

<p><b>Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, Case 10 (2022-2023) <i>Birds: A Portfolio of Ornithological Drawings</i> c.1790</b></p>	
<p><b>Statement from Expert Adviser</b></p>	<p>Statement of the Expert Adviser to the Secretary of State that the portfolio meets Waverley criterion one.</p> <p><b>See below</b></p>
<p><b>Statement from the Applicant</b></p>	<p>Statement from the applicant referencing the three Waverley criteria against which the Committee will consider whether an item referred to it is of national importance.</p> <p>a) <i>Is it so closely connected with our history and national life that its departure would be a misfortune?</i></p> <p>b) <i>Is it of outstanding aesthetic importance?</i></p> <p>c) <i>Is it of outstanding significance for the study of some particular branch of art, learning or history?</i></p> <p><b>See below</b></p>
<p><b>Note of case hearing</b></p>	<p>The Committee found that the portfolio did not meet any of the Waverley criteria.</p> <p><b>See below</b></p>

## **RCEWA – Birds: A Portfolio of Ornithological Drawings c.1790**

### **Statement of the Expert Adviser to the Secretary of State that the portfolio meets Waverley criterion one**

Please note that images and appendices referenced are not reproduced.

#### **EXECUTIVE SUMMARY**

##### **Brief Description of object(s)**

###### ***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 x 191 mm. The collection is 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 paintings feature numerous species of birds that have been depicted either as individual studies on branches or placed in a landscape. On the majority of mounts, Latin determinations alongside French common names have been written in graphite on the verso.

The artist(s) of the paintings are unknown; all are unsigned and undated without provenance prior to their sale to Henry Rogers Broughton as recorded.

The auction catalogue entry dates the collection as [circa 1790] with the description “*A superb collection ornithological studies on vellum, probably French in origin, unsigned, but by an artist of considerable talent. The birds are wonderfully lifelike, depicted in landscapes complete with plants, insects and animals, with minutely rendered feathers.*”

Despite the French annotations on the verso in an unknown hand, due to the existence of a similarly mounted and housed collection of botanical artworks on vellum (which Broughton also acquired which does not have annotations or French names), it is thought that the paintings *may* instead be of Dutch origin. Post-auction, it was found that the sparse entry in the ledger of Broughton dates the collection as ‘*circa 1810-1830*’ – no further details are present.

The condition of the paintings taking into consideration that they are on vellum is very good. Some of the card mounts have bowed and one painting is becoming detached from its mount.

The portfolio containing the paintings is constructed from laminated grey paper board covered with tanned red skin, probably sheep, and embossed with a crushed morocco grain; boards lined with straight-grain embossed book cloth, which is also used to make the flaps, which are lined with wove machine-made paper. The boards and spine are tooled in blind and gold and the flaps were held shut with red ribbon ties. It is in poor condition showing signs of wear and deterioration to the leather on the spine and edges along with deterioration and more significant wear to the lined flaps which fold up and surround the artworks.

**Provenance:** The collection is from the Library of Henry Rogers Broughton (1900-1973), 2<sup>nd</sup> Baron Fairhaven who built his outstanding library over 30 years at Bakeham House near Windsor. Henry Broughton succeeded his brother, Huttleston Broughton, 1<sup>st</sup> Baron Fairhaven, also a collector, in 1966 and who left his residence of Anglesey Abbey and its collections to the National Trust.

Henry Broughton's collection is considered one of the most prestigious of its kind by Sotheby's (Sotheby's, 2022) - not only containing stunning examples of the most famous published volumes but also a host of rarities demonstrating his connoisseurship of the subject area. Four extant ledgers survive in which Broughton recorded brief details of his purchases including (for most) details such as their price, origin and dealer. His first acquisition was made in 1927 and last in 1960.

In addition to the "*Oiseaux*" portfolio, a matching portfolio titled "*Fleurs*" was also acquired by Broughton. This portfolio was donated to the Fitzwilliam Museum, Cambridge, in 1973 as part of a significant bequest of botanical art following Broughton's death that year. Scarcely any of this collection had been published and it arrived at the Fitzwilliam Museum uncatalogued and known very incompletely even to specialists (Scrase, 1983). This is clearly apparent in the case of the *Oiseaux* portfolio as no information exists to its provenance other than the vague entry in Broughton's ledger.

**nb.** The Fitzwilliam Museum has subsequently released the botanical paintings from their card mounts but retaining all of the blue card mounts and the portfolio. The collection has also been digitised and is online. In removing these botanical watercolours from their blue card mounts, partial pen and ink inscriptions have been discovered on the verso of the vellum. The inscriptions are found top left and read, for example, 'No.24 M.J.', 'No.22 T:V' indicating some kind of collector's cataloguing system. Research into these inscriptions is ongoing. The bird watercolours may well display similar inscriptions but without removal from their mounts it is not possible to confirm this.

The “*Oiseaux*” collection of bird paintings is, however, clearly part of the same collection as the “*Fleurs*” which is demonstrated by the matching portfolios, thought to be of French origin (late nineteenth/early twentieth century) they are held in. The chosen style of window mounts is exactly the same.

According to Scrase (1983, ix), Broughton began his vast collection with birds and not flowers but due to the lack of acquisition details the two entries in his ledgers, although almost matching in description, have not been grouped together as the information is not chronological by purchase.

**Key literary and exhibition references:** No known key literary or exhibition references to this collection exist as once they had been acquired by Broughton, as with much of his collections they have remained unseen for up to 70 years.

## **WAVERLEY CRITERIA**

This collection meets **Waverley Criteria One** due to its inherent connection to another portfolio of botanical paintings that were acquired by the same significant collector, held at a UK institution. That the collection *may hold* potential national importance through this historical association and to the wider history of natural history illustration remains an outstanding question due to the collection not ever having been researched or studied. It could therefore be considered a misfortune for the collection’s departure from the UK before any substantial research could be undertaken.

Due to the variation in quality of the paintings as the collection is being considered as a whole, it is not possible for the collection to be considered to have outstanding aesthetic importance despite some of the birds having been depicted as exceptionally fine and exquisite examples of historical ornithological illustration.

## **DETAILED CASE**

### **What is depicted?**

The watercolours depict mostly European birds with none being identified as rare or extinct. A few other species like the Guinea Fowl originate from Africa, although the bird depicted might have been a domesticated one as this species is kept all over the world. The hummingbirds depicted are from South America. It is evident that most of the birds depicted, or perhaps all, appear to have been painted from mounted specimens as some are shown in very unnatural positions, for example, the woodpeckers.

Graphite inscriptions on the verso of the mounts comprise the scientific name (includes the author of the name e.g. Linnaeus, or Temminck) and its common name in French. It is not possible to determine when these annotations were added to the mounts or by whom.

### **What does it tell us about that period?**

As the watercolours have been undertaken on vellum it is not possible to date the paintings as easily as it would have been had they been painted on laid and watermarked paper. Research in the new field of biocodicology which encompasses genetic, proteomic and lipid analyses of biomolecules found on animal skins is underway using non-destructive analysis which has the potential to open and answer some of the questions that were not possible to have previously answered (see [An Introduction to Biocodicology and the Beasts 2 Craft Project | The Manuscripts Lab \(cam.ac.uk\)](#)).

### **Who made it/painted it/wrote it?**

At present the artist(s) are unknown as the paintings are unsigned but as they have been housed and unseen in a private collection for up to 70 years, they have also not been appraised by bird painting specialists. The collection of 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 is signed by him. to its background.

### **No. of comparable objects by the same artist already in the UK, in both public and private collections**

As the artist(s) are unknown it is not possible to ascertain the number of comparable objects by the same artist already in the UK in both public and private collections.

### **Detailed explanation of the outstanding significance of the object(s).**

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

The bird species depicted in the collection do not themselves possess outstanding significance. It is the quality of the painting of some of the species, despite being painted from what was probably taxidermy specimens, that is significant in terms of accuracy, fineness, and overall exquisiteness of artistic detail.

The collection holds local importance with regards to the reuniting of a collection of natural history artworks; potentially from the Withoos group of outstanding and notable artists.

As there are 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.

#### **References:**

Jackson, Christine (c1999) *Dictionary of bird artists of the world*. Woodbridge, Suffolk: Antique Collectors' Club. 550p.

Scrase, D. (1983) *Flowers of three centuries: one hundred drawings and watercolours from the Broughton collection*. New York: The International Exhibitions Foundation. 79p.

Sotheby's (2022) *The Library of Henry Rogers Broughton, 2<sup>nd</sup> Baron Fairhaven, Part 1*. Accessed online 16/09/2022 <https://sothebys-com.brightspotcdn.com/83/b0/da45cc6e4e3cb7896e0f0f090acb/l22425.pdf>

#### **Comparable examples**

Pieter Holsteyn <https://www.metmuseum.org/art/collection/search/358170>

Johannes Bronkhorst [Glanskop, Johannes Bronkhorst, 1658 - 1726 - Search - Rijksmuseum](#)  
[Roodborstje, Johannes Bronkhorst, 1658 - 1726 - Search - Rijksmuseum](#)

## **RCEWA – Birds: A Portfolio of Ornithological Drawings c.1790**

### **Applicant's statement**

Please note that images and appendices referenced are not reproduced.

### **Is it closely connected with our history and national life?**

No, the drawings are not British in origin, and the provenance, while undoubtedly distinguished, is no more connected to our national life or history than any other from a British collection. Further, the provenance is already adequately acknowledged and celebrated through the Broughton collection of flower drawings at the Fitzwilliam Museum and the collections at Anglesey Abbey, Cambridgeshire.

### **Is it of outstanding aesthetic importance?**

No; these are attractive but generic drawings of birds most likely of French origin. The composition of the paintings (the subjects on a sparse background or branch) is typically French. They are of too late a date to be of importance from an “old master” point of view. Their date of creation had been thought to be c.1790; however, personal inspections by interested parties prior to their sale revealed that they were commonly believed to have been made later, in the first third of the 19th century. They are perhaps reminiscent of work by J.G. Prêtre or P.L. Oudart, both of whom were very prolific artists whose work appears regularly on the market. The drawings certainly appear to be the work of more than one hand (the drawing of the dead bird is comparable to Edouard Traviès, but of lower quality), so they do not constitute an undiscovered trove of drawings by a single artist.

### **Is it of outstanding significance for the study of some particular branch of art, learning or history?**

No. The drawings are entirely anonymous and by various hands, and for this reason it is highly unlikely that any firm attributions can be made. The genre of the paintings is richly documented already – there are literally thousands of examples in collections in the UK and around the world. It is very doubtful that this small collection could add anything to the sum of knowledge of ornithological painting from this period.

**Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, note of case hearing on 12 October 2022: *Birds: A Portfolio of Ornithological Drawings* c.1790 (Case 7, 2022-23)**

**Application**

1. The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest (RCEWA) met on 12 October 2022 to consider an application to export *Birds: A Portfolio of Ornithological Drawings* c.1790. 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 expert adviser had objected to the export of the portfolio under the first Waverley criterion on the grounds that its departure from the UK would be a misfortune because (i) it was so closely connected with our history and national life.
2. Seven of the regular eight RCEWA members were present and were joined by three independent assessors, acting as temporary members of the Reviewing Committee. The Chairman explained that the binding offers mechanism was applicable for this case.
3. The applicant was informed that there is currently an interim process in place for Committee hearings. The Committee is still holding hybrid meetings but any Committee members, including the independent assessors must attend in person so they can inspect the object prior to discussing the case and voting. Any Committee members or independent assessors that are not able to attend in person and view the object are not able to vote.
4. The applicant confirmed that the value included VAT of £1,500 on the buyer's premium and £60 on the overhead premium, and that VAT would be payable in the event of a UK sale. The applicant also confirmed that the owner understood the circumstances under which an export licence might be refused.

**Expert's submission**

5. The expert adviser had provided a written submission stating that this portfolio contained 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 x 191 mm. The collection is 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 paintings feature numerous species of birds that have been depicted either as individual studies on branches or placed in a landscape. On the majority of mounts, Latin determinations alongside French common names have been written in graphite on the verso.



6. The expert adviser stated that this collection met the first Waverley criterion 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 collection may hold potential national importance through this historical association and to the wider history of natural history illustration due to the collection not ever having been researched or studied. It could therefore be considered a misfortune for the collection's departure from the UK before any substantial research could be undertaken.

### **Applicant's submission**

7. The applicant had stated in a written submission that they did not consider that the portfolio met any of the three Waverley criteria. Regarding the first Waverley criterion, the applicant 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.

8. Regarding the second Waverley criterion, the applicant stated that these 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 are of too late a date to be of importance from an "old master" point of view. The drawings also appeared to be the work of more than one hand, so they did not constitute an undiscovered trove of drawings by a single artist.

9. Regarding the third Waverley criterion, the applicant stated that the drawings were entirely anonymous and by various hands, and for this reason it was highly unlikely that any firm attributions can be made. Further to this, the genre of the paintings was already richly documented.

### **Discussion by the Committee**

10. The expert adviser and applicant retired, and the Committee discussed the case. They agreed this was an interesting and varied collection in very good condition. They observed that it was unusual that they were drawn on vellum, as paper was much more common at the time. In addition, they noted that 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 collection outstanding significance, especially as it was not clear who may have compiled the drawings. The Committee concluded that, while a fine collection of drawings, they did not meet the high bar of the Waverley criteria.

### **Waverley Criteria**

11. The Committee voted on whether the portfolio met the Waverley criteria.

Of the 10 members, no members voted that it met the first Waverley criterion. The portfolio was therefore not found to meet any of the Waverley criteria.

### **Communication of findings**

12. The expert adviser and the applicant returned. The Chairman notified them of the Committee's decision on its recommendation to the Secretary of State.