

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, case 12 (2023-24): <i>Recto: Portrait of a Dead Child</i> by Samuel Cooper	
Statement from Expert Adviser	Statement of the Expert Adviser to the Secretary of State that the drawing meets Waverley criteria two and three. See below
Statement from the Applicant	Statement from the applicant referencing the three Waverley criteria. The Reviewing 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: a) Is it closely connected with our history and national life? b) Is it of outstanding aesthetic importance? c) Is it of outstanding significance for the study of some particular branch of art, learning or history? See below
Note of case hearing	See below
Press release	A press release was issued by the Secretary of State on 15 December 2023: https://www.gov.uk/government/news/rare-drawing-by-17th-century-miniaturist-samuel-cooper-at-risk-of-leaving-the-uk
Recommended price	£114,300 (plus VAT of £4,860 which can be reclaimed by an eligible institution)
1st Deferral period	14 March 2024
2nd Deferral period	
Note of outcome	

RCEWA – Recto: Portrait of a Dead Child by Samuel Cooper

Statement of the Expert Adviser to the Secretary of State that the drawing meets Waverley criteria two and three.

1. Brief Description of object(s)

Samuel Cooper (1609-1672)

Portrait of a Dead Child, the Artist's Cousin

pencil and black chalk heightened with bodycolour on paper prepared with an orange-pink wash, 145 x 185 mm

Verso: Portrait of a Gentleman, traditionally identified as John Hoskins Junior (c. 1617-after 1703), the artist's cousin

pencil and red chalk

Verso inscribed *Dead Child*; and in another hand: *Mr S.C. child done by him*; and in the same hand lower right *NB ye son of: Old Mr Hoskins's Son*.

Provenance: possibly Mrs Samuel Cooper (1623-1693), the artist's wife; possibly Mrs Richard Gibson, nee Anne Shepherd (d. 1707); possibly Susannah-Penelope Rosse (d. 1700), her daughter; possibly Michael Rosse (d. c. 1735), her husband; ?his sale, Cecil Street, London, 2 or 26 April 1723; possibly Christopher Tower (1657-1728) of Huntsmoor Park, Bucks; possibly Christopher Tower (1692-1771); possibly Christopher Tower (1747-1810); possibly the Revd William Tower (1789-1847), Weald Hall, Essex; certainly Ellen Tower, Mrs William Henry Harford (1832-1907); Hugh Wyndham Luttrell Harford (1862-1920); Arthur Hugh Harford (1905-1985); by descent

Exhibited:

London, Royal Academy, *The Age of Charles II*, 1960, no. 514

London, Tate, *The Age of Charles I*, 1972, no. 227

London, NPG, *Samuel Cooper and his Contemporaries*, 1974, no. 137-8

London, British Museum and New Haven, Yale Center for British Art, *Drawing in England from Hilliard to Hogarth*, 1987, no. 80

London, Sotheby's, *Childhood*, 1987, no 80

London, Dulwich Picture Gallery, *Death, Passion, and Politics: Van Dyck's Portraits of Venetia Stanley and George Digby*, 1996, no. 49

Literature

Daphne Foskett, *Samuel Cooper 1609-1672*, London, 1974 pp. 85-6, pls 63-4

Daphne Foskett, *Samuel Cooper and his Contemporaries*, London, 1974, pp. 137-8

Daphne Foskett, *Collecting Miniatures*, Woodbridge, 1979, pp. 104-5, pl. 19D

Mary Edmond, 'Limners and Picturemakers', *The Walpole Society*, XLVII 1980 pp. 110, 114, 115

Lindsay Stainton and Christopher White, *Drawing in England from Hilliard to Hogarth*, 1987, pp. 33, 111, 112, no. 80, fig. 80v & 80r

Emma Rutherford, *Warts and All: The Portrait Miniatures of Samuel Cooper*, London, 2013, pp. 115-6

Richard Stephens, 'The Hoskins Family of Limners: a new document', *British Art Journal*, 19 (2018), pp. 78-9, fig. 1

Comparable objects

Only seven drawings by Cooper are currently recorded; six were exhibited in 1987, and the last emerged in the Harford sale at Sotheby's. The only one of comparable beauty and importance is the portrait of Thomas Alcock aged 18, tutor to the children of the Earl of Westmoreland (Ashmolean Museum).

3. Waverley criteria

Waverley 2

Is it of outstanding aesthetic importance?

Samuel Cooper was the greatest native-born English artist in the seventeenth century. His reputation as a miniature painter was such that John Aubrey described him as the 'prince of limners of his age', and Samuel Pepys wrote that his 'painting is so extraordinary, as I do never expect to see his like again'. Even visiting grandees to London sat to him, for example Grand Duke Cosimo III of Tuscany, who was told that 'no person of quality visits that city without endeavouring to obtain some of his performances to take out of the kingdom'. According to Edward Norgate, Cooper was equally celebrated as a draughtsman. As he noted in his *Miniatura* (c. 1650), 'the very worthy and generous Mr Samuel Cooper, whose rare pencill, thought it equall if not exceed the very best of Europe ... [the drawings] with a white and black Chalke upon a Coloured paper are for likenes, neatnes and roundnes *abastanza da fare stupire e marivigliare ogni acutissimo ingegno*'.

This small drawing is of outstanding aesthetic importance as the most poignant and personal of all Cooper's works. It is one of only two of the works in the technique singled out by Norgate. According to the inscription, it shows the infant grandson of Cooper's uncle and tutor, John Hoskins the Elder. It is very minutely drawn in a technique characteristic of a miniaturist, with delicate cross-hatching in the face and the shadows cast on his forehead by the edge of his cap.

Waverley 3 - Is it of outstanding significance for the study of some particular branch of art, learning or history?

Only a handful of drawings by Samuel Cooper survive. This example comes from a group of works by Cooper, Richard Gibson, and his daughter, Susannah Penelope Rosse which are presumed to have been in the same collection since the early eighteenth century, though the

evidence is entirely speculative. The drawings first emerged in the possession of A.H. Harford, in the late 1950s. The first certain owner was his grandmother, Mrs William Henry Harford, who related that, according to family tradition, they had belonged to her ancestor Christopher Tower (d. 1728). Whether Tower did in fact buy them at auction in 1723 has not been possible to ascertain. The association between Cooper and Richard Gibson is well documented, but the presumption that the Cooper drawing passed from his widow to Gibson's and thence to their daughter is impossible to document. Although work has been done on the collecting of English drawings in the seventeenth century, there is a great deal still to discover; and the collecting history of this especially important work by Cooper deserves further investigation.

The subject of the dead baby is almost unrecorded in England, apart from the many effigies in tomb sculpture. As the Dulwich exhibition catalogue noted, it is occasionally found in contemporary Dutch paintings; but no comprehensive research has been done in this area on either side of the Channel. For its subject and for the history of collecting, the drawing meets Waverley 3.

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*[Information has been withheld here in line with the requirements of section **40(2) of the Freedom of Information Act 2000 –Personal information.** A public authority is entitled to withhold information under section 40 (2) where the information is personal data]*

RCEWA – Recto: Portrait of a Dead Child by Samuel Cooper

Applicant's statement

Please note that images and appendices referenced are not reproduced.

Samuel Cooper is acknowledged as the greatest English portrait miniature painter of the 17th century. However this drawing is not closely connected to British history and our national life. Indeed they are very private images depicting members of the artist's family. Consequently this drawing does not, in our view, meet the first Waverley criterion.

The image of the dead child, in particular, is very poignant and both the recto and verso not only display Cooper's great powers of observation but his skill as a creative artist. The work survives in very fine condition. In terms of quality we believe that it sits at the very apex of Cooper's surviving works on paper, and it is probably as significant as his *Portrait of Thomas Alcock, circa 1650*, which is housed in the Ashmolean Museum, Oxford (WA1897.33). As such, we do not contest that it meets the second Waverley criterion.

Cooper's portrait miniatures, works executed with watercolour and bodycolour on vellum, survive in large numbers in both public and private British collections. His drawings, however, are much rarer. Indeed, only seven are known. Four, including the present work, descended with the Harford family until sold at Sotheby's on 5 July 2023, lots 8-11. Two drawings, both portraits of King Charles II, are in the Royal Collection at Windsor (RCIN 914040 & RCIN 914039) and one more, his portrait of Thomas Alcock is in the Ashmolean Museum, Oxford. We agree, given its rarity, this work presents an exceptional opportunity to study Cooper's works on paper, particularly as the subject of the dead child reveals a more sensitive aspect to his work. This is not in evidence in the other surviving drawings. We therefore do not contest that it meets the third Waverley criterion.

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, note of case hearing	
Meeting date	Wednesday 8 November 2023
Object	<i>Recto: Portrait of a Dead Child</i> by Samuel Cooper
Expert Adviser's objection	The Senior Curator of European Art, Ashmolean Museum, had objected to the export of the drawing under the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because it was of outstanding aesthetic importance and it was of outstanding significance for the study of its subject and for the history of collecting.
Committee Members & Independent Assessors	Seven of the regular eight Committee members were present and able to inspect the drawing. They were joined in person by three independent assessors, acting as temporary members of the Committee.
Value on the licence	The value shown on the export licence application was £114,300, which represented the hammer price at auction of £90,000 plus buyer's premium of £23,400 and overhead premium of £900.
	<p>The applicant was informed that there was currently an interim process in place for Committee hearings. The Committee was still holding hybrid meetings but any Committee members, including the independent assessors, were required to inspect the object under consideration prior to discussing the case and voting. Any permanent Committee members or independent assessors who were not able to view the object were not able to vote.</p> <p>The applicant confirmed that the owner understood the circumstances under which an export licence might be refused.</p>
VAT	The applicant confirmed that the value did not include VAT and that VAT of £4,860 on the buyer's premium and overhead premium would be payable in the event of a UK sale.
Expert Adviser's comments	The expert adviser stated that they did not have anything further to add to their submission.

	<p>The expert noted that this picture had been offered to their institution as part of a set in 2021, but that they had rejected the offer.</p>
Applicant's comments	<p>The applicant did not dispute that the drawing met the Waverley criteria and they did not have anything further to add to their submission.</p>
Committee's discussion	<p>The expert adviser and applicant retired and the Committee discussed the case. They agreed this was an extremely important and beautiful drawing, and unique in that there were no known other examples of a similar subject drawn in this style, and in such a personal and sensitive way.</p> <p>Further to this, they noted that the drawing had been unavailable for study for several years, and that there was a great deal to learn about the subject, as it shined a light on aspects of the mourning process during this time, as well as the Cooper's drawing practice. They were in full agreement with the arguments put forward by the expert adviser and agreed that the drawing met the second and third Waverley criteria.</p>
Waverley Criteria	<p>The Committee voted on whether the drawing met the Waverley criteria. Of the ten members, no members voted that it met the first Waverley criterion. All members voted that it met the second Waverley criterion. All members voted that it met the third Waverley criterion. The drawing was therefore found to meet the second and third Waverley criteria for its outstanding significance to the study of the representation of death and the work of Samuel Cooper.</p>
Matching Offer	<p>The Committee recommended the sum of £114,300 (plus VAT of £4,860 which can be reclaimed by an eligible institution) as a fair matching price.</p>
Deferral periods	<p>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 drawing, the owner will have a consideration period of 15 Business Days to consider such offer(s) should</p>

	<p>they decide to do so. The Committee recommended that there should be a further deferral period of three months to commence on signature of any such Option Agreement.</p>
Communication of findings	<p>The expert adviser and the applicant returned. The Chairman notified them of the Committee's decision on its recommendations to the Secretary of State.</p> <p>The expert adviser agreed to act as champion if a decision on the licence was deferred by the Secretary of State.</p>