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British Art Market Federation

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Comments by the British Art Market Federation on 'Endangered and Threatened Wildlife and plants; Revision of the Section 4 (d) Rule for the African Elephant' (Docket No. FWS-HQ-IA-2013-0091;96300-1671-0000-R4)

The British Art Market Federation (BAMF)[1] welcomes the opportunity to present its comments on the US Fish and Wildlife Service's proposed new rule on African elephants.

We would preface our comments by emphasising that BAMF's members share the objective of the FWS in combating the illicit market for ivory and the consequent risk to elephant populations. The illegal poaching of elephants to feed the illicit trade for modern artefacts is repugnant and must be eliminated.

However, it should also be recognised that the use of ivory has been widespread in the context of works of art[2], many of which are of great historical and cultural significance, and were created generations before the current poaching crisis threatened the future of the elephant. It is these objects that are of concern to BAMF members.

Because of our shared history and cultural heritage, U.S. museums and private collectors have traditionally acquired works of art on the British market, and many significant bequests to US museums of objects acquired in the UK have been made by private collectors in the US. Since the new US restrictions on ivory imports were introduced, this transfer of cultural objects has been substantially reduced. In the years 2012-13 the UK authorities issued 136 CITES re-export licences to the US for objects made of, or containing ivory; in 2013-14, the number of licences fell to 71; and dropped further to only 12 licences in 2014-15.

One factor identified by US buyers and those wishing to import historic cultural objects into the US is the current uncertainty over whether the work of art satisfies the criteria for entry into the US. The risks are very great if the criteria are interpreted differently by US Customs, since a disagreement over age, origin, type of ivory or other supporting evidence, can result in the work of art being summarily confiscated and even, in the worst case, destroyed. It is not surprising, therefore, that owners of works of art are no longer willing to take such a risk. This inevitably will affect the ability of US institutions to acquire, or even in some circumstances to borrow[3], great works of art containing, or made of ivory. Such an outcome will have culturally damaging consequences, without making any obvious contribution to the eradication of elephant poaching.

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[1] For more information about BAMF, its members and the British art market, see attachment 1

[2] For examples of such works of art, see attachment 2

[3] It was reported recently (Art Newspaper, July 1, 2015) that the British Museum had decided not to lend six Byzantine ivory reliefs , dating from the 9th to the 12th centuries, to an exhibition at the Museum of Russian Icons in Clinton, Massachusetts because of difficulties over importation

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If the acquisition by US museums and collectors of historically and culturally significant works of art containing ivory is to continue, it is important that the new rules are sufficiently precise and unambiguous to give certainty to the importer; and that any rules set out by FWS should also be understood and accurately implemented by US Customs.

We are pleased that the distinction between the trade in illegal ivory and the free movement of historic cultural artefacts containing ivory is implicitly recognised in the FWS proposals through the proposed exemptions for musical instruments, inherited objects and in the criteria set out on p. 33 in the consultation document. It is important that regulations that enforce this distinction should be robust and clearly understood. We welcome the recognition (p. 67) that evidence supporting the age of an object can include its history and provenance and does not rely solely on scientific analysis, which can involve damaging the work of art under consideration. It would be helpful to have further guidance on the precise historical evidence required to substantiate the age of an object and how it should be presented in the documentation in order to avoid confusion at the point of importation.

You invite comments on the criteria on page 33. It is not clear from the consultation document what evidence there is that the market for historic cultural objects made of ivory, or with ivory components, is encouraging the poaching of elephants today. However, we would point out that the threshold of 200 grams would exclude the importation of many historical and culturally significant works of art. If the date of manufacture of the cultural object can be proved beyond reasonable doubt, and that it can be shown that the object has not been restored with the use of modern ivory, there seems no logical reason to exclude works of art that incorporate larger amounts of ivory.

Restricting ivory components to 200 grams will discriminate against the importation of many objects of very great cultural importance. For example the so-called Brand cabinet[4], designed by Horace Walpole and made in 1743, is a celebrated example of the decorative arts in 18th century England. Its ivory roundels are integral to its design and they can only be contemporary with its manufacture. Its documented history proves beyond doubt that the ivory components have no connection with the trade in modern ivory, yet this museum-quality work would presumably not now be allowed to enter the US under the proposal to limit the ivory content to 200 grams. The cabinet sold for $1,898,000 at auction in London, a value which reflected its quality and importance as a work of art, and manifestly was not determined by its ivory content. The wide range in the value of works of art with ivory components indicates very clearly that the ivory content itself is not the key determinant of the work of art's value. In the context of cultural artefacts, it is very misleading, therefore, to characterise collectors as 'buyers of ivory'. They are collectors of miniature paintings; 18th century furniture, medieval and renaissance carvings etc. that happen to be made of, or contain elements of ivory, because ivory was commonly used in the past by sculptors, artists and craftsmen.

A blanket exclusion of all objects wholly made of ivory would prevent important works of art from entering the US, even though, as in the case of the 13th century French gothic sculpture[5], its

[4] See attachment 3 for description and illustrations

[5] See attachment 4 for description and illustrations

provenance and history make it certain that it has no possible association with modern ivory. The fact that this masterpiece sold at auction for $6,337,000 again underlines how distinct the market for great works of art is from the illicit market for modern ivory carvings. It is difficult to see the justification of denying US collectors or museums the opportunity of acquiring such an object.

We recognise that exemptions for works of art can create confusion for Customs officials unfamiliar with art historical evidence of age and origin, and we wonder whether verification, for example, provided by internationally recognised museums, might serve to give reassurance that the description of the work of art, and particularly its date of creation, are accurate.

In the light of our comments, we would welcome a reconsideration of the proposed 200 gram limit. However, if FWS concludes that a 200 gram exemption is appropriate, guidance will be needed as to how an importer should verify the weight of the ivory component, as it will often be integral to the work of art and cannot therefore be weighed separately.

It would be helpful to have clarity on the definition of 'commercial activity' in the context of a US private collector who acquired a work of art in the UK and wishes to take it to the US to add to his collection, as such an importation would not appear to have a commercial purpose.

Finally, without certainty over whether or not a work of art would be allowed to enter the US, the importer will no doubt continue to be unwilling to run the risk that the object could be impounded and destroyed. Could consideration therefore be given to permitting an object which is exported from the UK under a CITES licence to be returned should US Customs challenge the weight of the ivory content or dispute the historical evidence? This would eliminate the risk that a work of art could be destroyed because of a disagreement about whether or not it meets the criteria for importation.

We conclude by emphasising again that we share FWS's objective in ensuring that any trade in works of art does not contribute to the poaching of elephants. But we believe that clearly understood and robust rules over the description, history, date and origin of works of art, and whether they have been restored using modern ivory, would ensure that museums and private collectors in the US can continue to acquire great works of art on the British market.

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ATTACHMENT 1

THE BRITISH ART MARKET FEDERATION

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The British Art Market Federation

The British Art Market Federation (BAMF) represents the UK's large and diverse art and antiques market.

BAMF's members, which together represent all the major elements of this significant sector of the UK economy, are: The Antiquarian Booksellers' Association, The Antiquities Dealers Association, Bonhams, The British Antique Dealers' Association, Christie's, LAPADA - The Association of Art and Antique Dealers, The Royal Institution of Chartered Surveyors, The Society of Fine Art Auctioneers and Valuers, The Society of London Art Dealers and Sotheby's

The British art and antiques market is comprised altogether of over 7,800 businesses, providing direct employment for about 41,400. It is the third largest art and antiques market in the world with a global share of 22%, and a 65% share of the European Union's art and antiques market. Total sales in 2014 reached £8.8 billion. The British art market is unusual for being a global entrepot market place, and is therefore particularly active in cross-border trade. Works of art are sent to London from vendors throughout the world to take advantage in the UK's expertise. In 2014, antiques and fine art to the value of £3,562 million were imported to the UK and the total value of exports was £4,706 million.

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ATTACHMENT 2

IVORY AND ITS WIDESPREAD USE IN CULTURAL ARTEFACTS

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British Art Market Federation

IVORY AND ITS WIDESPREAD USE IN CULTURAL ARTIFACTS

Elephant ivory in large and small quantities has been incorporated into cultural artifacts for thousands of years. As long ago as 1600 BC workshops in Mycenae were producing ivory boxes and furniture inlaid with ivory for export to the Greek mainland. In Egypt during the reign of Tutankhamun it was used as inlay in luxury goods, such as chests or head supports.

Ivory has been carved, valued and appreciated in Africa, Europe, India, the Far East and America. Its use charts and reflects the changing culture of the world over many centuries and over widely differing cultures.

The items illustrated in this short document demonstrate the widespread use of ivory in a range of antique objects, objects which were created at a time when elephants roamed Africa in their millions and the source of the material was primarily animals that had died from natural causes. To the uninitiated, 'antique ivory' conjures up images of carved tusks or figures made entirely of ivory, but these are in a minority. Its use is far more widespread, ranging from small pieces of inlay on wooden tea caddies through to thin slithers used as a stable base for the portrait miniatures that proved popular in 18th-century Europe and North America.

GREEK & ROMAN IVORY

Ancient items, such as this Greek couch-end ornament in the form of a satyr's head dating from about 200 to 100 BC, have survived the centuries. Couches made of wood and bronze were often decorated with a pair of satyr's heads in bone or ivory, inlaid into the ornamented sides.

This Roman ivory figure of Aphrodite Pudica was also probably an attachment from a banqueting couch and dates from 100 to 200 AD.

Further examples of Roman ivory can be found in the Walters Art Gallery in Baltimore.

Objects such as these demonstrate not only the extent of trade between the Romans and Ethiopian merchants, but also the social development of Roman society. At this time a Roman consul would have worn a crescent-shaped ivory buckle attached to his sandal as an outward sign of his high rank.

PORTRAIT MINIATURES

In the 18th and 19th centuries it was common for the middle classes to carry small oval portraits of their loved ones or family members on their person. Many thousands of such portraits were painted, sometimes in oils and sometimes in the delicate medium of watercolour. The portable nature of the portraits meant that, although protected in a metal and glass case, they were subjected to fluctuations in temperature and humidity, as well as knocks. It was therefore important that they were painted on a stable medium. One favoured example was thin slithers of ivory.

Many artists specialised in portrait miniatures and their style can be recognised. Above is a portrait of General Foot, painted in watercolour on ivory, by Andrew Plummer (1763-1837). It measures just 2½ inches in height. Shown left is a portrait of a lady by Nathaniel Plimmer, dated c. 1800, again watercolour on ivory.

Sitters for such portraits include some of the most famous and influential people in the history of the last 300 years.

The portrait to the right is of George Washington, wearing the blue uniform of a general and the Order of the Cincinnati. Painted in watercolour on ivory in 1789 by John Ramage (c. 1748-1802), the miniature achieved the highest price ever achieved at auction for a portrait miniature ($1.2 million).

On some occasions portraits are carved as an ivory relief. This example is mounted on glass and dates from between 1790 and 1810.

IVORY INLAY IN WESTERN EUROPEAN AND INDIAN DECORATIVE ARTS

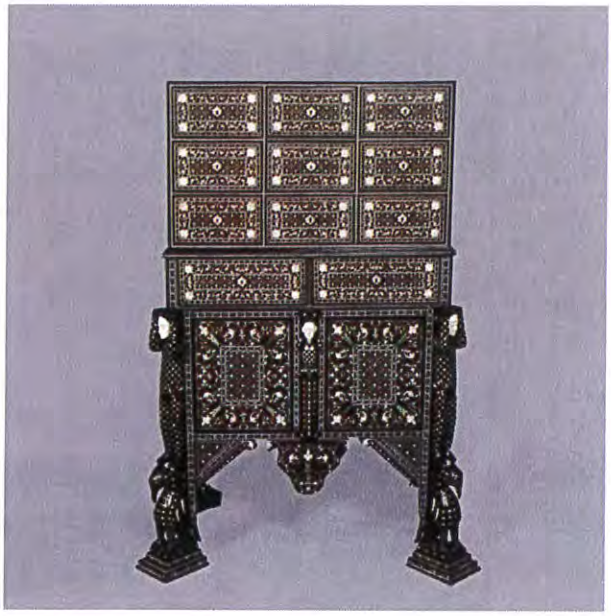
In Western European culture ivory has been used for hundreds of years to adorn a wide variety of objects, both commonplace and important.

Small amounts of ivory were often used to decorate the keyhole escutcheons of chests of drawers or tea caddies, such as this Georgian caddy, c. 1800, in satinwood.

Items incorporating ivory are often commonplace antiques, made hundreds of years ago and still in widespread ownership and use in Europe and America.

From France is shown (right) a Louis XVI period mahogany & brass banded tric/trac or games table. The interior features a backgammon board inlaid with ivory & ebony.

This very high quality English desk made by Hamptons of Pall Mall dates from 1870. It features small ivory escutcheons around each lock.



For many centuries craftsmen in the Indian subcontinent have been working ivory, some of it Asian and some of it African. One such important example is shown here and dates from Goa in the late 16th century. This object, the Hohenzollern cabinet (after the family name of the Prussian monarchs), is made from Indian coromandel, sumptuously inlaid with scrolling designs of mythical sea creatures, and naginas with double coiled trails, all exquisitely formed of natural and stained ivory. Objects such as these are of great cultural importance.

The influence of the Portuguese was prominent in encouraging the creation of furniture under European influence. This then spread to the British.

Shown here is an important Anglo-Indian inlaid ivory and teak writing or dressing table, made in the Indian south-eastern coastal town of Vizagapatam. It dates from around 1740.

More examples of ivory's use can be seen in inlaid cabinets, including this early 17th-century tortoiseshell, etched ivory and walnut table cabinet made in Antwerp.

Illustrated on the left and dating from 1743 is the elegant Walpole Cabinet made by William Hallett, incorporating carved ivory reliefs.

Even on large items of furniture, such as this exquisite English Regency japanned side cabinet, it can sometimes be possible to find small amounts of ivory. In this case the drawers display ivory handles.

Historical events have provided the subject matter of the craftsman's art.

Shown below is a rare English gold and tortoiseshell snuff box mounted with a fine carved ivory "micro miniature" depicting Admiral Horatio Nelson's historic battle of Trafalgar formation of a double line of frigates on a blue-stained ivory sea. Contained in a contemporary gilt tooled red Morocco box this item will have been made between 1805 and 1810.

Ivory was used for many everyday objects. In the early 19th century subscribers to theatres would gain admission to their seats using ivory tokens, such as this one shown right.

Walking canes frequently displayed ivory handles. This is a late 17th century English Puritan-style cane and features a malacca shaft, silver collar and cord hole.

THE USE OF IVORY IN MEDIEVAL AND LATER RELIGIOUS OBJECTS

In Europe ivory was valued for centuries as a foil to the blaze of metals and stones used in devotional religious objects.

Workshops produced magnificent carvings that demonstrated the highest pinnacles of European design and craftsmanship, which were displayed in churches and other religious foundations.

The ivory diptych (right) depicts seven scenes of the Passion of Christ, and dates from 1360-1370. It was made in the workshop of the Master of the Passion Diptychs, in Cologne, Germany.

To the left is an early 17th century German ivory relief of the Madonna and the Sleeping Christ attributed to the craftsman Kriebel, Jürgen, ca. 1580/90-1645, possibly from Madgeburg.

To the right is a fine Flemish carved ivory figure of Christ Crucified 'Christo Vivo' dating from the second half of the17th century.

AFRICAN INDIGINOUS IVORY

It is only natural that African indigenous craftsmen have drawn upon the ready availability of elephant ivory as a medium for their work Because ivory is not durable under hostile environmental conditions few ancient carvings from African sites have stood the test of time. However, the arrival of European traders on the west coast led both to the preservation of late medieval African ivories and to the influence of European tastes on African traditions over the last 500 years.

Shown left is an example of a 'Loango'. These form part of a tradition of ivory carving from the West African coast which goes back to the fourteenth century. This example dates from circa 1860. Typically the scenes depicted on them are vignettes of life at the time when they were carved. Not only are these carvings breathtakingly executed, but they also give an historical insight into life on the slave coast. The scenes show missionaries, trade (including slavery) and everyday activities; they are an important visual and graphic record of life at the time.

Examples of these carved tusk can be found in numerous museums worldwide, including The British Museum.

JAPANESE NETSUKE

In 18th-century Japan both seals and netsuke developed into a compact art form of ivory masterpieces.

Netsuke were small toggles, by means of which a small pouch, pipe or nest of boxes ("inro") was suspended from the waistband ("obi") of the traditional Japanese robe, the kimono.

Illustrated here is a shishi and cub, by the 18th-century artist, Tomotada from Kyoto, and dated between 1760 and 1780. Netsuke were carved from a number of materials including both wood and ivory. This example is from ivory and measures just 2 inches (5 cm) in length.

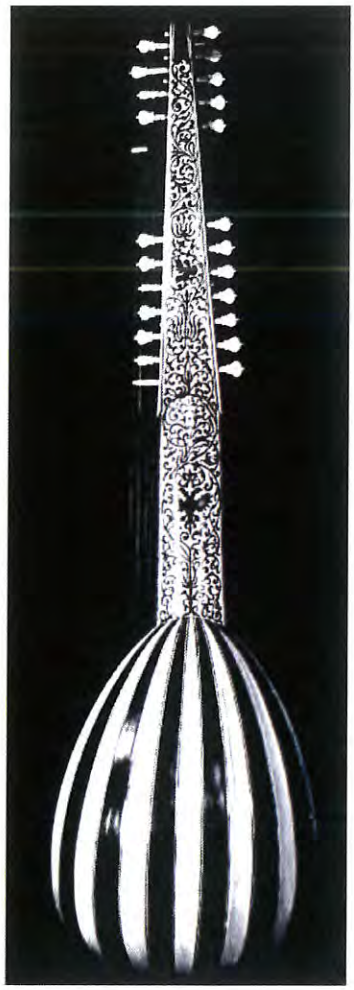
THE ART DECO MOVEMENT

Ivory has been used as a heat insulator in tea and coffee services, as well as cutlery handles for more than 100 years. This beautifully designed Art Deco tea set by Stower & Wragg dates from 1938 and demonstrates the highest quality craftsmanship.

MUSICAL INSTRUMENTS

In addition to the extremely widespread use of ivory for the keys of pianos, it also featured as a decorative and practical material for many other musical instruments.

Violin bows have long used ivory as a means of holding the horsehair in place at the "frog" end of the bow. Additionally many early stringed instruments have used ivory decoratively to great effect. Illustrated right is a type of two-headed lute, known as a Theorbo, made in Venice in about 1620, by Christopher Choco. This exquisite example was constructed from rosewood, ivory, ebony and snakewood.



To the left is a seven-keyed ivory mounted boxwood flute by Monzani & Co. of 24 Dover Street, London, dating from about 1840.

Mark Dodgson, BADA, London, April 2014

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ATTACHMENT 3

THE BRAND CABINET

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The Walpole Cabinet
© Victoria and Albert museum

Interior of Horace Walpole's cabinet displaying his collection of miniatures.

THE BRAND CABINET

In 1743, the antiquarian Horace Walpole (d.1797) designed a cabinet for the display of 'medals' for his 'very intimate friend', Thomas Brand (d.1770) of The Hoo, Hertfordshire, and one for himself, a miniature 'Classical Temple of the Worthies', conceived to complement the classical interiors of his displayed at his pioneering Gothic masterpiece, Strawberry Hill, Middlesex, and now in the Victoria and Albert Museum (W.52-1925) (Ed. W.S. Lewis, *The Yale Edition of Horace Walpole's Correspondence*, New Haven, 1937-84, vol. XX, p. 434). Both cabinets' Palladian architectural form was possibly inspired by the designs of William Kent (d.1748) for the Walpole family seat at Houghton, Norfolk, in particular door cases at the property that resemble the triangular pediment of these cabinets. Walpole had a lifelong friendship with Brand, the pair were educated at Eton and Cambridge, Walpole later affectionately describing Brand as 'our old schoolfellow' in correspondence with another Old Etonian and antiquary, 'Cardinal' Cole, (W.S. Lewis, *op.cit.*, vol. I, p.198). Brand was very much part of Walpole's set, making the Grand Tour to Italy in 1738-39, as did Walpole from 1739-41. In 1754, the year of Brand's second visit to Italy, Walpole had no hesitation in recommending Brand to his friend, Horace Mann, the British Envoy in Florence, 'you will love him much, if he stays anytime with you' (W.S. Lewis, *op.cit.*, vol. XX, p.435). With a shared interest in classicism stimulated by their respective Grand Tour expeditions, these cabinets were undeniably a testament to the friendship of the two men.

The two cabinets, embellished with classical ivory bas-reliefs that differ in subject matter to reflect the personal taste of their respective owners, were intended to house classical antiquities; in July 1743, Walpole wrote to Mann, 'I have a new cabinet for my enamels and miniatures just come home, which I am sure you would like: it is of rosewood; the doors inlaid with carvings in ivory' (W.S. Lewis, *op.cit.*, vol. XVIII, p.277). Supplied within a couple of years of Walpole's return from the Grand Tour in September 1741, their date suggests that they were the first pieces of furniture commissioned for Brand's and Walpole's growing collections of antiquities, and are therefore highly significant (Clive Wainwright, *The Romantic Interior*, New Haven and London, 1989, p.74). Walpole used all the space available in his cabinet to hang enamels and miniatures including the back of the cabinet doors, and one can assume that Brand did likewise. While Walpole's collection comprised a miscellany of portraits including 'Venus, Cupid, and other figures in enamel', family members and friends, we know that in 1938, the Brand Cabinet contained five wax medallion portraits inscribed on the backs in Walpole's hand, one of them by Isaac Gosset representing Colonel John Selwyn of Matson, Gloucestershire, who died in 1757 and was the father of George Selwyn, Walpole's friend (*A Description of the Villa of Horace Walpole, Youngest Son of Sir Robert Walpole Earl of Orford at Strawberry-Hill near Twickenham With an Inventory of the Furniture, Pictures, Curiosities, etc.* 1774, p.77; Ralph Edwards, 'Cabinets made for Horace Walpole and Thomas Brand', *The Burlington Magazine*, March 1939, p.131).

View of Walpole cabinet at Strawberry Hill

The Horace Walpole Cabinet was moved from Arlington Street to the'Tribune', named after the Medici treasure room in the Uffizi in Florence, at Strawberry Hill after 14 April 1763 when the room's refurbishment was complete, the cabinet forming the focal point of this *Wunderkammer*. Almost certainly Walpole conceived his cabinet for his Arlington Street address because of its classical interiors, which contrast to the Gothic splendour at Strawberry Hill. Given that Brand made no significant modifications to The Hoo until 1760-64 when William Chambers remodeled the house, it is likely that he too intended his cabinet for his London property at no. 22 St. James's Square. It presumably moved to The Hoo from where it was sold by his descendant, Viscount Hampden in 1938 ('The Contents of The Hoo, Whitwell, Herts', Christie's London, 20 October 1938, lot 72, £262.10s. [to Harper]).

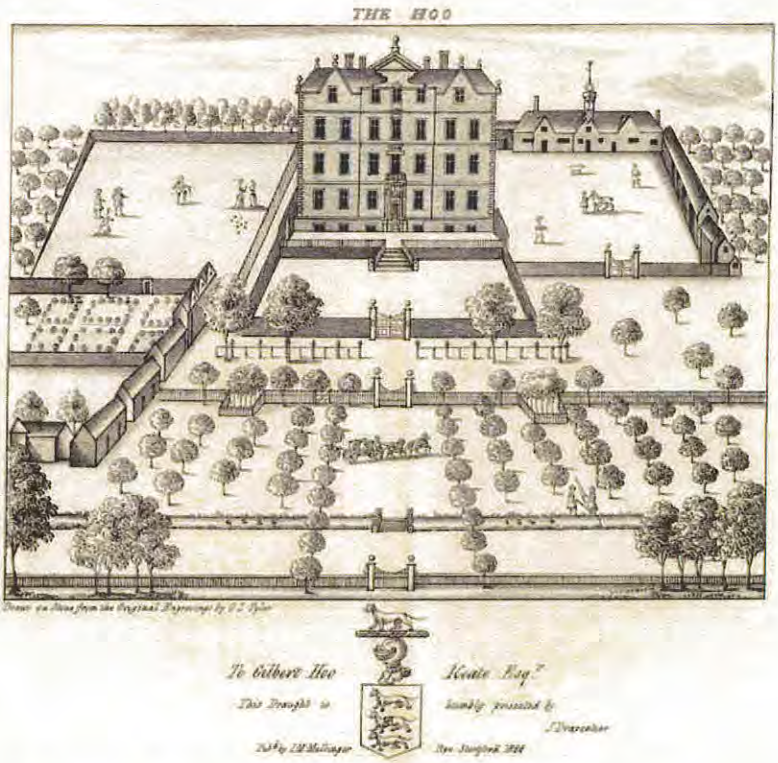
WILLIAM HALLETT SENIOR

While the maker of the Brand and Walpole cabinets is not known, it seems likely that they were executed by the 'great and eminent cabinet-maker' of Great Newport Street, London, William Hallett Snr. (d.1781) (Ralph Edwards, *op.cit,*. p.131). Hallett was renowned for his markedly architectural style reflected in the Palladian design of the cabinets. Furthermore, Walpole is known to have patronised Hallett at Strawberry Hill, and undoubtedly at Arlington Street. On 20 September, 1755, Walpole paid Hallett for '2 Sophas for eating room' and '8 black gothic chairs', the total bill amounting to £73 11s. 4d. In May 1763, Walpole, the antiquarian, determined to acquire 'two tables and eighteen chairs, all made by Hallett of two hundred years ago' from Lady Conyer's sale at Great Stoughton (Paget Toynbee, *Strawberry Hill Accounts, A Record of Expenditure in Building Furnishing, Etc. Kept by Mr Horace Walpole From 1747 to 1795*, Oxford, 1927, p.6 and p.82). Interestingly, the artist Edward Edwards (d.1806), who as a young man worked at Hallett's workshop drawing patterns of furniture, later made many drawings at Strawberry Hill, including one of Walpole's cabinet *in situ* in the 'Tribune' in 1781 (*ibid.*, p.82).

THE DESIGN

The Palladian form of these cabinets with Baroque carving and classical ivory plaques demonstrates the eclecticism of the antiquarian interests of Walpole, Brand and their contemporaries. The Walpole cabinet has the addition of plinths on the pediment to support the 'Worthies' but there is no evidence Brand's cabinet ever possessed these (Ralph Edwards, *op.cit.*, p.128). Walpole described the timber as rosewood, and in 1939 it was pronounced kingwood but has now been identified as padouk, the same wood used for the Brand Cabinet (Ed. Christopher Wilk, *Western Furniture 1350 to the Present Day in the Victoria and Albert Museum*, London, 1996, p. 96). Furthermore, the veneers and crossbanding on the two cabinets closely correspond. The detail of the carving of the Brand Cabinet is larger in scale, particularly in the leaf moulding at the base and in the floral swags but the carving of the supporting eagles' heads and the swags on both cabinets is similar recalling the craftsmanship of Grindling Gibbons, possibly by Jacob Frans Verscovers. Walpole was certainly patronising Verscovers, in correspondence to Mann writing, 'There is a Fleming here, who carves esquisitely in ivory, one Verskovis; he has done much for me and where I have recommended him' (W.S. Lewis, *op.cit.*, vol. XIX, 26 June 1747). Additionally, in Anecdotes of Painting, Walpole refers to a 'cabinet heads of eagles by Verskovis' (H. Walpole, *Anecdotes of Painting*, 1862, Works III, p. 481).

The subject matter of the classical ivories on the present cabinet of an amatory nature also contrasts with the rather more sedate ivories of the companion cabinet. As part of Brand's Grand Tour to Italy, he visited Rome where he had arrived by 11 March 1738, and it is possibly in this city-state that he purchased his set of ivories, later to adorn his cabinet (J. Ingamells, *A Dictionary of British and Irish Travellers in Italy, 1701-1800, compiled from the Brinsley Ford Archive*, New Haven and London, 1997, p.117). Brand was certainly collecting in this period, it was while in Venice in 1738 that he is believed to have acquired a series of four works by Canaletto, two of which, 'The Piazzetta di San Marco, Venice' and 'The Grand Canal, Venice' (see Christie's London, 2 December 2008, lots 45 and 46). Alternatively, the ivories may have been purchased on his behalf by Walpole, who was certainly obtaining unidentified 'commissions' for Brand in 1765, 'Don't think I have forgot your commissions: I mentioned them to old Mariette [Pierre-Jean Mariette, collector) this evening, who says he has got one of them, but never could meet with the other' (W.S. Lewis, *op.cit.*, vol. XL, p.384).



The Hoo, Hertfordshire

THOMAS BRAND

Thomas Brand was born *circa* 1717 into an educated and wealthy family of landowners and city merchants, inheriting The Hoo, a 17th century mansion in Hertfordshire (as a minor) from his mother Margaret, widow of Thomas Brand Senior. Following Brand's return from his first Grand Tour to Italy and, like Walpole, with sympathies firmly in the Whig camp, he became MP representing Shoreham in 1741 followed by Tavistock in 1747, Gatton in 1754 and Okehampton in 1768. In 1754, Walpole described Brand's connections as being 'entirely with the Duke of Bedford' implying that he was a *Pittite* (a supporter of William Pitt the Younger, Britain's youngest prime minister) (W.S. Lewis, *op.cit.*, vol. XX, p.435). In 1749, Brand married Lady Caroline (or Carolina) Pierrepoint, daughter of Evelyn Pierrepoint, 1st Duke of Kingston-upon-Hull, and half-sister of Lady Mary Wortley Montagu, but following her premature death Brand, to 'dissipate his grief' started travelling extensively (*ibid.*). In June 1754, he returned to Italy spending time in Rome where he was buying paintings on his own account and for William Wentworth, 2nd Earl of Strafford, a fellow member of the *Dilettanti*, including Wilson's *Eco ful in Arcadiae* (private collection). From Rome he moved on to Florence where he met up with Mann who wrote to Walpole on 12 April 1755 that Brand was spending 'his whole time in the Gallery [the Uffizi] and seeing other curiosities' (Ingamells, *op.cit.*, p.117).

The amatory and slightly risqué nature of the ivory plaques on the present cabinet correspond to what is known of Brand's personality largely derived from Walpole's letters. That he was a natural *bon viveur*, despite being afflicted during a certain period by grief at the death of his wife, is evident. Walpole described him as 'naturally all cheerfulness and laughter' (W.S. Lewis, *op.cit.*, vol. XX, pp. 434-435), and in correspondence wrote 'You love laughing; there is a King dead [George II]; can you help coming to town?' (*Ibid.*, vol. XL, p. 186). Both Brand and Walpole were quintessential patrons of the arts; Brand was a Director of the Opera and an early member of the Society of Dilettanti from 1741, in *dilettanti*, George Knapton (d.1778), masquerading in Van Dyck costume holding out a Correggio-like drawing of a Madonna with his left hand, harking back to Van Dyck's 'Inigo Jones' (Bruce Redford, *Dilettanti, the Antic and the Antique in Eighteenth-century England*, Los Angeles, 2008, p.40).

THE IVORY MEDALLIONS

Although the disposition of the ivories on the Brand Cabinet is identical to that on its counterpart designed by Walpole, the overall tone is more light-hearted as has been noted above. Despite taking classical sources as a starting point, in fact only three of the ivories are common to both: the Walking Lion, probably derived from a bronze by the sculptor Giambologna, the Farnese Hercules, and a profile of the Gorgon Medusa. In general, Brand seems to have instructed the artist (or artists) responsible for mortals. The two main rectangular reliefs depict *Jupiter and Io* (after the painting by Correggio now in the Kunsthistorisches Museum, Vienna) and *Leda and the Swan*, another of Jupiter's dalliances with a human partner. In addition, the cabinet includes a plaque of *Cupid carving his Bow* (after the painting by Parmagianino, also goddess of love. These latter consist of the *Callipygian Venus*, the *Venus de' Medici* and the *Venus with a Dolphin*, thought in the 18th century to be after a model by Michelangelo but now recognised to be a composition by Giambologna. The theme is continued with the pairing on the left door of the cabinet of Hercules opposite Omphale, who so dominated her lover that she is usually depicted, as here, in possession of both his club and lion skin. The remaining reliefs all seem to be portraits after ancient sources apart from the plaque in the lower left corner of the right door. This appears to be a contemporary or near contemporary portrait, and may depict an individual with a particular significance for Brand himself.

Just who might be responsible for creating these ivories remains a difficult question, and judging by the varying facture of the plaques it seems likely that there was more than one artist. Certainly there was a booming trade in Italy for small ivory reliefs after classical subjects. These were produced as souvenirs of the Grand Tour by artists such as Giovanni Battista Pozzi (*circa* 1670-1752), whose relief of *Diana and Calisto* is documented in the collection of the Duke of Portland in 1725/26 (see C. Theuerkauff, *Elfenbein - Sammlung Reiner Winlker*, Munich, 1984, no. 61, pp. 114-117). However, many of the same subjects continued to be produced in ivory, wood, and even glass paste by men such as William Tassie (d.1860) well into the 19th century (see N. Barker ed., *The Devonshire Inheritance - Five Centuries of Collecting at Chatsworth*, Alexandria, 2003, no. 197). The ivories could easily have been purchased for Brand through one of the contacts he had made while on the Grand Tour himself, or it may be that Brand's friend Walpole purchased them for Brand when Walpole acquired the ivories for his own cabinet.

The apparent difference in the treatment of several of the plaques, perhaps most notable in the two figures of *Leda* suggests that more than one artist was responsible for these ivories. On the Walpole Cabinet, it is documented that the Flemish artist Jacob Frans Verscovers (or Verskovis) carved the standing figures which adorn the pediment, as well as the festoons and eagle heads below. It therefore seems likely that Verskovers was responsible for these elements of the Brand Cabinet, and may have been asked to carve a number of the ivory plaques to supplement plaques which had been purchased in Italy.

KEY TO THE SUBJECTS OF THE IVORY PLAQUES

1. Walking Lion, after Giambologna
2. Classical Head
3. Venus Callipyge, the original in the Museo Archeologico Nazionale, Naples
4. Classical Head
5. Farnese Hercules, the original in the Museo Archeologico Nazionale, Naples
6. Jupiter and Io, after Correggio, the original in the Kunsthistorisches Museum, Vienna
7. Omphale with Hercules' club and lion pelt
8. Classical Head
9. Faun with Pipes, the original in the Louvre, Paris
10. Classical Head
11. Classical Head
12. Cupid with his bow, after Parmigianino, the original in the Kunsthistorisches Museum, Vienna
13. Classical Head
14. Venus de Medici, the original in the Uffizi, Florence
15. Leda and the Swan, after the antique
16. Venus, formerly thought to be after Michelangelo, after Giambologna, the original in a Private Collection
17. Contemporary Portrait
18. Belvedere Antinous, the original in the Museo Pio-Clementino, Vatican
19. Medusa
20. Leda and the Swan

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ATTACHMENT 4

CARVED IVORY GROUP OF THE VIRGIN AND CHILD

President: Lord Inglewood, F.S.A. **Chairman**: Anthony Browne. **Secretary**: Christopher Battiscombe, C.M.G.

Antiquarian Booksellers' Association ▪ Antiquities Dealers' Association ▪ Bonhams ▪ The British Antique Dealers' Association
Christie's ▪ LAPADA, The Association of Art and Antique Dealers ▪ The Royal Institution of Chartered Surveyors
Society of Fine Art Auctioneers and Valuers ▪ The Society of London Art Dealers ▪ Sotheby's

J.M.V. *Collection Marquet de Vasselot*

~20
GROUPE EN IVOIRE SCULPTE REPRESENTANT LA VIERGE A L'ENFANT TRONANT
PARIS, VERS 1250-1280

Entièrement sculptée en ronde-bosse; le revers du trône décoré d'arcatures aveugles gothiques et de bandes de rosettes; importants restes de dorure et de polychromie; deux étiquettes en papier à l'intérieur, l'une imprimée d'une figure de saint Martin sous une couronne et la seconde portant l'inscription 'E.U.1900/ M Martin Le Roy'; quelques restaurations, manques et accidents mineurs
Hauteur: 37.8 cm. (14⅞ in.)
Ce lot est fourni avec un test au carbone 14 attestant la certitude à 95% d'une datation de cette ivoire entre 1020 et 1240.

€1,000,000-2,000,000 US$1,400,000-2,700,000
£900,000-1,800,000

PROVENANCE:
Provenant par tradition de l'abbaye Saint-Michel de Frigolet (Bouches- du-Rhône) durant la révolution française. La tête de l'Enfant faisait partie de la Collection Carrand jusqu'en 1883, où elle fut réajustée.
Collection Bligny à partir de 1882.
Collection Victor Martin Le Roy, Neuilly-sur-Seine avant 1900.
Collection Jean-Joseph Marquet de Vasselot, puis par descendence à ses héritiers.

EXPOSITION:
Exposition retrospective de Rouen, 1884. Exposition retrospective de l'Art Français, Paris, 1900, no. 84.

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R. Koechlin, *Les Ivoires Gothiques Français*, Paris, 1924, I, pl. XXVIII, no. 83.
J. Natanson, *Gothic Ivories of the 13th and 14th Centuries*, London, 1951, no. 25, p. 35.
D. Gaborit-Chopin, *Ivoires du Moyen Age*, Paris, 1978, no. 203, pp. 137-139, 205.
Paris, Galeries nationales du Grand Palais, *L'Art au temps des rois maudits - Philippe le Bel et ses fils 1285-1328*, 17 mar. - 29 juin 1998, no. 108, pp. 172-174.

Illustration du lot dans le catalogue de la collection Martin Le Roy, 1906

Among the numerous important works of art in the collection of Victor Martin Le Roy and Jean-Joseph Marquet de Vasselot, the present ivory group of the Virgin and Child was justifiably considered to be the apogee. Carved on an impressive scale and displaying an astounding technical virtuosity, it has been described by Danielle Gaborit-Chopin Gauthier as a rival to the celebrated ivory Virgin and Child group from the Saint-Chapelle in Paris.

Since antiquity, ivory has been a coveted material due to the fact that it can be carved with great precision and polished to give it a lustrous surface. The fact that it was also often difficult to obtain merely added to its prestige. In the gothic period, the rise in popularity of devotional objects prompted a huge proliferation of carved ivory items including diptychs, triptychs and free standing figures and groups. The range of size and quality among the objects produced was, however, substantial, as the modesty of many extant ivory panels attests. Only the wealthiest institutions and individuals could afford a large piece of ivory and only the most accomplished artists would be entrusted with such a valuable commodity.

Most of the important ivory groups that are known to us today were originally commissioned for a cathedral, abbey or other institution which enjoyed royal or noble patronage. The Virgin and Child from the Sainte-Chapelle, mentioned above, is a perfect example; it appears in an inventory compiled between 1268 and 1279 of the treasury of the royal chapel on the Ile de la Cité in Paris (Gaborit-Chopin, *op. cit.*, no. 100, p. 293). The Vasselot ivory group was traditionally said to have come from Frigolet, in Provence, which has been an important religious sight since early Christian times and which is known to have had an Augustinian monastery from at least 1133. During the French Revolution the ivory group was acquired from the abbaye de Frigolet by an unnamed individual whose grandson sold it to the collector M. Bligny in 1882. It was from Bligny that Martin Le Roy purchased the ivory sometime before he loaned it to the Exposition retrospective de l'Art français, in 1900.

When the scholar Raymond Koechlin published his seminal work, *Les Ivoires Gothiques Français* in 1924, he described the ivory group extensively. He refers to the fact that when it was exhibited at the Petit-Palais in 1900, it was 'of all the ivories exhibited, one of the most admired' He commented that there was 'Nothing more pleasant than this Child, seated on the lap of his Mother and reaching out his arms...she leans gently toward him, her head tilted and smiling gently, the regularity of the oval face already a little attenuated, like the folds of the cloak which fall less solemnly' ('Rien de plus aimable que cet Enfant assis sur les genoux de sa Mère et tendant les bras...elle-même se penche doucement vers lui, lat tête inclinée et legèrement souriante, la régularité de l'ovale du visage un peu attenuée déjà, comme celle des plis du manteaux qui tombe moins solonellement'; Koechlin, *op. cit.*, p. 102).

It is this gentle interaction between mother and child which is commented upon by a number of writers, suggesting that, despite its relatively early dating to the 13th century, the present group already foreshadows ivories of the 14th century with their greater emphasis on the humanity of their subjects. Gaborit-Chopin includes the Vasselot ivory in her chapter on the 'style monumental', which also includes the Virgin and Child groups from the Sainte-Chapelle and Saint-Denis, as well as the famous Deposition group now in the Louvre (*op. cit.*, pp. 136-145). These groups, she argues, are intimately related to architectural sculpture from some of the most advanced buildings of the day such as the cathedrals of Notre Dame in Paris and Amiens. However they still retain an originality and freshness which is entirely independent of the sculptors working in stone or marble. She dates the Vasselot group to circa 1250, which corresponds perfectly with the most 'modern' end of the spectrum provided by radio-carbon dating, which suggested a date between 1020 and 1240 AD.

In favour of a slightly later dating - to circa 1280 - is the apparent connection of the Vasselot ivory group to another seated ivory Virgin and Child in the musée Pierre de Luxembourg in Villeneuve-lès-Avignon (discussed in *L'Art au temps des rois maudits, loc. cit.*). Like the Vasselot ivory, the Villeneuve group is carved on an unusually large scale, and the Virgin is seated on a throne decorated with a trilobe-arch arcade beneath two rows of rosettes and pierced quadrilobes. Although more elongated in its proportions, the Villeneuve group displays the same heavy folds of drapery between the Virgin's legs, and the same idiosyncratic small, angular folds across the tops of her knees. If one can imagine the Villeneuve group without its polychromy, the faces of the two Virgins are extremely close, with the very narrow eyes, thin nose, arched brows and pointed chin. The face, and especially the curly hair of the two figures of Christ are also closely related, and it is interesting to note that the pattern of the gilded border on Christ's tunic in the Villeneuve group is identical to the border on the Virgin's gown of the Vasselot ivory. Considering that Frigolet and Villeneuve are approximately 15 km apart in the south of France, is it too much to suggest that there is some early connection between the two groups? Could the Vasselot ivory have provided the inspiration for the commission of the Villeneuve group, which has generally been dated to the early years of the 14th century?

Whether one accepts Gaborit-Chopin's dating to circa 1250 or one believes it could have been created slightly later in the century, there is no question that the present ivory group is a masterpiece of gothic ivory carving. It has been singled out as an exceptional work of art by every art historian who has published it since the 19th century, although it has more recently been lost to the world of modern scholarship. Unseen by the public for almost a century, it represents a high point in the fine arts of the gothic era, and its re-appearance among the possessions of Marquet de Vasselot's heirs is a remarkable event for amateurs, scholars and collectors.

For a discussion on the Stern paper label please see note to lot 5.

A CARVED IVORY GROUP OF THE VIRGIN AND CHILD ENTHRONED
PARIS, CIRCA 1250-1280
Fully carved in the round, the reverse of the throne with blind gothic tracery and band of rosettes, extensive traces of gilding and polychromy; two paper labels to the interior, one printed with St Martin below a crown and the other inscribed 'E.U. 1900/ M Martin Le Roy'; repairs, minor losses and damages

This lot is being sold with a radiocarbon dating measurement report stating there is a 95% certainty that the ivory dates between AD 1020 - 1240.