

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, Case 24 (2021-2022) French Gothic Ivory Composite Casket	
Statement from Expert Adviser	Statement of the Expert Adviser to the Secretary of State that the casket meets Waverley criterion three. See below
Statement from the Applicant	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. a) <i>Is it so closely connected with our history and national life that its departure would be a misfortune?</i> b) <i>Is it of outstanding aesthetic importance?</i> c) <i>Is it of outstanding significance for the study of some particular branch of art, learning or history?</i> The applicant did not dispute that the object met the Waverley Criteria.
Note of case hearing	See below
Press release	A press release was issued by the Secretary of State on 2 December 2022: https://www.gov.uk/government/news/extremely-rare-700-year-old-ivory-casket-at-risk-of-leaving-the-uk
Recommended price	£1,506,000
1st Deferral period	1 March 2023
2nd Deferral period	12 August 2023
Note of outcome	During the initial deferral period, we received a serious expression of interest from Norwich Castle Museum to purchase the casket. The owner accepted this offer and granted the museum an Option Agreement and the decision on the export licence application was deferred for a further four months. We were subsequently informed that the museum was unable to raise funding before the end of the second deferral period and an export licence was therefore issued.

RCEWA – French Gothic Ivory Composite Casket

Statement of the Expert Adviser to the Secretary of State that the casket meets Waverley criterion three.

Please note that images and appendices referenced are not reproduced.

EXECUTIVE SUMMARY

Brief Description of object(s)

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

Condition:

Considering its age, the casket is in fair condition. The ivory panels are held together using a system of lap joints typical for French caskets of this type; moulded borders, one strip of which seems to be made of bone, have been added to the base and lid at a later point in time. The brass fittings are not original; holes at the borders of the end panels and on the lid testify to the position of the original mounts. The lock is lost, and there is some loss and damage around this area. The right-hand end panel has a line of holes and four nails in the upper area, and there are several cracks on this panel, as well as on the left-hand end panel, and the lid. Remnants of a textile lining are visible on the back of the right-hand panel.

Provenance

In the possession of Thomas Baird, son of Gilbert Baird (1551-1620) of Auchmedden and Franciscan friar at Besançon (France), at some point after 1609 (?); by 1857, in the possession of W.N. Fraser (1817-1899) of Tornaveen House, Aberdeenshire; sold as property from Tornaveen House by Lyon & Turnbull, Edinburgh, 20th May 2021, lot 493.

Sources and Literature

Account of the Surname of Baird, particularly of the Families of Auchmedden, Newbyth, and Saughtonhall, ed. William N. Fraser (Edinburgh: Thomas George Stevenson, 1857)

Genealogical Collections Concerning the Sir-Name of Baird, and the Families of Auchmedden, Newbyth, and Saughton Hall, ed. William N. Fraser (London: John Camden Hotten, 1870)

Lyon & Turnbull, Edinburgh, *Five Centuries: Furniture, Paintings & Works of Art*, 20 May 2021, lot. 493, last accessed 23 May 2022, < <https://www.lyonandturnbull.com/>>

Comparative Literature and Resources

F. Baron (ed.), *Les fastes du gothique: le siècle de Charles V*. Exh. Cat, Paris, Galeries Nationales du Grand Palais (Paris, 1981)

P. M. Carns, 'Compilatio in Ivory: The Composite Casket in the Metropolitan Museum', *Gesta* 44 (2005): 69-88

P. Mae Carns, 'A Curious Collection in ivory: The Lord Gort Casket', in *Collections in Context: the Organization of Knowledge and Community in Europe*, ed. by K. Fresco and A. D. Hedeman (Columbus, 2011), pp. 246-174

P. M. Carns, 'Playing the Fool: *La Folie Tristan* on two French Gothic Ivories', in *New Work on Old Bones: Recent Studies in Gothic Ivories*, ed. Glyn Davies and Sarah Guérin. Special Issue: *The Sculpture Journal* 23 (2014): 51-63

I. Ciseri (ed.), *Gli avori del Museo Nazionale del Bargello* (Milan, 2018)

Gothic Ivories Database, The Courtauld Institute of Art 2015, accessed 23 May 2022, <<http://www.gothicivories.courtauld.ac.uk/index.html>>

D. Gaborit, *Ivoires médiévaux: Ve-XVe siècle* (Paris, 2003)

T. Husband (with the assistance of G. Gilmore-House), *The Wild Man: Medieval Myth and Symbolism*. Exh. Cat., New York, The Metropolitan Museum of Art (New York, 1980)

R. Koechlin, *Les ivoires gothiques français*, 3 vols (Paris, 1924)

R. H. Randall, *Masterpieces of Ivory from the Walters Art Gallery* (New York, 1985)

P. Williamson and G. Davies, *Medieval Ivory Carvings 1200-1550*, 2 vols (London, 2014)

Waverley criteria

The casket discussed here is deemed to meet Waverley criterion 3. Having resurfaced on the art market only in 2021, it is a significant and unresearched new addition to the important corpus of nine known fourteenth-century French caskets depicting scenes from medieval romance tales. The casket's history, since at least the nineteenth century closely linked to Tornaveen House, Aberdeenshire, can possibly be traced back to the early seventeenth century. This makes the object significant in the context of the study of the early history of collecting of medieval objects in Britain. The casket also includes a detailed and very early depiction of

Wild Men storming the Castle, further confirming its outstanding significance, especially for the study of the History of Medieval Art.

DETAILED CASE

The casket depicts scenes from at least two medieval romances, some of which have been identified as belonging to the popular tales of *Tristan and Isolde*, and the *Queste del saint grail*.¹ That the casket depicts scenes not only from one, but possibly several medieval courtly tales, makes it a very important and hitherto unknown new addition to the corpus of nine known caskets of this 'composite' type to have survived in complete form.²

The intended function of these caskets is undocumented. Because of their secular subject matter, highlighting themes around courtly love, chivalry and romance, it is generally thought that they may have been used by a wealthy elite in the context of courtship, and as wedding gifts.³ We also do not know exactly how their owners interacted with these objects, and whether they were able to decipher the complex visual narratives depicted on these caskets. Objects made to delight and entertain, they were part of the wider oral transmission of texts and stories and are so important material witnesses reflecting the dissemination of cultural ideas and values through storytelling.⁴

By the beginning of the fourteenth century, Paris had become the main European centre of ivory carving, and the workshops there produced large numbers of religious and secular objects, including statuettes of the Virgin and Child, diptychs with religious scenes carved in relief, and small luxury objects such as mirror-cases and, in smaller numbers, caskets depicting courtly scenes.

¹ Lyon & Turnbull 2021 (P.M. Carns). For images of the object, see Appendix I.

² These are: London, Victoria and Albert Museum, mus. no 146-1866, see Williamson/Davies 2014, vol. II, cat. no 227 (G. Davies); London, British Museum, mus. no 1856,0623.166, see Baron 1981, pp. 172-73, cat. no 127 (D. Gaborit-Chopin); Birmingham, Barber Institute of Fine Arts, mus. no 39.26, see Koechlin 1924, vol. II, pp. 454-455, n. 1287; New York, Metropolitan Museum of Art, New York, mus. no 17.190.173, 1988,16, see Carns 2005; Baltimore, The Walters Art Museum, mus. no 71.264, see Randall 1985, pp. 224-25, cat. no 324; Florence, Museo del Bargello, mus. no 123 Carrand; see Ciseri 2018, pp. 282-286, cat. no VIII.39 (B. Chiesi); Cracow, Cathedral Treasury, see Koechlin 1924, vol. II, pp. 453-454, n. 1285; Paris, Musée de Cluny-Musée national du Moyen Âge, mus. no Cl. 23840, see Carns 2014; Winnipeg, Winnipeg Art Gallery, mus. no G-73-60; see Carns 2011. For images of these, see Appendix II.

³ Davies in Williamson and Davies 2014, vol. II, pp. 654-55.

⁴ Carns 2005, pp. 69-70.

The surviving composite caskets, including the one discussed here, differ slightly from each other but are sufficiently close in style to suggest they all originated from one Paris workshop, or a group of workshops, active in the second quarter of the fourteenth century.⁵ The carving on the panels of this casket is of very high quality, and consistent with the style displayed by the other examples within the group. At present, three other composite caskets are known to be held in public ownership in the UK (London, Victoria and Albert Museum; London, British Museum; Birmingham, Barber Institute of Fine Arts).

Waverley Criterion 3:

The casket meets Waverley Criterion 3 as it is of outstanding significance for the study of provenance and the early history of collecting in Britain, and as it is of outstanding significance for the study of secular medieval art.

1. The Study of History of Collecting in Britain

In 1857, the Scottish genealogist William Nathaniel Fraser (1817-1899) of Tornaveen published and edited his great-grandfather William Baird's (1701-1775) handwritten genealogical manuscript of 1770.⁶ In it, it is said in relation to Thomas Baird, son of Gilbert Baird (1551-1620) of Auchmedden:

'Thomas went over to France in 1607 [...] He became minim Friar 1609 in a monastery of that order at Besançon, in Burgundy, anno 1615. But he had an excellent turn to mechanics, of which a very good sample is still to be seen. It is an oblong, small chest of Ivory* 10 inches long, 5 broad, and 4 high, delicately carved in bas-relief, with the chisel upon the top and sides into figures of knight-errants, distressed damsels, and enchanted castles, taken from some of the old romances which were so much in vogue in that age.

⁵ Carns 2005, p. 69; Williamson and Davies 2014, vol. II, pp. 657-58 (G. Davies).

⁶ Fraser 1857; based on *Genealogical Collections concerning the Sir-name of Baird, and the Family's of Auchmedden, Newbyth, and Sauchtonhall in particular. With copy's of old Letters and Paper's worth presevering, and account of several Transactions in this Country, during the Two last Centurys. Vol. 1*, by William Baird of Auchmedden, handwritten manuscript, 1770. Edinburgh, National Library of Scotland, Adv. MS. 32.6.12. It has not been possible to consult this manuscript prior to submission of this paper.

*This relique is in my possession – W.N.F.⁷

Despite the erroneous attribution of the carving to Thomas Baird – enforced by a paper label contained within the casket⁸ –, the matching description, both in terms of size⁹ and iconography, William Fraser's 1857 note that he owned the casket, and its 2021 resurgence from Tornaveen House all suggest that the 'chest of Ivory' mentioned here may be identical with the 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 are post-medieval additions; more research on the object would be needed to confirm this.

If Thomas Baird sent the casket from France to Scotland during the first half of the seventeenth 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 enhance its importance especially for a local and regional Scottish context. A historic label on the inside of the lid displaying the number '231' – perhaps relating to a nineteenth-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.

2. *The Study of Secular Medieval Art*

As stated above, this casket is also a highly significant new addition to the known corpus of composite caskets. Its most unusual and significant feature is the prominent inclusion of the iconography of Wild Men both on the lid, and the back panel.¹⁰ 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 belongs to the lost romance of *Sir Enyas and the Wild Man*, in which Enyas saves a lady from the Wild Man who has

⁷ Fraser 1857, pp. 18-19; see also Fraser 1870, p. 21 (second edition).

⁸ This label reads: '*This Ivory Chest is the Work of [...] Thomas Baird, a Son of Auchmedden, abbot of a [?] Monastery at Besancon in Burgundy*'.

⁹ '10 inches long, 5 broad, and 4 high' translates to 25cm x 12.7cm x 10.16cm.

¹⁰ See Appendix III; for the iconography of Wild Men in the Middle Ages more widely, see Husband 1980.

abducted her.¹¹ This iconography occurs in the same composition on six further caskets within the group, suggesting a standardised iconography for the scene.¹²

The present casket, however, shows much more rarely depicted Wild Men scenes, which seem to be a variation on the popular theme of the Castle of Love. On the lid, Wild Men and knights are shown engaged in battle for the castle and its female occupants, while 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 fourteenth-century casket which is now lost, but known to us through an eighteenth-century engraving, is the only other known example depicting a similar combination of scenes.¹³

Objects showing *Wild Men storming a Castle* seem to survive only from towards the end of the fourteenth century, as for example testified by a mirror back in the Museo del Bargello in Florence dated to the second half of the fourteenth century, and an Alsatian tapestry dated around 1440 now in Boston.¹⁴ The present casket is one of the earliest – if not the earliest – extant object displaying this iconography, and can therefore be considered as of outstanding significance for the study of medieval art history, and the study of secular visual culture more specifically.

Together with its importance for the study of the early collecting in Britain, outlined further above, the casket's departure would therefore be a great loss to the nation.

¹¹ Carns 2005, pp. 79-80.

¹² The scene of Enyas and the Wild Man is depicted on the caskets in New York, Cracow, Florence, Paris, Birmingham and Winnipeg; see Appendix III.

¹³ The casket belonged to the collection of Claude Gros de Boze (d. 1753); see Gaborit-Chopin 2003, pp. 418-19. The engravings were published in: Lévesque de Ravalière, 'Explications de quelques bas-reliefs en ivoire', in *Histoire de l'Académie royale des inscriptions et belles-lettres*, ed. C. Gros de Boze, C. Le Beau, B.-J. Dacier (Paris, 1710-1843), vol. XVIII (1753), pp. 322-323, 5 plates facing p. 322.

¹⁴ Florence, Museo del Bargello, mus. no 130 Carrand; see Ciseri 2018, pp. 304-5, cat. no VIII.50 (B. Chiesi); Boston, Museum of Fine Arts, mus. no 54.1431, see Husband 1980, pp. 77-82, cat. no 14; see Appendix III.

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, note of case hearing on 8 June 2022: French Gothic Ivory Composite Casket, circa 1330 (Case 24, 2021-22)

Application

1. The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest (the Committee) met on 8 June 2022 to consider an application to export a *French Gothic Ivory Composite Casket*, circa 1330. 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 applicant was content with this. The expert adviser had objected to the export of the casket under the third Waverley criterion on the grounds that its departure from the UK would be a misfortune because it was of outstanding significance for its unusually early documented provenance and the study of early collecting in Britain, as well as for the study of secular medieval art.

2. All the regular eight RCEWA members were present and able to inspect the casket first-hand. They 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 consulted about the hybrid digital/in person process and confirmed they were content to proceed in this manner. The applicant also confirmed that the owner understood the circumstances under which an export licence might be refused.

Expert's submission

4. The expert adviser had provided a written submission stating that 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, can 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 of 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.

5. 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.

6. If Thomas Baird 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 be not only an extraordinarily early provenance for a medieval artefact, but significantly enhances 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.

7. 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 occurs on six further caskets within the group, suggesting a standardised iconography for the scene. The present casket, however, shows much more rarely depicted Wild Men scenes, which seem 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 can therefore be considered of outstanding significance for the study of medieval art history, and the study of secular visual culture more specifically.

8. The expert adviser was asked if 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. They responded that it was possible that 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. The expert adviser added that the 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 adviser noted that 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.

Applicant's submission

9. The applicant had stated in a written submission that they did not disagree that the casket met any of the three Waverley criteria.

Discussion by the Committee

10. The expert adviser and applicant retired and the Committee discussed the case. They agreed that the casket was exceptional and 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. They agreed 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.

Waverley Criteria

11. The Committee voted on whether the casket met the Waverley criteria. Of the 11 members, all 11 voted that it met the third Waverley criterion. The casket was therefore found to meet the third Waverley criterion for the study of provenance and the history of early collecting in Britain, and of secular medieval art.

Matching offer

12. The Committee recommended the sum of £1,506,000 as a fair matching price.

Deferral period

13. The Committee agreed to recommend to the Secretary of State that the decision on the export licence should be deferred for an initial period of three months. At the end of the first deferral period, if the Arts Council received notification of a serious intention to raise funds with a view to making an offer to purchase the casket, the owner will have a consideration period of 15 Business Days to consider any offer(s). The Committee recommended that there should be a further deferral period of four months that would commence following the

signing of an Option Agreement.

Communication of findings

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

15. The expert adviser agreed to act as champion if a decision on the licence was deferred by the Secretary of State.