recommendation to Ministers until all reasonable steps have been taken to obtain this information.

In conclusion, we would like to express our gratitude to the Committee, its expert advisers, and staff at Arts Council England for their diligent work in ensuring that the export licensing system continues to operate effectively. We would also like to thank the

many private donors and organisations who play a vital role in ensuring that national treasures are saved from export. The *Portrait of Mai* was a shining example of such collaboration and the significant donations from the ArtFund, the National Heritage Memorial Fund, and many private donors helped ensure that Sir Joshua Reynolds's great work had pride of place when the National Portrait Gallery once again opened its doors to the public on 22 June this year. It is their commitment and generosity, together with the continuing enthusiasm and dedication of world-class experts in museums and the many volunteers and supporters throughout the UK, which makes all this possible – to the great benefit of our nation, and future generations.

**The Rt Hon Lucy Frazer KC MP**

Secretary of State for Culture, Media and Sport

**Lord Parkinson of Whitley Bay**

Minister for Arts and Heritage

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# Reviewing Committee Report for 2022-23

1 May 2022 to 30 April 2023

## Introduction

The legally binding option agreement mechanism, which came into effect on 1st January 2021 has now been in place for just over two years. Six national treasures reported here (one from 2021-22) were saved under this mechanism. We are pleased to report that since its introduction there have been no cases where the owners have refused a matching offer at the end of the second deferral period.

By and large, the system seems to be working well. There are two points which should be emphasised; first, the first condition report has to be agreed on, or before the Option Agreement, i.e., the condition report and Option Agreement need to be finalised by the end of the 15 Business Day consideration period. In many cases a condition report already exists, and time is saved by sharing this with the interested party for agreement. The second point is a reminder that the form of the Option Agreement is a standard template and, unless otherwise indicated, cannot be varied. Thus, it allows for certain aspects relating to delivery, transfer of risk and viewing arrangements during the second deferral period to be decided between the parties, otherwise, the parties must adhere to the format of the Option Agreement. Much consideration went into the draft to ensure fairness for both parties and this should be used consistently to ensure fairness across the binding offers process.

Since 1st May 2022, we have met 11 times and considered 18 objects referred to us at eight of those meetings. The Committee considered 16 objects, for the 2022-23 reporting period where it recommended that

13 export licences should be deferred to give an opportunity for an offer to purchase to be made for an object which meets one or more of the Waverley criteria. Three cases did not meet any of the Waverley Criteria and two cases are still being considered by the Secretary of State after our recommendation. Seven cases were acquired and saved for the Nation which is an extraordinary achievement in such uncertain times.

There were three cases still outstanding from the 21-22 reporting year. We are delighted to report that the National Portrait Gallery has successfully acquired the *Portrait of Mai (Omai)* by Sir Joshua Reynolds in a joint deal with the Getty Museum in Los Angeles, USA. This was the last case considered by us where the binding offers mechanism did not apply. The acquisition of the work was made possible due to significant and unprecedented grants given by the National Heritage Memorial Fund and Art Fund as well as the contribution of many other supporters.

Mention of Mai inevitably brings us to the question of its price. Critics maintained that, whilst it is the greatest portrait by one of the finest British artists, the price was excessive. When the Committee heard this case, we questioned the applicant about the value on the export licence application. As we reported, £50m was an unprecedented price for an 18th-century portrait and we agreed that it would be prudent, given its history, for the valuation to be verified by an independent process. We stress that, where there has been no recent open market transaction and the value stated on the export licence seems excessive, the Committee does not hesitate to recommend



that the Secretary of State refer the item to an expert for an independent valuation. We did so on this occasion and the independent valuation supported the figure claimed. We recognise that there is bound to be a measure of subjectivity when the object has not recently passed through the auction rooms, but we would also remind our critics that we are not prepared to accept what appear to be artificially high prices without requiring further justification from the applicant.

*Another success was the acquisition by Compton Verney of the Allegorical painting of two ladies, English School, circa 1650 with the assistance of grants from the V&A Purchase Grant Fund and the National Heritage Memorial Fund.*

Unfortunately, there was no interest expressed in saving Poussin's *Confirmation* and an export licence was issued for it.

Rapidly rising prices in the international art market make it far more difficult for public collections in the UK to raise the necessary funds to acquire export deferred works of art. We therefore welcome the innovative solution reached by the NPG for sharing the acquisition cost of Mai with the Getty and are encouraged that, having considered the arrangement, you were content to approve it as meeting the requirements of a matching offer from a UK public body combined with an offer from a private source (the Getty), guaranteeing sufficient public access in the UK and that the Minister could take this into account when considering whether or not to grant the licence.

Provenance: It is often not fully understood by stakeholders and the public that the Committee's remit does not extend to approving the provenance of objects referred to it and that its only remit is to assess them against the Waverley criteria. As our predecessors said in the early 1990s, we are very concerned that, on a few occasions, the Reviewing Committee may have been used in order to confer legitimacy to the trade in objects which may have been illegally

exported from another country. If an object that has been brought before the Committee is subsequently exported, it may be claimed that it has an impeccable provenance in the UK, for at least 50 years, because otherwise it would not have been submitted to the Committee and this may increase its value.

When an owner who applies for an export licence is unwilling or unable to give details of the object's provenance, the Expert Adviser is in a quandary: if they believe that the object has been brought into the UK within the last 50 years, they should recommend an automatic export licence, even if they think it meets one or more of the Waverley criteria. If, on the other hand, they recommend the granting of a licence, they may be permitting a heritage object, which may subsequently be proved to have indeed been in the country for more than 50 years, to be exported without an opportunity being given for a public collection to acquire it.

In future, therefore, where the Expert Adviser has reasonable grounds to suspect that an object is one the possession or trade in which is or may be contrary to UK law, we may choose not to consider the case if it is referred to us, or postpone making our recommendation to Ministers, until all reasonable steps have been taken to satisfy us and the Expert Adviser that the possession of or trade in the object is lawful.

Scientific drawings definition: There has been some confusion about whether a watercolour falls into the category of a scientific drawing which has a zero threshold for the purposes of export licensing. We would like to clarify that a watercolour can be a drawing. Until the end of the 18th century, traditional watercolours were known as 'tinted drawings'. Whether the medium is charcoal, pencil, watercolour or gouache is not significant in deciding whether it is a drawing. If the representation is methodical in that care has been taken to render an accurate representation of e.g. the plumage of a bird, the artist does not have to be a scientist themselves to make their work of

scientific interest. The category includes any drawing (and this includes watercolours) which has the potential to contribute to one or more branches of science.

Expansion of the Museums & Galleries Open Individual Export Licence ("OIEL"): we were pleased to learn last year that the DCMS agreed that all museums and galleries can apply for an M&G OIEL provided they satisfy you that they have good experience of lending in the UK and abroad, an excellent track record of exporting and have suitable agreements in place with the institutions they lend to, to ensure that adequate security and safety measures are in place. Such "bulk" licences permit the temporary export of any items owned by or under the care of the museum holder for up to three years and obviate the need for individual licences to be applied for thereby reducing the administrative burden on the museums.

70 years of Waverley: In 2022, we celebrated the 70th Anniversary of the publication of the Waverley Report and the establishment of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest. Over the past 70 years, public collections and audiences across the UK have benefitted from the national treasures that have been saved through export control. To mark the occasion we selected a small number of them which can be seen on the Arts Council's website – *Celebrating 70 years of national treasures saved for the public*.

At the event the Arts Minister, Lord Parkinson, commented on the success of the system and asked for thoughts about how to ensure that the process will continue to work as effectively over the next seventy years. While the Committee believes there is no obviously fundamentally better system and has written to the Minister to say so, it does agree that there is a continuing need for evolution to meet changing circumstances, resulting in improvement and clarification. In fact, the system has not ossified, but rather has developed over time to meet new challenges,

such as the introduction of the binding offer scheme, and this has been and can be achieved by using the consultation process with members of the Advisory Council to clarify certain aspects of its operation. While decisions will, of course, be taken by Ministers, the Committee stands ready to offer its advice on possible changes. We have written to the Minister to suggest that consideration might be given to reconvening the Advisory Panel on Illicit Trade established by one of your predecessors to consider the issue of items with dubious provenance which could also consult all interested parties over the terms of any legislative changes which, inevitably, would take some time.

Documents Working Party: The Working Party on Manuscripts, Documents and Archives is an advisory body to the Reviewing Committee, and it met on 27th April 2023 to consider export issues relating to manuscripts, documents and archives.

There seems to be a trend in collaborative purchases by institutions, as demonstrated by the financing of the purchase and the dispersal of the Blavatnik Honresfield Library and a collection of English local documents purchased by West Sussex Record Office and distributed to local archives throughout the country.

Members would like a website to be established as a single place, available to the widest possible range of libraries and archives, that lists all forms of potential funding support for acquisitions as well as listing successful acquisitions.

Members would like to see more effort put into publicising the regulations relating to the export of manuscripts, documents and archives of local interest: in particular local archives should particularly be alerted to the fact that outstanding local interest is a sufficient ground for the deferment of the granting of an export licence and dealers and private owners should be alerted that all manuscripts being sold abroad need an export licence regardless of their financial value. The



*Allegorical Painting of Two Ladies*, English School, circa 1650

existence of grant-giving bodies should also be advertised.

Money for cataloguing archives and manuscript collections is very difficult to obtain and donors and grant-giving bodies should be encouraged to include processing and cataloguing costs in their grants or donations.

Advisory Council: The Advisory Council met on 2nd May 2023 to consider the draft policy for the Reviewing Committee’s 2022-23 Annual Report. Among the matters raised particular concern was expressed over our comments on provenance. Members of the Trade assured the Advisory Council that their own code of practice was strictly upheld. We accept these assurances.

Chairmanship of the Reviewing Committee: In 2022 Sir Hayden Philips retired from the Committee after a term of eight years

as Chairman. During his chairmanship the complexity of the cases referred to the Committee increased considerably: we are now in a much more litigious age than that in which the Waverley system was devised, exacerbated by the ever-increasing prices for the best works of art. I should like to record the Committee’s sincere thanks for the time, skill and effort Sir Hayden devoted to the Committee’s work. The continuing success of the system owes much to the high standards of leadership and integrity which he displayed during his term of office.

I was appointed to succeed Sir Hayden as Chairman of the Reviewing Committee and my tenure began on 17th September 2022.

**Andrew Hochhauser KC**

Chairman, Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest

## Cases referred to the Committee

In 2022-23, 18 objects were considered by the Committee because the appropriate expert adviser had objected to their proposed export on the grounds of national importance. We are reporting on 16 objects as two are still under consideration by the Secretary of State.

The Committee will designate an object as a 'national treasure' if it considers that its departure from the UK would be a misfortune on one or more of the following three grounds, collectively known as the Waverley criteria:

History	Aesthetics	Scholarship
Is it closely connected with our history and national life?	Is it of outstanding aesthetic importance?	Is it of outstanding significance for the study of some particular branch of art, learning or history?
Waverley 1	Waverley 2	Waverley 3

### Items found to be national treasures

13 items were found to meet at least one of the Waverley criteria:

**Case 1** *Algernon Marsden* by Jacques Joseph 'James' Tissot

**Case 2** *Self-Portrait as a Knight, with a horse, an easel with painter's palette and a page* by Pier Francesco Mazzucchelli, called 'il Morazzone'

**Case 4** Nine conjoined roundels, presentation manuscript for Queen Elizabeth I

**Case 5** Arctic Expedition 1852, sledge flag of Captain Henry Kellett, C.B. commanding H.M.S Resolute

**Case 6** *The Cricketers (Ralph Izard & Friends)* c.1763 by Benjamin West

**Case 7** Victoria Cross posthumously awarded to Squadron Leader A.S.K. Scarf, Royal Air Force, and four other of his medals

**Case 8** *A Young Teacher* by Rebecca Solomon

**Case 9** Set of 120 original drawings of animals by Joseph Wolf

**Case 11** French Gothic Ivory Composite Casket

**Case 12** Egyptian Limestone Group Statue for Mehernefer and his son

**Case 13** An Egyptian limestone relief, Amarna Period

**Case 14** Autograph verses in Greek by Samuel Taylor Coleridge

**Case 16** *Risaldar Jagat Singh and Risaldar Man Singh* by Philip de László

### Items found not to be national treasures

Three items were found not to meet any of the Waverley criteria. They were:

**Case 3** *Vesuvius in Eruption, viewed from Posillipo* by Joseph Wright of Derby

**Case 10** Birds: A portfolio of ornithological drawings c.1790

**Case 15** *Prince Saunders* by William Hobday

## National treasures referred to the Secretary of State

13 cases were referred to the Secretary of State for deferral. The aggregate value of the 13 deferred items was £15.5million (£15,593,430).

## Deferred items that were acquired

Of the 13 deferred items, the following seven were acquired by institutions or individuals in the United Kingdom:

- Case 1** *Algernon Marsden* by Jacques Joseph 'James' Tissot
- Case 4** Nine conjoined roundels, presentation manuscript for Queen Elizabeth I
- Case 5** Arctic Expedition 1852, sledge flag of Captain Henry Kellett, C.B. commanding H.M.S Resolute
- Case 7** Victoria Cross posthumously awarded to Squadron Leader A.S.K. Scarf, Royal Air Force, and four other of his medals
- Case 8** *A Young Teacher* by Rebecca Solomon
- Case 13** An Egyptian limestone relief, Amarna Period
- Case 14** Autograph verses in Greek by Samuel Taylor Coleridge

These had a total value of £3.7 million (£3,750,390), which represents 24 per cent of the total value of objects that were deferred and 54 per cent of the total number.

## Outstanding cases

At the time of writing this Report, two items with a total value of £2,286,000 million were still under deferral.

**Case 11** French Gothic Ivory Composite Casket

**Case 15** *Risaldar Jagat Singh and Risaldar Man Singh* by Philip de László

## National treasures that were not saved

Unfortunately, it was not possible to retain in the UK every national treasure that was deferred. Export licences were (or can be) issued for the four items listed below:

- Case 2** *Self-Portrait as a Knight, with a horse, an easel with painter's palette and a page* by Pier Francesco Mazzucchelli, called 'il Morazzone'
- Case 6** *The Cricketers (Ralph Izard & Friends)* c.1763 by Benjamin West
- Case 9** Set of 120 original drawings of animals by Joseph Wolf
- Case 12** Egyptian Limestone Group Statue for Mehernefer and his son

These had a collective value of £9.5 million (£9,557,040), which represents 61.2 per cent of the total value of objects placed under deferral and 30.7 per cent of the total number.

# Individual export cases 2022-23

## Case 1 *Algernon Marsden* by Jacques Joseph 'James' Tissot

***Algernon Marsden*, painted by Jacques Joseph 'James' Tissot, signed and dated J Tissot 1877, oil on canvas, measuring 28 by 72.5 cm.**

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £2,204,262, which represented the sterling equivalent of the agreed sale price (\$3,000,000) subject to the granting of an export licence, calculated on 18 February 2022, the date of the export licence

application, at a rate of \$1.361:£1 (Lloyds Bank). The applicant confirmed that the value did not include VAT and that VAT of \$90,000 on the commission would be payable in the event of a UK sale.

The Senior Curator of European Art at the Ashmolean Museum, acting as expert adviser, objected to the export of the painting under the second and third Waverley criteria. It was of outstanding significance for the study of the history of collecting, the formation of



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Case 1 *Algernon Marsden* by Jacques Joseph 'James' Tissot

taste in the Victorian period and the personalities of dealers.

Although it was never exhibited in the artist's lifetime, Tissot's *Algernon Marsden* has become an icon of the Aesthetic movement in recent years. This portrait of a handsome young man in a luxurious interior, nonchalantly leaning on a tiger skin and facing the viewer, epitomises Tissot's desire to elevate a picture of an individual into a timeless genre painting, the sitter's character, suggested as much by his surroundings as by the painting of his features. Although his pose is relaxed and proprietorial and seems perfectly attuned to the interior in which he is portrayed, Marsden was painted in Tissot's studio – the tiger skin and other decoration elements reappear in other paintings. Nevertheless, the evident sympathy between the artist, his sitter, and their surroundings is extraordinary.

The sitter in this portrait, Algernon Moses Marsden (1847-1920), was a shadowy figure in the Victorian art world who also merits research. There is an increasing interest in the history of collecting, the formation of taste in the Victorian period, and the personalities of dealers. Projects such as '[Jewish Country Houses: Objects, Networks, People](#)' funded by the Arts and Humanities Research Council are increasingly bringing to light invaluable evidence of the workings of the art market, which this portrait so vividly suggests.

The applicant disputed that the painting met the Waverley criteria. They stated that Algernon Marsden was only remembered by a small number of art historians as a dealer to Tissot and Holman Hunt for a few years and did not shape our history and national life.

While the portrait is undoubtedly accomplished, it was only as aesthetically important as many other works by the artist. Had the sitter's identity been lost, one would be presented with a young man in a dark suit in an elegant interior. The face was handsome, and the composition was unusual, but not more so than other works by the artist who was always innovative in the casual way his sitters were posed.

They also stated that Tissot occupied a singular and anomalous place in the history of British Art. He did not work with a studio and did not have followers, nor was he the founder of a school. UK collections are replete with depictions of the beau and demi-mondes. *The Ball on Shipboard* at Tate Britain is complemented by a handful of Thames-side views such as *On the Thames* (Hepworth Wakefield), *The Last Evening* (Guildhall), and *The Captain's Daughter* (Southampton). These detailed descriptions of costume and manners are what Tissot was best celebrated for. It is perhaps difficult to argue why the portrait of Algernon Marsden represented the artist's oeuvre more than these other examples.

We heard this case in May 2022 when we saw the painting and concluded that it met the third Waverley criterion. This was a fascinating painting, presented in Tissot's highly insightful style. This painting contrasted social status with instability, a depiction of precarious, recent affluence that was specific to this era. Further to this, the attention to light and textures, and the singularity of every pose and gesture, was pioneering. However, this originality was characteristic of Tissot and was well represented in the vast collection of Tissot's work in UK collections.

There was a lot more that could be learned about Marsden through further research, especially in the context of the '[Jewish Country Houses: Objects, Networks, People](#)' project currently being undertaken. In addition, we agreed that the relationship between Marsden and Tissot was of great interest and that the painting had a great deal more to tell.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of three months to enable an offer to purchase it to be made at the agreed fair market price of £2,430,130 (plus VAT of £72,900 on the commission which could be reclaimed by an eligible institution) with a further four months if there was a serious expression of interest and the owner granted an Option Agreement. This represented the price at which the owner had agreed to sell

subject to the grant of an export licence converted to GBP (xe.com) on 11 May 2022, the hearing date. This was in accordance with our policy that the date to be used for establishing the exchange rate for an agreed price in foreign currency should be assessed on a case-by-case basis to ensure that the applicant received the benefit of any fluctuations.

During the first deferral period, we were informed of an offer from the National Portrait Gallery to purchase the painting at the fair matching price. The owner accepted this offer and granted the National Portrait Gallery an Option Agreement. On the same day, the painting was purchased by the National Portrait Gallery with the assistance of grants generously donated by Sir Martyn Arbib and his children.

*Algernon Marsden* by Jacques Joseph 'James' Tissot was jointly acquired by the National Portrait Gallery and the National Gallery. The portrait will be displayed in Room 44 of The National Gallery from 7 December 2022 alongside works by artists such as Cézanne, Monet, and Renoir, and then in the newly named and renovated Blavatnik Wing when the National Portrait Gallery reopens in 2023. The portrait will return to the National Gallery to mark its bicentenary in 2024.

The independent assessors for this case were Frances Fowle (Chair of 19th Century Art, University of Edinburgh and Senior Curator, French Art, National Galleries of Scotland), Carol Jacobi (Curator British Art 1850–1915, Tate Britain), and Rupert Maas (Maas Gallery).

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## **Case 2** *Self-portrait of an artist with a horse, an easel with a palette* by Pier Francesco Mazzucchelli known as 'il Morazzone'.

***Self-portrait of an artist with a horse, an easel with a palette* by Pier Francesco Mazzucchelli known as 'il Morazzone' (1573-1626), dated circa 1605-10, oil on canvas, measuring 78.6 by 59.3 cm.**

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £2,150,000, which represented an agreed sale price. However, this sale was cancelled in advance of the meeting and could not, therefore, be taken into account in assessing the fair market price of the painting in the event it was found to be a national treasure. The applicant explained that they had purchased the painting privately through Bonham's before an article by Alberto Crispo had been published, attributing it to the artist as a self-portrait. That purchase price was less, but it was now worth more with the benefit of the full attribution. They had provided a justification of the £2.15m value by reference to comparable

items before the meeting and a consignment estimate from an auction house which had not been achieved. At the meeting, they provided an independent valuation at £2m with a justification from James McDonald (formerly head of private sales for the Old Master department at Sotheby's), which was tabled.

The Director of the National Gallery, assisted by The James and Sarah Sassoon Curator of Later Italian, Spanish and French 17th Century Paintings, The National Gallery objected to the export of the painting under the second and third Waverley criteria. It was of outstanding significance for the study of Lombard painting at the turn of the 17th century.

This arresting portrait was the only known self-portrait by the Lombard painter Pier Francesco Mazzucchelli, better known as 'il Morazzone' after the town in which he was born (Morazzone, near Varese, approximately 50km north-west of Milan). He was a prolific draughtsman and is especially known for his





**Case 2** *Self-Portrait as a Knight, with a horse, an easel with painter's palette and a page* by Pier Francesco Mazzucchelli, called 'il Morazzone'

religious works, altarpieces, and decorative cycles for religious organisations, churches and sacred shrines scattered throughout northern Italy.

The painting once formed part of the important collection (containing 1,333 paintings) amassed by the Marqués de Leganés, a Spanish politician and military commander who served as Governor of the Duchy of Milan (an area broadly corresponding to present-day Lombardy and parts of Piedmont, Veneto, Tuscany and Emilia-Romagna). The Lombard school of painting is not adequately represented in this country (or indeed outside Lombardy).

The painting is recorded in early sources and was presumed lost until its appearance at auction in 2020. Even though this is the only known self-portrait by Morazzone, his identification is indisputable: the artist's features may be compared to those in an anonymous portrait of Morazzone painting at his easel (location unknown), a partial copy of which is in the Pinacoteca di Brera, Milan.

The iconography in this painting is unusual for showing Morazzone as both a painter and a knight – a man skilled in both Painting and War. In giving equal importance to his status as a knight and painter, it has been suggested that Morazzone may have wanted to allude to his being named 'Cavaliere' of the Order of Saints Maurice and Lazarus by Carlo Emanuele I, Duke of Savoy (1562–1630).

Given how exceptional it is to find a work by Morazzone outside northern Italy, or indeed how rare it is for one to appear on the international art market, the departure from the UK of this newly discovered self-portrait would amount to a significant loss.

The applicant disputed that the painting met the Waverley criteria. They stated that Mazzucchelli was an Italian artist with no link to the UK during his life. There was no tradition of Morazzone being collected by UK historical collections, and in terms of the history of collecting, the link with the United

Kingdom is relatively recent. None of the UK provenance could be considered of any particular relevance. It was a great image and very valuable for the art market, but there were numerous examples of this genre (self-portraits) from the 17th century.

We heard this case in June 2022 when we saw the painting and concluded that it met the third Waverley criterion. This was an extraordinary and rare work from an important school of Italian painting notably absent from UK collections, and for the significance of this being Morazzone's only known self-portrait. As such, the painting held importance for research into the social status of painters in 17th century Lombardy. In addition, regarding the painting's provenance, there was scope for further research which might shed light on the picture's place within British collecting history.

We noted that the current value of the painting had increased substantially since appearing on the market in 2020 due to the reattribution to Mazzucchelli. It had been withdrawn from Bonham's 8th July 2020 auction sale in which it had been catalogued as by Circle of Gian Lorenzo Bernini and offered as lot 312 with a pre-sale estimate of £40,000 – £60,000. The applicant confirmed that the re-attribution to Morazzone had not formed part of the private sale negotiations and that the negotiations had concluded a few days before the article by Alberto Crispo had been published. We agreed that a higher value than the 2020 purchase price was appropriate to take into account the re-attribution, the rarity of pictures by Morazzone, the bravura nature of the image and the fact that there were no other known self-portraits by the artist.

We agreed that the valuation with supporting evidence that the applicant had tabled at the meeting referencing the painting's exceptional rarity and distinguished provenance provided sufficient justification for £2m, and we agreed to recommend that as the fair matching price.

We, therefore, recommended that a decision on the export licence should be deferred for

an initial period of three months to enable an offer to purchase it to be made at the agreed fair market price of £2,000,000 with a further four months if there was a serious expression of interest and the owner granted an Option Agreement.

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

The independent assessors for this case were Tim Hunter (Art Consultant and Director, Venator Fine Art Ltd), Lucy Whitaker (Independent Art Historian and Curator), and Aidan Weston-Lewis (Chief Curator, National Galleries of Scotland).

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### **Case 3** *Vesuvius in eruption, viewed from Posillipo* by Joseph Wright of Derby

**A nocturnal landscape showing Mount Vesuvius erupting in the distance. The volcano is viewed from across the Bay of Naples, from Posillipo on the northern coast. Two buildings can be seen by the moonlight along the coastline, while in the foreground, two boats sail in the bay—oil on canvas, measuring 103.8 by 128.4 cm.**

The applicant had applied to export the painting to Hong Kong. The value shown on the export licence application was £1,222,500, representing the hammer price at auction (£1,000,000) plus the buyer's premium (£222,500). In addition, VAT of £44,500 would be payable on this in the event of a UK sale. The total would be £1,267,000.

The Curator of British Art c.1730-1850 at Tate Britain, acting as expert adviser, objected to the export of the painting under the second and third Waverley criteria. It was of outstanding significance to the study of art history and the history of 18th century provincial culture.

The landscape painting depicted Vesuvius from across the bay of Naples, from Posillipo. Wright created a striking contrast between the fiery red of the erupting volcano and the cool,

pale tones of the sky as the full moon appears from behind billowing clouds. The painting reflects Wright's preoccupation with capturing light effects, which became – and remains – crucial to his artistic reputation.

Wright's depiction of Vesuvius spoke to the particular prestige of the Italian scenery at a moment when landscape painting was gaining new status and popularity in England. Vesuvius was one of the most popular sights to visit, prompting a flood of literary, artistic and scientific interest in the volcano. Turning seriously to landscape painting for the first time after visiting Italy, Wright's painting – depicting the distant eruption by moonlight, its force offset by the tranquillity of the bay – highlighted the powerful ways in which Wright's exploration of this subject was a response to the growing ambition and scope of landscape painting at the end of the 18th century. Painted in Derby towards the end of his career, it highlights Italy's lasting impression upon Wright. It also demonstrates the provincial market for these more adventurous subjects, the success and independence artists could achieve outside London, and the quality of the art being produced in the provinces at this time.

As one of Wright's most enduringly popular subjects, his volcano subjects are also among his most copied. Viewed collectively, Wright's volcano landscapes attested to the success of, and demand for, this branch of his art. Among his British contemporaries, Wright is unique in his sustained engagement with the subject and in successfully building a national reputation as a volcano painter. *Vesuvius in Eruption, viewed from Posillipo*, represents the later evolution of this imagery towards a more contemplative mood and distant view. The multiple variations of *Vesuvius in Eruption, viewed from Posillipo*, demonstrated that this specific view was a lucrative and important subject for Wright that arguably deserved better representation in UK public collections.

The applicant did not dispute that the painting could meet the Waverley criteria. However, they noted that the application should be seen in the context of there being multiple treatments of the subject by Wright of Derby in British collections, including two works, one in Tate Britain and one in a private collection, which were both larger and arguably more dramatic.

We heard this case in July 2022 when we saw the painting. We agreed that this was a very

interesting late painting from Wright of Derby's oeuvre. It was an elegiac and lyrical rendition of this subject, and it showed a development in style in comparison with Wright's other dramatic and fiery depictions of Vesuvius. However, regarding the condition of the painting, the pigments in the foreground had sunk in colour, and some of the glazing had suffered losses which affected the painting's impact and nuance.

We then discussed potential further research into provincial patronage within Derby and how this was key to Wright's rise to prominence. However, the majority of us felt this area was well researched and that this particular painting would not add significantly to this avenue of study. We concluded that its degree of national importance was not so great as to justify the withholding of an export licence.

The independent assessors for this case were Nicola Kalinsky (Director, The Barber Institute of Fine Art), Jonny Yarker (Director, Lowell Libson and Jonny Yarker Ltd), and Colin Harrison (Senior Curator of European Art, Ashmolean Museum).

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## **Case 4** Nine conjoined roundels, presentation manuscript to Queen Elizabeth I

**Nine conjoined roundels. Two roundels depict agate jewels showing St George and the Dragon within the Garter and a cameo of Queen Elizabeth I, respectively. A Latin inscription records Archbishop Matthew Parker's gift of the agate to Elizabeth. Seven roundels contain longer texts in Latin and French on the properties of agate.**

**Manuscript on parchment, 1573, measuring 127 by 127 mm.**

The applicant had applied to export the manuscript to the USA. The value shown on the export licence application was £9,450, which represented the hammer price at auction (£7,500) plus the buyer's premium (£1,875) and the overhead premium (£75). In addition, VAT of £390 would be payable on this in the event of a UK sale. The total would be £9,840.

The Head of Western Heritage Collections at the British Library, assisted by the Lead Curator of Medieval and Early Modern Manuscripts



**Case 4** Nine conjoined roundels, presentation manuscript for Queen Elizabeth I

at the British Library acting as expert adviser, objected to the export of the manuscript under the third Waverley criterion. It was of outstanding significance to the study of the history of the Elizabethan period and for understanding Matthew Parker's role in and use of material culture.

The manuscript was formed of nine conjoined roundels, organised in three rows of three and linked by thin strips of vellum. The central roundel contains a miniature in blue and gold of St George and the Dragon within the Garter, with a Latin text on the presentation of the agate to Elizabeth I. The middle roundel of the

third row contains a miniature of Elizabeth I in blue, with accompanying Latin texts. The miniature portrait of Elizabeth may record the earliest of its kind. The remaining seven roundels contain texts on the properties of agate, written in different calligraphic scripts.

In 1573 Elizabeth I made a royal progress through Kent. Her visit to Canterbury coincided with her fortieth birthday on 7 September, when Archbishop Matthew Parker hosted a magnificent banquet in her honour. Some copies of Parker's *De Antiquitate Britannicae Ecclesiae* include an account of Elizabeth I's reception at Canterbury and describe the now lost gold salt cellar that Parker presented to the Queen. The description of the jewelled gift links it to the manuscript.

The manuscript is seemingly unique in its format, content, and purpose. In all probability, the manuscript formed part of Parker's gift made to Elizabeth I at Canterbury. The use of shell gold around the two miniatures to highlight the authorial authorities and to frame the roundels indicated that the manuscript was intended to impress the Queen. The joints connecting the roundels were creased, suggesting that they were once folded into a pile, possibly to be placed inside the salt when it was presented to Elizabeth. The manuscript's unusual and intricate format suggested a particularly considered and conscious creation. The precise origins and intentions would benefit from detailed first-hand examination and wider contextual research.

Matthew Parker was an extraordinary cultural figure. His gifts to Cambridge Colleges are well documented, and his benefactions of books and manuscripts place him among Britain's most important figures in library history. Hitherto unknown to scholars, the manuscript was of outstanding significance for the study of Parker's role in and his use of material culture.

As both an exceptionally rare and beautiful example of gift culture and a record of the lost gold salt cellar, the manuscript was of outstanding significance for the study of Elizabethan gift exchange. It revealed what

was engraved on the salt cellar and provided illustrations of the agate jewels set into it. Not only did the manuscript take us a step closer to the object itself, but crucially it had the potential to shed light on topics of significance in the broader cultural, political, and religious context and in relation to Matthew Parker and Elizabeth I, both separately and jointly.

The applicant disputed that the manuscript met the Waverley criteria. They stated that whilst it could be shown with a reasonable degree of certainty that this manuscript formed part of a gift from Archbishop Matthew Parker to Queen Elizabeth, who were, of course, both figures of national importance, the significance of the manuscript to either individual or their relationship, was relatively small.

The attractive calligraphy and illustrations were comparable to many other presentation manuscripts of the period and were not of outstanding aesthetic importance. The scholarly importance of this manuscript was not sufficient to give it outstanding significance to any field of learning. Gift giving at the Elizabethan court is richly documented through multiple sources, for example, the Royal Manuscripts held by the British Library.

We heard this case in July 2022 when we saw the manuscript and concluded that it met the third Waverley criterion. The ephemeral nature of the manuscript, particularly its shape, made it unique in its relevance to Elizabethan gift culture. The distinctive format necessitated research with the original object as opposed to digitisation to ascertain the way each roundel is revealed as the manuscript is unfolded.

The manuscript had enormous research value, specifically regarding Archbishop Matthew Parker's relationship to Queen Elizabeth I and material gift culture. The literary allusions on the roundels further suggested Matthew Parker's engagement with classical humanist culture that was not typically associated with the clergy and would lead to illuminating further study.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of three months to enable an offer

to purchase it to be made at the agreed fair market price of £9,450 (plus VAT of £390 which could be reclaimed by an eligible institution) with a further three months if there was a serious expression of interest and the owner granted an Option Agreement.

At the end of the first deferral period on 1st December 2022, we were informed of three serious intentions to raise funds with a view to making an offer to purchase the manuscript. The owner accepted the offer from Corpus Christi College, Cambridge and granted it an Option Agreement. A decision on the export

licence application was deferred for a further three months ending on 20th March 2023. The manuscript was subsequently purchased for £4,500 (after tax remission) by Corpus Christi for the Parker Library.

The independent assessors for this case were Dr Natalie Mears (Reader/Associate Professor in Tudor and Early Stuart History, University of Durham), Felix Pryor (Manuscript and Archive Consultant), and Joan Winterkorn (Manuscript and Archive Consultant).

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## Case 5 Arctic Expedition 1852, sledge flag of Captain Henry Kellett, C.B. commanding H.M.S Resolute

**The object is a silk sledging flag belonging to the polar explorer Captain Henry Kellett (1806- 1875), made circa late 1851 to early 1852. The flag measures 595 by 885mm within a frame of 710 by 995mm. The maker is unknown.**

The applicant had applied to export the flag to Canada. The value shown on the export licence application was £120,000, which represented the agreed sale price (including dealer's commission) at which the overseas buyer had agreed to buy the item, conditional on the issue of an export licence. In addition, VAT of £24,000 would be payable on this in the event of a UK sale. The total would be £144,000.

The Senior Curator: Maritime Technologies/ Curator: Polar Equipment & Relics at the Royal Museums Greenwich/National Maritime Museum, acting as expert adviser and assisted by the Senior Content Curator at Royal Museums Greenwich, objected to the export of the flag under the first Waverley criterion.

The expert adviser stated that the silk sledging flag belonged to the polar explorer Captain Henry Kellett (1806-1875), was made circa late 1851 to early 1852 and featured three sets of

iconography specific to Captain Kellett. Captain Kellett was involved in two expeditions, one from each end of the Northwest Passage, and this flag was from the Canadian end between 1852 and 1854. A proud Irishman at a time when there was prejudice, his flag represented his identity within a British context. His flag was one of the earliest known still to be in existence, giving it a greater significance as an object that told this story of searching for answers, exploring, mapping, and claiming the northern extremes of North America for Britain (and by extension, Canada).

Sledge flags were a peculiarly British polar accoutrement that continued in use in the Antarctic in the early 20th century. Promoted by Captain Austin in 1850 on the second expedition to search for Franklin to '...retain esprit de corps and a naval atmosphere...' They forged an identity among officers and crew for each sledge sent from the ship to search for Franklin's expedition – effectively a form of command and control in an unfamiliar landscape. Therefore, the object was of national significance, reflecting the British obsession with, and state-sponsorship of, 19th century Arctic exploration and specifically the

Franklin search expeditions. It was not just a story about one region but a national effort that opened up northern Canada and began to piece together the story of a catastrophic polar tragedy.

The applicant disputed that the flag met the Waverley criteria. They were of the view that though a superb example of a polar sledging flag from the 1852 Arctic Squadron expedition in search of Sir John Franklin, this flag was not the sole example of its type. They added that the National Maritime Museum already held the sledging flag of Lieutenant Bedford Pim, a crew member of *Resolute*, for his sledge John Barrow. This flag, with its iconic motto "Hope on Hope Ever," was made for him by Lady (Jane) Franklin herself. Visually, Kellett's flag does not match this in aesthetic importance.

We heard this case in July 2022 when we saw the flag and concluded that it met the first Waverley criterion.

We found the object a fascinating early example of a sledge flag and an early prototype for the future design of such flags. The symbolism of the heraldic elements was

remarkable, and these flags were unique to Britain. The flag was also notable for its context within the exploration of the northwest passage, which could be viewed as the single most important goal within British maritime history. We concluded that the unique design of this flag, along with its importance within the context of British history, was of outstanding significance.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of three months to enable an offer to purchase it to be made at the agreed fair market price of £120,000 (plus VAT of £24,000 which could be reclaimed by an eligible institution) with a further three months if there was a serious expression of interest and the owner granted an Option Agreement.

During the initial deferral period, we received a serious expression of interest from the National Museum of the Royal Navy. The owner accepted this offer and granted the National Museum of the Royal Navy an Option Agreement which was concluded on 20 December 2022. The deferral period was extended for a further three months, during

which time the flag was purchased by the National Museum of the Royal Navy with the assistance of grants from The National Lottery Heritage Fund (£98,170) and The Art Fund (£40,000).

The independent assessors for this case were Alex Partridge (Collections Coordinator at The Polar Museum, Scott Polar Research Institute), Michael Smith (Polar Exploration Author), and Stuart Leggatt (Meridian Rare Books).



**Case 5** Arctic Expedition 1852, sledge flag of Captain Henry Kellett, C.B. commanding H.M.S. *Resolute*



## Case 6 *The Cricketers (Ralph Izard & Friends)*, c.1793, by Benjamin West

**A painting of five young Colonial Americans, shown outdoors, at leisure, playing cricket. Oil on canvas, measuring 99.1 by 124.5 cm.**

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £2,568,053.42, which represented an estimated value of US\$3.5m converted into sterling at the date the application was submitted (8 February 2022), and the applicant put forward an appraisal of the work. The painting had been purchased in a private sale in May 2021 for \$1.5m, and the Committee was made aware of this.

The Curator of British Art 1550-1750 and the Curator of British Art c.1730-1850, both at Tate Britain acting as expert advisers, objected to the export of the painting under the first and third Waverley criteria. It was of outstanding significance to the study of Britain's relationship to America in the 18th century and as an important representation of cricket during a critical period in the development of the game.

The painting was rare and exceptional in its depiction of young Colonial Americans in Britain for their education and exposure to the cultural refinement and politics of the 'mother country'. American Colonists referred to Britain as the mother country, including Ralph Izard (one of the sitters) as he sought to advance the American cause in London in 1774. Britain was where the American elite were educated, where they were exposed to a level of cultural refinement, and where they forged social and professional contacts. In American Colonial society, acquisition of refinement through first-hand experience of Britain was regarded as something that set people apart from others, while portraits commissioned abroad acted as material testament to this.

Geographically from different parts of America but brought together through shared

experience, West's painting captures the camaraderie and friendship between the five sitters and their acquisition of the refined, easy air of gentlemen of leisure. The picture expresses a particular pre-revolutionary Anglo-American relationship and a fellowship between the sitters that was soon to be fractured by American revolutionary politics in which several of the sitters took opposing sides. For the sitters, the picture would have been a concrete reminder of their time in England.

The American-born Benjamin West arrived in England in August 1763 on what was intended as a short visit but soon became a permanent stay. West rapidly became a prominent and influential figure within the British art world. This painting is one of the earliest West produced in Britain, most likely painted in 1763, the year of his arrival in England from Italy. While perhaps less accomplished technically, it reveals the young (aged 25), largely self-taught artist developing his skills and is illuminating in terms of West's development. It also speaks to the place of portraiture within his oeuvre, particularly at the start of his career, as a steady output and source of income, only waning in the 1780s when other commissions took precedence. Lastly, it is also an important document of his early American patronage, not least the Allen family from which this picture has descended.

The conversation piece format must have been a deliberate choice by West to emphasise the fellowship and friendship between his sitters. It is an important early English work that demonstrates West's quick adoption of the grand tourist conversation piece format that he had encountered in Italy. *The Cricketers* deviates from this format only by transporting the sitters from Italy to England. Instead of British grand tourists, West paints American 'tourists' in Britain. Dressed in fine clothes and with relaxed attitudes as men of leisure, West



**Case 6** *The Cricketers (Ralph Izard & Friends)* c.1763 by Benjamin West

uses the format to deliberately emphasise the similarity of experience - like young British grand tourists in Italy, West's American sitters are presented united in a common adventure in self-improvement, culture, manners and pleasure.

Benjamin West's *The Cricketers* is regarded as one of the most important paintings pertaining to early cricket. The number of depictions of cricket from the period of the game's development, 1700-1800, is smaller than might be supposed, and those by major artists, such as West, are smaller still. *The Cricketers* does not show the sitters in the act of playing, but the three central figures are shown relaxing or recovering from just having played. The painting reflects the critical development in the game, from a rustic sport in the 1720s to one

which was taken up in earnest by aristocratic patrons from the 1750s. The choice of the sitters to be represented as cricketers is, therefore, significant. It suggests cricket, as a noble sport and an elite pastime, was adopted by the sitters during their stay in England, conferring notions of gentility upon them.

The applicant disputed that the painting met the Waverley criteria. They stated that the picture was by an American artist, depicting American subjects, and was commissioned by an American for display in Pennsylvania. Its significance to the history and national life of the UK was confined to the fact of its origin in England and its depiction of equipment associated with cricket. On those counts, the work was a studio composition with props, neither on an absolutely defined spot nor the

scene of a match. The title of the painting was erroneous, assigned to the picture in the early 19th century by an exhibition venue. Unlike other UK-held paintings of the period that more directly depict or allude to the sport of cricket, West's picture was a group portrait, not a cricket match, meant to record the cosmopolitan traits of American boys at school. The cricket props were an art historical trope rather than an indication of sport.

The subjects were not significant in the history of the UK. Three boys attended Cambridge in the early 1760s; the Allen brothers attended Middle Temple. All returned to the colonies after their studies, married American women, managed plantations, some with enslaved workers, ran businesses, and made their mark in American life and politics.

The work was significant in the history of early American painting, illustrated from time to time as a key signal that Colonial painters were travelling abroad. The work at hand showed how much West had to learn, the basic and rudimentary skills he had upon arrival from Philadelphia, and how much he achieved after that.

We heard this case in May 2022 when we saw the painting and concluded that it met the third Waverley criterion. The painting was significant in exploring pathways in research about what it meant to be a part of the British Atlantic and the American diaspora before the American Revolution, including its connection to slavery. We discussed the setting of the painting in Britain and highlighted the importance of Britain as a destination from America for the subjects in the context of the Grand Tour. Furthermore, the possibility of the painting depicting Kew Bridge in the background was put forward as something to be considered because of Kew's importance as a site for cricket. Identifying the background to the painting would be an interesting research avenue and would add to its historical importance.

The painting came at a crucial period in the development of the game as an elite sport, and it was a rare depiction of an early game

of cricket. Even if the cricket equipment was included as props rather than as a painting of a game, their presence was intentional as symbolic of status and British nationalism.

Concerning the value, we informed the applicant that we would require additional evidence regarding the value of the painting and clarifications about VAT before we could recommend a matching offer. After the hearing, the applicant provided additional evidence regarding the value of the painting, citing comparable items. The comparisons given were four works by Benjamin West (*The Death of General Wolfe*, *Devout Men taking the Body of St Stephen*, *Phaeton asking Apollo to drive the Sun Chariot* and *Portrait of Prince William and Princess Sophia*) and five by other artists (*Portrait of Mrs Theodore Atkinson* by John Singleton Copley, *Two scenes of Mr and Mrs David Garrick at Hampton House*, *The Dutton Family*, and *The Willoughby de Broke Family* by Johann Joseph Zoffany, and *An Academy by Lamplight* by Joseph Wright of Derby). We considered the additional evidence as well as the original appraisal from December 2021, but we were not persuaded that the comparable items provided were sufficient to justify a movement in the market value of the painting from the \$1.5m transaction in May 2021 to \$3.5m.

The applicant provided further evidence to justify the conclusion that the May 2021 transaction price was not the price to be matched and that there was a movement in the market between the May 2021 purchase and the date of the current licence application, February 2022. They noted again the comparable items *Devout Men taking the Body of St Stephen* and *The Death of General Wolfe* by West and brought to the Committee's attention the sale of *Washington Crossing the Delaware* by Emanuel Leutze. We remained unpersuaded by the additional points raised and did not, therefore, consider that the valuation provided of \$3.5m had been adequately substantiated. We agreed to recommend that the Secretary of State base the fair market price on the May 2021 transaction value of \$1.5m

converted to GBP. Following its policy that the date to be used for establishing the exchange rate for an agreed price in foreign currency should be assessed on a case-by-case basis to ensure that the applicant benefited from any fluctuations, we recommended the sum of £1,215,000 as a fair matching price. This represented the price paid by the owner in May 2021 converted to GBP (xe.com) on 11 May 2022, the date of the meeting.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of six months to enable an offer to purchase it to be made at the agreed fair market price of £1,215,000 with a further

three months if there was a serious expression of interest and the owner granted an Option Agreement.

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

The independent assessors for this case were Martin Postle (Senior Research Fellow, Paul Mellon Centre), Michael Tollemache (Michael Tollemache Fine Art), and Jonny Yarker (Lowell Libson and Jonny Yarker Ltd).

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## **Case 7** Victoria Cross posthumously awarded to Squadron Leader A.S.K. Scarf, Royal Air Force, and four other of his medals

**Medal group of five consisting of Victoria Cross, 1939-1945 Star, Pacific Star, Defence Medal and British War Medal awarded to Sqdn Ldr Arthur Scarf, 62 Sqdn, RAF. The medals are made of bronze, white metal (either cupro-nickel or silver) and ribbon.**

The applicant had applied to export the medals to Guernsey. The value shown on the export licence application was £660,000, which represented the hammer price at auction plus the buyer's premium. In addition, VAT of £22,000 would be payable on this in the event of a UK sale. The total would be £682,000.

A Senior Curator at The National Army Museum acting as expert adviser objected to the export of the medals under the first and third Waverley criteria. They were of outstanding significance for the study of the wider story of the RAF in the Far East during the Second World War.

The Victoria Cross in this group was awarded to Mrs Elizabeth Scarf, Squadron Leader Scarf's widow, by King George VI at Buckingham Palace on 30th June 1946. His

remaining medals would have been issued by the War Office and sent using the postal service. The medals were not issued mounted as a group, and this mounting would have been done on behalf of the Scarf family.

The four campaign medals in this group were relatively common as they were issued to all personnel who met the qualifying criteria during the Second World War. The Victoria Cross, however, was the highest gallantry award issued in the UK, and 1,358 have been awarded since its inception in 1856. 181 were awarded during the Second World War, and only 22 of these were awarded to the RAF.

Squadron Leader Scarf's Victoria Cross was the only example awarded to a member of the RAF for their service in the Far East, and as such, there were no objects which were directly comparable with this medal group in existence. Scarf's Victoria Cross was representative not only of his story but the wider story of the RAF in the Far East and the challenges they faced as a result of the theatre being under resourced and not prioritised by the British Government of the time.

This wider story warranted further exploration and research, and Scarf's Victoria Cross was an important part of the material culture which could represent it. The war in the Far East and the role played in it by British personnel was often described as the 'Forgotten War' and certainly had drawn less attention from historians and the wider public than it deserved. It was increasingly being recognised that there was a need to understand that there were multiple narratives to every historical object and that these narratives needed to be shared more widely. In the expert adviser's view, the Scarf Victoria Cross group was an object which allowed for the exploration of these stories. Powerful, emotional personal stories like Scarf's, represented by his Victoria Cross medal group, could capture the public's imagination, so these wider stories of the Empire and its impact on the people of those countries could be made more accessible and engaging to a wider audience.

The applicant did not dispute that the medals met the Waverley criteria.

We heard this case in September 2022 when we saw the medals and concluded that they met the first and third Waverley criteria. We agreed the medals represented an

extraordinary and highly poignant story of great personal courage in the face of overwhelming odds from an under-researched campaign of the Second World War. As an object, the group of medals were not remarkable as, apart from the Victoria Cross, all participants in this theatre of war would have received them. However, given that only 12 per cent of the Victoria Crosses awarded during the Second World War were to the RAF, and this was the only one awarded for the Far East and wider Pacific campaign, they agreed that this group was a unique and significant tangible element of a particular moment in British military history.

We agreed that there was a need for further research into the Far East conflict and that the absorbing story behind this group of medals could provide an extraordinary level of engagement. This group of medals could significantly contribute to further research into an incredibly important but historically overlooked British campaign during the Second World War.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of three months to enable an offer to purchase it to be made at the agreed fair market price of £660,000 (plus VAT of



**Case 7** Victoria Cross posthumously awarded to Squadron Leader A.S.K. Scarf, Royal Air Force, and four other of his medals

£22,000) with a further three months if there was a serious expression of interest and the owner granted an Option Agreement.

During the initial deferral period, we received a serious expression of interest from the Royal Airforce Museum. The owner accepted this offer and granted the Royal Airforce Museum an Option Agreement which was concluded on 31 January 2023, and the decision on the export licence application was deferred for a further three months. The medals were subsequently purchased by the Royal Airforce Museum with the assistance of grants from a number of charitable Trusts and Foundations, Corporate Partners, and High Net Worth Individuals, including The National

Heritage Memorial Fund, The Royal Air Forces Association, The Hobson Charity, The Adrian Swire Charitable Trust, Hintze Family Charitable Foundation, Bomber Command Association, Royal Air Force Historical Society, Aerospace Museum Society, The Malayan Volunteers Group, SecureCloud+, NFU Mutual, Sandra Foundation, The Locker Foundation, Richard Peskin and Nick Sanders.

The independent assessors for this case were James Morton (Director, Morton and Eden), Sebastian Cox (Head of Air Historical Branch (RAF) and RAF Heritage) and Christina Goulter (Reader in Military History and Air Power, Kings College London).

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## Case 8 *A Young Teacher* by Rebecca Solomon

**A *Young Teacher* was painted in 1861 by Rebecca Solomon (1832–1886). The image features the Pre-Raphaelite model Fanny Eaton as well as two currently unidentified English children. The scene, set in a domestic Victorian interior, portrays Eaton as the young girls' Indian nursemaid being taught, or playing at being taught, how to read by the older child. This small oil painting measuring 61 by 51 cm is signed with a monogram and dated 61 lower left.**

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £302,400. The applicant clarified that the full price of the painting was £314,880, which represented the hammer price at auction (£240,000) plus the buyer's premium (£72,000) and the overhead premium (£2,880).

The Senior Curator, Paintings and Drawings at the Victoria and Albert Museum, acting as expert adviser, objected to the export of the painting under the third Waverley criterion. It was of outstanding significance to the study of the history of women artists and Jewish art in 19th century Britain, as well as to the history of art and Empire.

The painting shows an Indian nursemaid with her two English charges. She is seated at the small writing table of a middle-class library or drawing room. The intimate composition focuses on the close-knit figure group at the centre, confined by the dark background wall with a fitted bookcase and the detail of a framed lithograph by Aimé Lemud, depicting the medieval German poet Wolfram von Eschenbach playing the organ to his friends (1838).

The painting tells us about the careers of female models in Victorian and Pre-Raphaelite art, here that of a Jamaican woman. While model Fanny Eaton was born in Jamaica as the daughter of Mathilda Foster, a woman of African descent who was probably born into slavery, Solomon portrayed her here as an Indian Ayah, a high-status domestic worker who has come to Britain with her employers to take on a maternal role for the children. Her fashionable dress is European, but the shawl deliberately evokes Asian or Middle Eastern habits. The fact that Solomon asked a Jamaican woman to pose as the Indian nursemaid raises several questions, and whether this lack of differentiation was intentional or not requires further investigation.



**Case 8** *A Young Teacher* by Rebecca Solomon

Rebecca Solomon's painting provided a unique key to Victorian social history, particularly in regard to middle-class aspirations and attitudes to women's learning, as can be seen in the presence of the leather-bound books and the European print on the wall.

The image also illustrated the status of domestic employees of colour from across the British Empire who settled in Britain and shed light on attitudes to race and ethnic representations in London during the 1860s. Ayahs were highly regarded, as can be seen in the intimacy and affection displayed in the scene. Yet, the limitations of this regard are evident in the fact that the nursemaid would have never had access to the same privileges as the two children she cared for.

Rebecca Solomon is of particular interest as a pioneering artist. Her work as a campaigner for women artists added to her outstanding relevance. Yet, despite her connection to the Pre-Raphaelite circle and the positive reception of her work by contemporary critics, Solomon's legacy has until recently been largely obscured, both due to the scandal caused by her brother's arrests, which implicated her by association and because much of her work remains in private collections. This nuanced and sensitive painting provided an exceedingly rare opportunity to reintroduce her work into the canon of British art history.

Solomon's Jewish heritage is not overtly present in her subject matter, but it has been assumed that, despite her family's links with the wider art world and cultural networks, her own experience of marginalisation was the root of her artistic sensitivity. *A Young Teacher* would add to a growing body of Jewish art history in Britain.

Fanny Eaton has attracted significant academic and public interest in recent years as one of very few named women of colour in Victorian London and its art world. Eaton's presence in *A Young Teacher* adds substance to the ongoing reconsideration of Victorian perceptions about both race and beauty in academic writing, as well as museum displays and exhibitions, and highlights the complexities of ethnicity in British art.

The applicant disputed that the painting met the Waverley criteria. They stated that the painting was an imagined genre scene rather than a record of a historical episode related to national life. It was one of many depictions of a well-known model, Fanny Eaton (1835-1924), in a book-lined room with two children. Rebecca Solomon was one of a small number of Pre-Raphaelite women artists. While a skilled painter, Solomon is not among the best-known or highly regarded of the Pre-Raphaelites.

They stated that the painting demonstrated the artist's technical accomplishment, but it was not of outstanding aesthetic importance in her oeuvre or in the broader field of Pre-Raphaelite painters.

They noted that the work was not of outstanding significance in that both model and painter were well represented in UK collections. While the painting was important for the study of race and gender in the 19th century, this should be considered in the context of the multiple, highly accomplished representations of Fanny Eaton in public UK collections.

We heard this case in September 2022 when we saw the painting and concluded that it met the third Waverley criterion. The painting was extremely important in the context of diversity and representation of Black and Asian figures in 19th century Britain, and we noted that there was a lack of professional female Jewish artists of this period in British public collections. The multi-faceted portrayal of the Jamaican woman as an Indian Ayah, but also representing a pre-Christian, Old Testament Jewish figure which appealed to the Pre-Raphaelites, was of interest.

The painting was of uneven quality and not Solomon's best work. However, the story of both the artist and the sitter was gripping and seeing it in person highlighted different aspects of the painting, including the intimacy of the scene. There were elements of the painting which could generate multiple layers of research. In particular, the characteristics of this painting within the context of the Victorian notion of Englishness. Further research into this painting was crucial, especially in relation to themes of Englishness and 'otherness'. There



were several avenues for research that would benefit from having a British perspective.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of three months to enable an offer to purchase it to be made at the agreed fair market price of £314,880 with a further three months if there was a serious expression of interest and an Option Agreement was granted by the owner.

During the initial deferral period, we received a serious expression of interest from Tate and the Museum of the Home to acquire the work jointly. The owner accepted this offer and

granted Tate and the Museum of the Home an Option Agreement, which was concluded on 24 February 2023, and the decision on the export licence application was deferred for a further three months. The painting was subsequently jointly purchased by Tate and the Museum of the Home. Tate had the assistance of grants from the Nicholas Themans Trust and the Abbott Trust, and the Museum of the Home was assisted by the Art Fund and NLHF.

The independent assessors for this case were Rupert Maas (The Maas Gallery), Jan Marsh (Independent Scholar), and Angela Nevill (Nevill Keating Pictures).

## Case 9 Set of 120 original drawings of animals by Joseph Wolf

**120 original paintings and sketches of animal studies completed by Joseph Wolf (1820-1899), the German-born wildlife artist. The drawings, except one which is signed and dated "Wolf 1870", but all would have been undertaken during the mid-to-late 19th century. The drawings are of various sizes and have been pasted onto mounts measuring either 512 by 465 mm or 510 by 365 mm. They range from one individual drawing on a sheet up to 9 drawings on a sheet. The mounts are housed loose in two contemporary book-style half-Morocco boxes.**

The applicant had applied to export the drawings to the USA. The value shown on the export licence application was £130,323.38, but the drawings had been sold for £119,700, which represented the hammer price at auction (£95,000) plus the buyer's premium (£23,750) and the overhead premium (£950). In addition, VAT of £4,940 would be payable on this in the event of a UK sale. The total would be £124,640.

The Library Special Collections Manager, Head of Special Collections and Archives Division at the Natural History Museum acting

as expert adviser, objected to the export of the drawings under the first and third Waverley criteria. They were of outstanding significance for the study of natural history art and illustration.

The drawings are by Joseph Wolf, who was and is regarded as one of the most outstanding animal/wildlife artists of all time, an opinion expressed by the distinguished landscape artist Sir Edwin Landseer (1802-72), who referred to Wolf as 'without exception, the best all-round animal painter that ever lived'.

Wolf possessed a unique ability to draw and paint animals as wild and instinctive creatures, displaying an infinite variety of movements and attitudes at a time when photography was not available to assist artists. His extraordinary perceptive ability is demonstrated in many of the items in this collection and represents first-hand his artistic technique which continues to set him apart from others.

A prolific artist, Wolf, however, remained relatively unknown until the 1990s, largely because of the relative inaccessibility of his art. Individual items, including his oil paintings, have come onto the market; however, a collection of this size is very rare.



The drawings were closely connected with one of the world's most prestigious and historical natural history societies and zoological gardens. They represented a period where new species were arriving in the country and a new style of a more naturalistic wildlife art led by Wolf. This large and significant collection of his works held a strong connection and relationship to the scientific publications of the Zoological Society of London, for whom Wolf was the primary artist for over 30 years.

The collection of the drawings was of outstanding significance for the history and study of natural history art and illustration. Due to the collection having been in private ownership for so long, Wolf's drawing processes and techniques remain an area of study for further investigation, which would not be possible were the collection to have the misfortune of departing from the UK.

With few examples of Wolf's unfinished/preliminary works held in UK institutions, this formerly unknown collection, therefore, held national importance. It was representative of the drawing techniques and skill of one of the finest natural history artists in the world with strong potential for study, research and enlightenment.

The applicant disputed that the drawings met the Waverley criteria. They stated that Joseph Wolf was German-born but worked in Britain. His work was zoological and related to natural history rather than specifically British national history. The provenance of this group of drawings, while undoubtedly distinguished, was no more connected to our national life or history than any other from a British collection. The drawings could not be said to be of outstanding aesthetic importance. These were rather rough preliminary sketches, lacking



the finesse of Wolf's finished work. British institutions abound with examples of Wolf's work.

We heard this case in October 2022 when we saw the drawings and concluded that they met the third Waverley criterion. The drawings held enormous research potential, particularly as they sit at the intersection of visual arts and intellectual enquiry. Preliminary material such as these drawings tended to be discarded, and a group of this size would make a valuable contribution to research on Joseph Wolf's process and development from sketches to final work, particularly as no other significant body of preparatory material from Wolf's later work appears to be recorded. Additionally, as preliminary drawings in development, this group was in very good condition, and the images within it were vibrant.

Though the relationship between Joseph Wolf and the Zoological Society of London was interesting, it wasn't of outstanding significance to our history and national life. However, it was noted that there are no substantial holdings of Wolf's drawings in UK institutions, and because Wolf is not particularly well known despite being an influential and key figure in natural history art, the impact that further research would have on the public was significant.



**Case 9** Set of 120 original drawings of animals by Joseph Wolf

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of three months to enable an offer to purchase it to be made at the agreed fair market price of £119,700 (plus VAT of £4,940 which could be reclaimed by an eligible institution) with a further three months if there was a serious expression of interest and the owner granted an Option Agreement.

At the end of the initial three-month period, no offer to purchase had been made, and we

were not aware of a serious intention to raise funds. An export licence was therefore issued.

The independent assessors for this case were Christopher Mills (Formerly Head of Library, Art & Archives Royal Botanic Gardens, Kew), Anthony Payne (Antiquarian Book Consultant), and Lowell Libson (Lowell Libson & Jonny Yarker Ltd).

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## Case 10 Birds: A portfolio of ornithological drawings c.1790

**A portfolio containing 47 gouache and watercolour paintings on vellum, heightened with gum Arabic and mounted on blue card with borders of gilt and wash lines measuring 241 by 191 mm. The drawings are loose inside a red Morocco portfolio that is lettered "Oiseaux". A collection reference "561/25" is on a small circular label adhered to the front cover.**

The applicant had applied to export the portfolio to the Netherlands. The value shown on the export licence application was £39,360, which represented the hammer price at auction of £30,000 plus the buyer's premium of £9,000 (inclusive of VAT) and the overhead premium of £360 (inclusive of VAT).

The Library Special Collections Manager, Head of Special Collections and Archives Division at the Natural History Museum acting as expert adviser, objected to the export of the portfolio under the first Waverley criterion.

This portfolio was of national significance due to its inherent connection to another portfolio of botanical paintings that had been acquired by the same significant collector and is today held by a UK institution. Further to this, the portfolio may hold potential national importance through this historical association and to the wider history of natural history

illustration due to the portfolio not ever having been researched or studied.

The artist(s) were unknown as the paintings were unsigned, but as they had been housed and unseen in a private collection for up to 70 years, they had also yet to be appraised by bird painting specialists. The botanical artworks undertaken on vellum with the same mounts that were also from the Broughton collection and bequeathed to the Fitzwilliam Museum in Cambridge in 1973 have been attributed to the Dutch artist Pieter Withoos (1655-1692). One of the watercolours was signed by him to its background.

The significance of the figures associated with the portfolio remained undetermined due to a lack of information and knowledge of the artist or previous provenance due to the copycat mounting of these paintings with the botanical watercolours on vellum that were bequeathed to the Fitzwilliam Museum. The two groups of paintings (*Oiseaux* and *Fleurs*) from the significant library collection of Rogers Broughton appeared to be inextricably linked with regard to medium, style and substrate. They also both had French inscriptions on the verso of the blue card mounts.

The bird species depicted in the portfolio did not themselves possess outstanding

significance. The quality of the painting of some of the species, despite being painted from what was probably taxidermy specimens, was significant in terms of accuracy, fineness, and overall exquisiteness of artistic detail.

The portfolio held local importance with regard to the reuniting of a collection of natural history artworks, potentially from the Withoos group of outstanding and notable artists. As there were very few reference collections of birds painted on vellum of French or Dutch origin for this estimated period of public ownership in the UK, there does remain potential research significance, were the artist(s) to be ascertained, in contributing to the history and knowledge of the depiction of birds in natural history art and illustration.

The applicant disputed that the portfolio met the Waverley criteria. They stated that the drawings were not British in origin, and the provenance, while undoubtedly distinguished, was no more connected to our national life or history than any other from a British collection.

They were attractive but generic drawings of birds, most likely of French origin. The composition of the paintings (the subjects on a sparse background or branch) was typically French. They were of too late a date to be of importance from an "Old Master" point of view. The drawings certainly appeared to be the work of more than one hand, so they did not constitute an undiscovered trove of drawings by a single artist.

The drawings were entirely anonymous and by various hands, and for this reason, it was highly unlikely that any firm attributions could be made. The genre of the paintings was richly documented already. It was very doubtful that this small group could add anything to the sum of knowledge of ornithological painting from this period.

We heard this case in October 2022 when we saw the portfolio. It was an interesting and varied group of drawings in very good condition and unusual that they were drawn on vellum, as paper was much more common at

the time. It was rare to find such a quantity of drawings from this time period in one portfolio. However, ornithological paintings were not especially uncommon, and the quantity alone did not give the portfolio outstanding significance, especially as it was not clear who may have compiled the drawings. While a fine portfolio of drawings, their national significance was not so great as to justify the withholding of an export licence.

The independent assessors for this case were Christopher Mills (Formerly Head of Library, Art & Archives Royal Botanic Gardens, Kew), Anthony Payne (Antiquarian Book Consultant), and Lowell Libson (Lowell Libson & Jonny Yarker Ltd).

## Case 11 French Gothic Ivory Composite Casket

**Casket with Scenes of Romances, carved elephant ivory, bone, brass, 25cm by 11cm by 13cm, unknown maker, Paris (France), c. 1325-50.**

The applicant had applied to export the casket to Canada. The value shown on the export licence application was £1,580,000, which represented the hammer price at auction (£1,200,000) plus the VAT-inclusive buyer's premium (£306,000) plus an additional £74,000 for handling costs post the auction sale. The applicant was informed that in accordance with paragraphs 48 & 49 of the Arts Council's Guidance for exporters, the handling costs could not be included as an additional element in the recommended fair market price in the event the Committee found the casket to be a national treasure. The total would be £1,506,000.

The Acting Senior Curator, Sculpture at the Victoria and Albert Museum, assisted by the Curator of Medieval Art & Design at the

Victoria and Albert Museum, acting as expert adviser, objected to the export of the casket under the third Waverley criterion. It was of outstanding significance for the study of early collecting in Britain due to its unusually early documented provenance, as well as for the study of secular medieval art.

The casket was a significant and unresearched new addition to the important corpus of nine known 14th century French composite caskets depicting scenes from medieval romance tales. The casket's history, since at least the 19th century, closely linked to Tornaveen House, Aberdeenshire, could possibly be traced back to the early 17th century. This made the object significant in the context of the study of the early history of collecting medieval objects in Britain. The casket also included a detailed and very early depiction of Wild Men storming a castle, further confirming its outstanding significance, especially for the study of the history of medieval art.



**Case 11** French Gothic Ivory Composite Casket

Despite the erroneous attribution of the carving to Thomas Baird – contributed to by an old handwritten paper label contained within the casket – the matching description, both in terms of size and iconography, William Fraser’s 1857 note that he owned the casket, and its 2021 appearance from Tornaveen House all suggest that the ‘chest of Ivory’ mentioned in William Baird’s handwritten genealogical manuscript of 1770 may be identical with this casket. It is tempting to speculate that Thomas Baird’s ‘making’ of the casket, as relayed by the source, can be related to the casket’s moulded borders and fittings, which clearly were post-medieval additions; more research on the object would be needed to confirm this. If Thomas Baird had sent the casket from France to Scotland during the first half of the 17th century, it would have been continuously present in Scotland for about four hundred years. This would not only be an extraordinarily early provenance for a medieval artefact but significantly enhanced its importance in a local and regional Scottish context. An historic label on the inside of the lid displaying the number ‘231’ – perhaps relating to a 19th century collection or exhibition – may be able to shed further light on the casket’s more recent history and further supports the object’s outstanding significance for our understanding of the early history of collecting of medieval objects in Scotland and Britain.

The casket’s most unusual and significant feature was the prominent inclusion of the iconography of Wild Men both on the lid and the back panel. Of the three composite caskets owned by UK collections, only that in Birmingham has a carving showing a Wild Man, here fighting over a maiden with a knight in armour. The scene most likely belonged to the lost romance of Sir Enyas and the Wild Man, in which Enyas saves a lady from the Wild Man who has abducted her. This same composition occurred on six further caskets within the group, suggesting a standardised iconography for the scene. The present casket, however, showed much more rarely depicted Wild Men scenes, which seemed to be a variation on the popular theme of the

Assault on the Castle of Love. On the lid, Wild Men and knights are shown engaged in battle for the castle and its female occupants (most remarkably depicting a crowned Wild Man); the back panel depicts the outcome, with a victorious knight kneeling in front of a king behind him a procession of knights and ladies who lead the captured Wild Men in chains. A 14th century casket which is now lost, but known to us through an 18th century engraving, was the only other known example that depicted a similar combination of scenes. The present casket is one of the earliest – if not the earliest – extant object displaying this iconography and could therefore be considered of outstanding significance for the study of medieval art history and the study of secular visual culture more specifically.

It was possible that the object could be considered an object of faith, as Thomas Baird was a cleric, and the images could represent a manifestation of good overcoming evil. After Baird sent the object to Scotland, William Frasier may have owned it as a faith object and over time, it moved to appreciation as an artistic object. A unique aspect of the casket was the iconography of the Wild Men, and because the survival of secular medieval art is rare, further research into the different qualities at work in the casket was needed. Additionally, the lid was of higher quality than the side panels, suggesting that more than one hand may have been involved in the carving, which would open further avenues of research into design processes and workshop practices.

The applicant did not dispute that the casket met the Waverley criteria.

We heard this case in June 2022 when we saw the casket and concluded that it met the third Waverley criterion.

We found the object exceptional and that it enlarged the corpus of ivory caskets in new and interesting ways. The extreme rarity of ivories with provenance before the 19th century made this case remarkable, particularly because of the link with Thomas Baird, who was a Catholic recusant, and for the presence

amidst the predominantly secular imagery on the casket of an apparently unique semi-religious altar scene. We thought that the secular iconography of the Wild Men was important and noted that the women in the back panel were depicted as equal if not dominant to the men, as opposed to religious art in which a subordinate role was more common. Furthermore, any addition to the limited and rare corpus of French composite caskets was of interest, the conflation of various scenes known on the corpus dictated by individual taste and the artistic opinion of a carver. The choice here was, therefore, additionally interesting and may have a greater significance.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of three months to enable an offer to purchase it to be made at the agreed fair market price of £1,506,000 with a further

four months if there was a serious expression of interest and the owner granted an Option Agreement.

At the end of the first deferral period on 1st March 2023, we were informed by Norwich Castle Museum of a serious intention to raise funds with a view to making an offer to purchase the casket. The parties had entered the Option Agreement on the 13 April, 2023, and the decision on the export licence application was deferred for a further four months from that date. At the time of the publication of this report, the case was still in its second deferral period, which will end on 12th August 2023.

The independent assessors for this case were Jonathan Harris (Independent Consultant), Martin Levy (Director, Blairman & Sons Ltd), and Jeremy Warren (Honorary Curator of Sculpture, Ashmolean Museum).

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## Case 12 Egyptian Limestone Group Statue for Mehernefer and his son

**Egyptian group limestone statue for Mehernefer and his son, Old Kingdom, c. 2400–2300 B.C. 64.5 cm in height. Heavily restored from badly broken fragments, with some artistic licence. A third figure, or what remained of it, existed to Mehernefer’s left and represented his wife. The latter’s figure was cut away, more likely in modern than ancient times, because the hieroglyphic caption identifying the seated man was destroyed in the process.**

The applicant had applied to export the statue to Hong Kong. The value shown on the export licence application was £6,014,500, which represented the hammer price at auction of £5,000,000 plus the buyer’s premium of £1,014,500. In addition, VAT of £202,900

would be payable on this in the event of a UK sale. The total would be £6,217,400.

The Assistant Keeper, Department of Egypt & Sudan at the British Museum, acting as expert adviser, objected to the export of the statue under the first, second, and third Waverley criteria. It was of outstanding significance for the study of Egyptology, art-history and early human societies.

The statue was strongly connected to Britain’s modern history. The statue was first acquired by Sir James Porter (1710–1786), Ambassador to the Sublime Porte of the Ottoman Empire in 1746–1762, Constantinople. He presented it to George III, King of England (1738–1820), who in turn presented it to Thomas Worsley (1711–1778).



The statue was of outstanding quality and held considerable interest both for its artistic merit and its unusual iconography. The statue group represents a seated man and his son, who stands beside him at almost the same height. In Egyptian sculpture, a child is not normally represented on the same scale as the parents; children are usually depicted in miniature.

The statue held exceptional charm and aesthetic appeal, as well as offering significant educational potential to wider audiences. The father and son's titles provide important clues about the organisation of Egyptian society and about the status, resource control and influence of the men depicted.

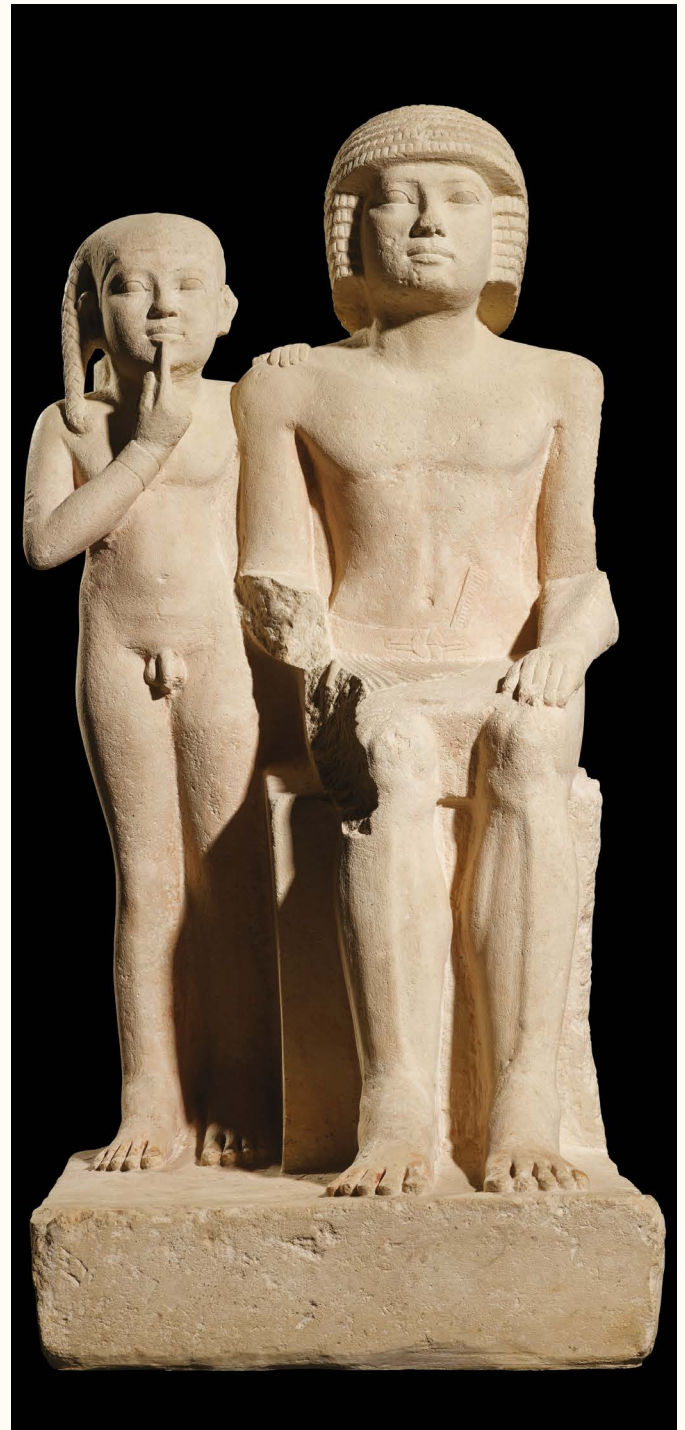
The applicant did not dispute that the statue met the Waverley criteria.

We heard this case in November 2022 when we saw the statue and concluded that it met all three of the Waverley criteria. This was a fascinating Old Kingdom sculpture of extremely high quality and completeness with a distinguished history in British collections. The rarity of the pose, in particular the prominence of the son standing nearly as tall as his father, was highly unusual. The statue was of outstanding importance within British national history, particularly its inclusion in the collection of King George III. It was extremely rare for any antiquity to have a royal connection, and the statue shed important light on George III's collecting policies early in his reign.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of four months to enable an offer to purchase it to be made at the agreed fair market price of £6,014,500 (plus VAT of £202,900 which could be reclaimed by an eligible institution) with a further six months if there was a serious expression of interest and the owner granted an Option Agreement.

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

The independent assessors for this case were Sarah Hornsby (Director, Hornsby + Nugée), Campbell Price (Curator of Egypt and Sudan, Manchester Museum, University of Manchester), and Charis Tyndall (Director, Charles Ede).



**Case 12** Egyptian Limestone Group Statue for Mehernefer and his son

## Case 13 An Egyptian limestone relief, Amarna Period

**An ancient Egyptian limestone relief depicting female musicians asleep in their compartments, surrounded by their instruments. Height 21cm and width 40cm. New Kingdom, 18th Dynasty, reign of Akhenaten, c. 1340 BC.**

The applicant had applied to export the relief to the USA. The value shown on the export licence application was £69,300, which represented the hammer price at auction (£55,000) plus the buyer's premium (£14,300). In addition, VAT of £2,860 would be payable on this in the event of a UK sale. The total would be £72,160.

The Assistant Keeper, Department of Egypt & Sudan at the British Museum, acting as expert adviser, objected to the export of the relief under the first, second, and third Waverley criteria. It was of outstanding significance for the study of Egyptology, art history and early human societies.

The relief was strongly connected to Britain's modern history. The block originated from an important collection, that of Margret Burg. She and her husband Hermann were notable art dealers, collectors and art historians. From the 1920s, the Burgs had galleries in Cologne and Berlin but fled Nazi Germany, settling in England in 1940. They acquired pieces for various prominent museums, including the British Museum.

This relief was unparalleled in Egyptian art, showing the sleeping quarters of musicians attached to a royal palace. The block preserves four figures of female musicians, each shown asleep in a different pose. It is in the revolutionary 'Amarna style', a radical but short-lived departure from earlier artistic conventions. The most striking characteristics of this style are an uncompromising push for artistic freedom, experiment, greater naturalism, and an interest in aspects of daily life not normally depicted. The playful imagery and unconventional subject matter made this relief

an important piece. It not only illustrated the artistic innovations advanced at the time but also exhibited a growing interest in the lives of ordinary people, not just the most privileged. Other images of Egyptian musicians only ever show these people as marginal figures entertaining persons of higher station. In this relief, the lives of the musicians themselves were, for once, given the focus of attention.

The applicant disputed that the relief met the Waverley criteria. Neither the object itself nor its provenance seemed to have an obvious connection to British history and national life. Regarding the second Waverley criterion, they noted that despite bearing the typical hallmarks of the Amarna style, the quality of the carving was fairly stylised, probably as it was part of a large-scale scene in one of the temples at Akhetaten depicting the inner workings of the palace.

In relation to the third Waverley criterion, though the fragment was undoubtedly of academic interest as it offers us a glimpse of life at the royal court of Amarna, they did not consider it of outstanding importance for the field.

We heard this case in November 2022 when we saw the relief and concluded that it met the second and third Waverley criteria. The connection of the relief to the Burgs was not deemed of outstanding significance to our history and national life. However, the relief itself was remarkable and unique in its depiction of female musicians sleeping. It was a large, well-preserved relief for the time of King Akhenaten's reign of only 17 years. The naturalistic and intimate design features on reliefs during his reign were quite different to other periods, and the composition of the relief was of outstanding aesthetic significance.

The relief held great potential for the study of daily life during this period. The piece was of outstanding significance in depicting female musicians, departing from their usual depiction

solely as entertainers of high-status individuals. The relief would also provide an unusual insight into palace life away from the king and queen. Furthermore, having four figures extant on one Amarna relief was rare, as most other examples of such relief blocks preserve only parts of figures.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of three months to enable an offer to purchase it to be made at the agreed fair market price of £69,300 (plus VAT of £2,860 which could be reclaimed by an eligible institution) with a further three months if there was a serious expression of interest and the owner granted an Option Agreement.

During the initial deferral period, we received a serious expression of interest from a private

individual to purchase the relief and to secure public access to it under the Ridley Rules. The owner accepted this offer and due to the specific circumstances of this case payment completed during the suspense period, so the sale completed without the parties entering into an Option Agreement. The relief was purchased by the private individual who has entered into an agreement with the British Museum to put it on public display.

The independent assessors for this case were Sarah Hornsby (Director, Hornsby + Nugée), Campbell Price (Curator of Egypt and Sudan, Manchester Museum, University of Manchester), and Charis Tyndall (Director, Charles Ede).



**Case 13** An Egyptian limestone relief, Amarna Period

## Case 14 Autograph manuscript poem on the miseries of the slave trade, 1792 in Greek by Samuel Taylor Coleridge

**Samuel Taylor Coleridge's autograph manuscript poem, 'Sors misera servorum in insulis Indiae occidentalis' [Ode on The West-Indian Slave Trade], signed and dated 16 June 1792. 6 pages, 4to, written on rectos only, stab-stitched, with some patches of browning.**

**Greek Sapphic ode in 24 quatrains laments the fate of slaves on the Middle Passage and won Coleridge the Browne Medal for Classical Composition at the University of Cambridge. This copy, containing various differences to the submitted fair copy in the University of Cambridge Archives (the only other known manuscript of the poem), was sent by Coleridge to his brother George.**

The applicant had applied to export the manuscript to the USA. The value shown on the export licence application was £20,400, which represented the hammer price at auction of £15,000, plus the buyer's premium of £3,900 and the agent's commission of £1,500. In addition, VAT of £4,080 would be payable on this in the event of a UK sale. The total would be £24,480.

The Keeper of Special Collections, Bodleian Library, acting as expert adviser, objected to the export of the manuscript under the first Waverley criterion.

The manuscript had a dual connection to our history and national life. Firstly, the manuscript was written by Samuel Taylor Coleridge (1772-1834), one of the instrumental leading figures of the Romantic movement in England, whose long-standing literary legacy was of national importance. Secondly, the theme of the manuscript – the abolition of the slave trade – marked a particularly significant time in our national political history, having far-reaching legacies which were still relevant today. Intertwined, the manuscript provided important evidence of literary engagement with the

abolitionist movement at a pivotal point in our history by one of our foremost Romantic writers.

This manuscript was the only known surviving draft of the work. Though the manuscript was not new to scholars, it could be argued that it was of outstanding significance in the fields of literature, biography, and history as evidence that one of our major national literary figures actively engaged with contemporary debate about the abolition of the slave trade whilst a student at the University of Cambridge.

The poem, a Sapphic ode in Greek on the evils of the slave trade, was Coleridge's response to a subject set by the University of Cambridge's Vice-Chancellor for the Browne Medal for classical composition: the fact that he won (overcoming the technical faults of the work) and recited the poem at the university on Commencement Day, suggested a high degree of institutional sympathy for abolitionism at a politically charged time (coming as it did between the French Revolution and the consequent Reign of Terror).

The manuscript was the earlier of only two autograph manuscript copies of the poem (the other being in the archives of the University of Cambridge), and the numerous differences between the draft and fair copy provided unique evidence of the development of the work. As Coleridge sent the manuscript to his brother George, along with a letter saying that it was his most significant poem to date, it also had high biographical value.

The manuscript, therefore, contributed to our understanding of Coleridge's life and work and the political and educational climate of the 1790s, which still had a powerful resonance today.

The applicant disputed that the manuscript met the Waverley criteria. They stated that although Coleridge was beyond doubt an important

Αλοισιω πύλας, Θανάτε, προλείπων  
 Ἐσγενος σπυδων ἰθι ζευχθεν ατφ.  
 Ου ξενισθηση γενων σπαρταγμοῖς,  
 Ουδ' ολολογμῶ,  
 Αλλα δ' αυ ηυηλοισι χοροϊτυπῶισιν,  
 Κ' αοματων χαρῆ φοβερος γαρ εσσι,  
 Αλλομωσ Ἐλευθεριᾶ συνοικεῖς,  
 Στυγκε Τυραννε.  
 Δαοηιοις τευ αιρομενοι πιεροισι  
 Τραχυ μακρω Ρηκενω δι' οιδμα  
 Αδονᾶν φιλας εσ εδρας πέτωνικῆ,  
 Γαν τε πατρων.  
 Ἐνθα μαν ερασαι ερωμενησι,  
 Αρπυ ηρωκοισιν ηιτριων υπ' αλσῶν,  
 Οια προς βροτων επαθον βροτοισι,  
 Δεινα λεγοιτι.

British poet, verses in Greek – even by him – were unlikely to be considered a work of great significance.

The horrors of the slave trade, amongst the thinking public, were by this stage very commonly understood and appreciated, and it was a mere 15 years later that Parliament abolished the trade. It would be very hard to argue that Coleridge's contribution could have had any effect on this campaign.

Regarding the second Waverley criterion, the applicant stated that any autograph manuscript of a poet like Coleridge was bound to be of interest. Still, all would surely agree its aesthetic qualities to be a very small proportion of its importance.

Regarding the third Waverley criterion, the applicant stated that there was no dispute about Coleridge's importance as an English-language poet. In the very narrow fields of his Greek verse, or his youthful engagement with the anti-slavery sentiment, this could be considered worthy of study. Taking his career in the round, however, the applicant stated that this poem must be considered minor and thus of little significance in the study of his poetry. Furthermore, William Keach's edition of *The Complete Poems* (Penguin, 1997) did not include any of Coleridge's poetry in Greek or Latin.

We heard this case in January 2023 when we saw the manuscript and concluded that it met the first Waverley criterion. We agreed this was a rare early manuscript of great biographical significance to one of Britain's most important Romantic poets. We noted that at the Sotheby's auction at which this manuscript had last sold, there had been other Coleridge material consigned by Sir Charles Edward Coleridge Cave, and a lot had failed to sell, and the rest had sold piecemeal. Consequently, there was a large collection of letters from Coleridge to his brother George still to be discovered, which could increase our knowledge of this important relationship. We noted the importance Coleridge himself placed on this early work, written while he

was a student at Jesus College, Cambridge, to compete for the 1792 Browne Medal in classical composition (which he won), as a lifelong supporter of the abolitionist movement, as he referred to this poem many times throughout his life. We concluded that this manuscript was of particular importance as an early fair copy and that it was an important stepping stone in Coleridge's career and demonstrated a connection with other political poetry in his oeuvre. The poem's subject, which focused on the incredibly crucial movement in our history around the abolition of slavery, added to its outstanding significance to British history.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of two months to enable an offer to purchase it to be made at the agreed fair market price of £20,400 (plus VAT of £4,080 which could be reclaimed by an eligible institution) with a further three months if there was a serious expression of interest and the owner granted an Option Agreement.

During the initial deferral period, we received two serious expressions of interest in acquiring the manuscript, and the owner agreed to sell it to the University of Leeds and granted them an Option Agreement, which was concluded on 20 June 2023, and the decision on the export licence application was deferred for a further three months. The manuscript was subsequently purchased by the University of Leeds.

The independent assessors for this case were Joan Winterkorn (Manuscript and Archive Consultant), Dr Mathelinda Nabugodi (Research Associate: Literary and Artistic Archives, Fitzwilliam Museum) and Dr Neil Vickers (Professor of English Literature and the Health Humanities, King's College London).

## Case 15 *Prince Saunders* (c.1775–1839) by William Hobday

**A bust-length portrait representing a Black man, possibly Prince Saunders (c.1775-1839), in Van Dyck costume with a red cloak wrapped around him, set against an atmospheric sky. Oil on canvas, measuring 72 by 56 cm.**

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £538,465.07, which represented the sterling equivalent of the agreed sale price (\$620,000) subject to the granting of an export licence, calculated on 15 September 2022, in advance of submitting the export licence application. In addition, VAT of £26,281 would be payable on this in the event of a UK sale. The total would be £564,746.07.

The Curator of British Art c.1730-1850 at Tate Britain, acting as expert adviser, had objected to the export of the painting under the third Waverley criterion. It was of outstanding significance to the study of British portraiture and the representation of Black histories in public life.

The striking bust-length painting of a Black sitter is thought to depict the African American Prince Saunders (c.1775-1839). The portrait was characterised by its quiet confidence and dignity. This mode of representation – notably the dramatic sky, illuminated brow, steady far-off gaze, and measured expression – was typical for sitters shown in thought or contemplation during this period and was likely intended to elevate the sitter through emphasising their inspiration and reason.

The identification of the sitter as Prince Saunders was supported by its close resemblance to a known portrait of Saunders. This portrait was engraved by Charles Turner (1774-1857) after a lost drawing by Richard Evans (1784-1871) and used as the frontispiece for Saunders' book, *The Haytian Papers*, published in London in 1816. Yet, the engraving and painting show men of very different demeanours; the engraving presents

a thoughtful, learned, and serious man dressed in contemporary clothes, whereas the painting appears more theatrical and expressive, not least due to the flamboyant, historicising outfit. This, with the unusual size of the painting, raised questions regarding the identity of the sitter and the intention of the image. Whether the painting represented Saunders or not, it was ripe for further research – it presents a rare portrayal of a Black sitter, is a testament to the public presence of Black people in Britain and speaks to Eurocentric attitudes to race in the early 19th century.

The painting is attributed to William Armfield Hobday (1771-1831), an artist that enjoyed moderate success in his lifetime as a portraitist and miniaturist but today is less well known. Given the limited biographical information available about Hobday, the circumstances that gave rise to this painting remain uncertain. Further research is needed to establish how the artist and sitter met, but the painting was perhaps produced in Bristol, where Hobday was based from 1804, or London, where he lived from 1817.

If this was a portrait of Prince Saunders (c.1775-1839), it represented the only known painted depiction of him. Saunders had a remarkable and unique biography as a highly educated, cosmopolitan educator, activist and abolitionist who chose to live circum-Atlantically, between America, Britain and the newly independent Haiti. He travelled to London in 1815, becoming something of a celebrity. Arguably, his time in Britain shaped the rest of his life: it was during this time that he seems to have sharpened his political outlook, established a lasting, international network of radical thinkers and abolitionists, and begun his lifelong relationship with Haiti and promotion of Black emigration there. His life and career speak to the crucial role people of colour had as changemakers at the turn of the 18th century and the international networks that enabled this.

With further research, it is hoped that the circumstances around the production of this portrait would become clearer, bringing greater certainty as to the sitters' identity too. Yet, even if this was not a portrait of Prince Saunders, it remains a remarkably fine and rare image of a Black sitter. The care with which the painter rendered the sitter was evident, presenting a more sensitive and individualised image than is often seen in pictures of people of colour during this period. The unusual Van Dyck costume self-consciously inserts the sitter within a tradition of English grand manner portraiture, enriching our understanding of British portraiture during the period. Through this painting, we may also learn more about the role and status of Black people in Britain in the early 19th century, how this relates to their representation and the social and cultural attitudes of the period, and how this intersects with the wider global context, namely abolition, the movement of people, and competing imperial interests.

The applicant disputed that the painting met the Waverley criteria. They stated that, as an American, who spent most of his life working between the United States and the Caribbean, spending only a very brief amount of time in Britain (less than a year), the subject of this painting, Prince Saunders, was not closely connected with our history and national life.

William Armfield Hobday was an exceptionally minor early 19th century portrait painter with little formal training and of whom we know very little. Painting at a time dominated by the exceptional talents of Sir Thomas Lawrence, Benjamin West, Sir William Beechey, and others, Hobday's work cannot be said to possess great aesthetic merit.

Whilst portraits of Prince Saunders are rare, the discovery of this image did not significantly add to the study or understanding of this historical American figure and his work on the international abolitionist movement in the early 19th century. Further, as a work by a minor, little known portrait painter of limited talent and artistic merit (one of many such regional portrait painters working across Britain in

this period), it did not significantly add to our study or understanding of portraiture or the art world in early 19th century Britain. Lastly, though painted in Britain, the subject of this work was an American-born, nationalised Haitian citizen who only visited England briefly during his life. His work, including his writing, educational reforms, and activism, was, and his legacy is, almost entirely centred upon the United States of America and the Republic of Haiti. Consequently, both the subject and the painting itself had very little to add to our national story.

We heard this case in January 2023 when we saw the painting. We agreed that it was a striking image but that there was an element of doubt regarding the attribution to William Hobday and the identity of the sitter, particularly as Prince Saunders would have been in his early 40s at the assumed date of the painting and that the portrait seemed to depict a much younger man. We agreed that if the portrait was correctly identified as Prince Saunders, it was not of outstanding national significance, as Saunders' work was much more prominent in America and Haiti, and he was only in Britain for less than a year. Ultimately, there were doubts about the identity of the sitter, and we concluded that the painting's degree of national importance was not so great as to justify the withholding of an export licence.

The independent assessors for this case were Anthony Mould (Anthony Mould Ltd), Karen Hearn (Historian of 16th- and 17th-century British Art and Culture and Honorary Professor, University College London), and Brian Allen (Chairman, Hazlitt Ltd).



## Case 16 *Risaldar Jagat Singh and Risaldar Man Singh* by Philip de László

**A painting of Risaldar Jagat Singh and Risaldar Man Singh by Philip de László. Inscribed lower right: P. A. de László / 1916. May 1. Oil on board, measuring 90.2cm by 69.9cm.**

The applicant had applied to export the painting to the USA. The value shown on the export licence application was £650,000, which represented the price at which the owner was prepared to sell the painting supported by a justification by reference to comparable items. In addition, VAT of £130,000 would be payable on this in the event of a UK sale. The total would be £780,000.

The Chief Curator of European Portraiture at the National Galleries of Scotland, acting as expert adviser, had objected to the export of the painting under the first and third Waverley criteria. It was of outstanding significance for the study of the Indian contribution to the war effort in 1914-18.

De László's painting was a unique First World War portrait in that it represented non-high-ranking officers of colour. At the time of the sitting, both men were Ressaidar (junior troop commanders) in the British Indian Army's Expeditionary Force A. They later became Risaldar, an equivalent of captain. Apart from the National Portrait Gallery's 1919 oil sketch of Ganga Singh, Maharaja of Bikaner by William Orpen, which shows the first Indian prince to fight as a general for the British Empire in the war, there appeared to be no other portraits in UK collections that bear compelling visual witness to the active involvement of Indian participants in the war. The Scottish National Portrait Gallery also has a portrait of the Maharaja of Bikaner by Sir James Guthrie, but this is part of his series, 'Statesmen of the Great War', depicting members of the senior-officer class. This double portrait was, therefore, extremely rare, if not unique, in depicting 'ordinary' Indian people living under

imperial rule who were sent to fight on Britain's behalf.

In any comprehensive display and interpretation of the First World War and the people who took part, this portrait would make a significant contribution. While interpretation can address the war as a global phenomenon that involved millions of colonial subjects, there were very few works that could, like this portrait, attest visually to this still under-represented and little-understood history.

The applicant disputed that the painting's departure from the UK would be a misfortune. When asked if they would like to expand on this, they stated that they felt that if the granting of an export licence was deferred, there was a risk of the work being acquired by a private buyer or even a dealer. Further to this, they argued that should a licence be granted, with the profile and interpretative capabilities of the potential unnamed institutional buyer abroad and its wealth of physical and virtual resources, the painting and its story would reliably reach a vast global network and its impactful narrative would be accessible to the broadest possible audience.

We heard this case in March 2023 when we saw the painting and concluded that it met the third Waverley criterion. This was a fascinating painting and a visual representation of an overlooked and under-researched period of our national history. Further to this, the uniqueness of the subject, especially the depiction of junior Sikh soldiers, and the fact that the artist kept it throughout his lifetime added to its significance.

Since the centenary, there had been a renewed interest in learning more about the Indian contribution to the British war effort during the First World War and that this painting was a gateway into that subject. The Empire played a very important role in British national history,

especially during the conflict. Despite this, very little was known about the lives of foreign soldiers, including those depicted in this painting. Furthermore, the artist himself was a British citizen but had been born in Budapest, and he was interned during the First World War in London after the painting of this work, during which period he was not permitted to paint: we agreed this added a further dimension to the outstanding research potential of this painting as it may give us an insight into societal behaviours towards foreigners at the time the painting was produced.

We, therefore, recommended that a decision on the export licence should be deferred for an initial period of three months to enable an offer to purchase it to be made at the agreed fair market price of £650,000 (plus VAT of £130,000 which could be reclaimed by an eligible institution) with a further three months if there was a serious expression of interest and the owner granted an Option Agreement.

At the time of the publication of this report, the painting was still under the first deferral period.

The independent assessors for this case were Shrabani Basu (Journalist and author of *For King and Another Country: Indian Soldiers on the Western Front 1914-18*) and Yamini Mehta (Independent consultant).



**Case 16** *Risaldar Jagat Singh and Risaldar Man Singh* by Philip de László



Sors misera sortitum in insulis India  
occidentalis.

Ασποτω πύλας, Θανάτε, προλείπων  
Ἐσγενος σπυδων ἰθι ζευχθεν ατφ  
Ου ξενισθηση γενων σπαρραγμῶν,  
Ουδ' ολολογμῶ,  
Αλλα δ' αυ κηλοισι χοροϊτυπῶσιν,  
Κ' αματων χαρῆ φοβερος γαρ εσσι,  
Αλλορως Ἐλευθερια συνοικεῖς,  
Στυγνε Τυραννε.

44/4  
44/4  
44/4  
Δασηοις τευ αιρομενοι πιεροισι  
Τραχυ μαηρω Γηκεων δι' οιδμα  
Αδοναν φιλας ες εδρας πετωνταί,  
Γεν τε πατρων.

Ενθα μαν ερασαι ερωμενησι,  
Αρπι ηρανοισιν κητριων υπ' αλωων,  
Οια προς βροτων επαθον βροτοι, ια  
Δεινα λεγοντι.

H. Coleridge