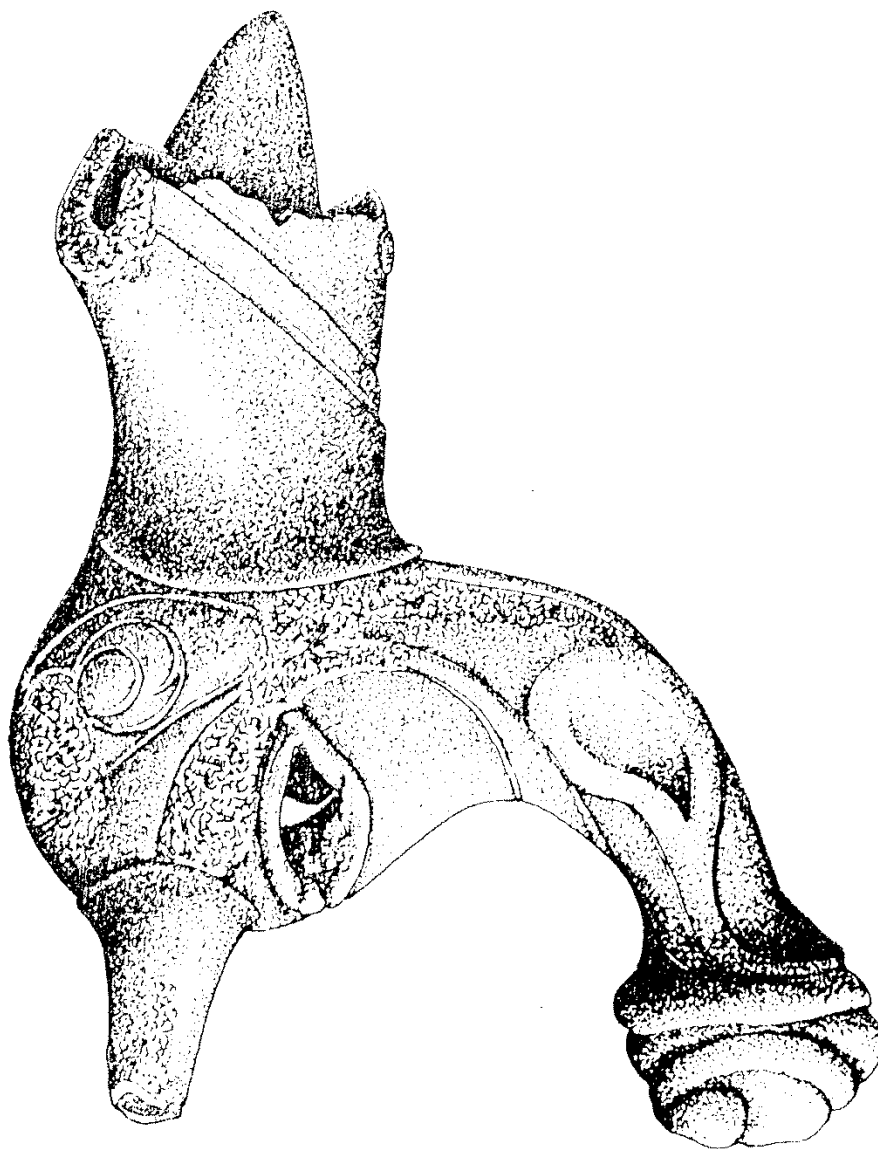

Society of Museum Archaeologists
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Newport 1989

“What’s Mine is Yours! – Museum Collecting Policies”



Edited by: Edmund Southworth
Society of Museum Archaeologists

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Foreword.

One of the features which distinguishes museums from their competitors is the wealth of material evidence for the past in the form of collections. Whether systematically acquired through fieldwork and excavation, bought painstakingly by a connoisseur, or simply pillaged abroad in the 19th century, these collections make or break a museum.

The Annual SMA Conference allows the society to debate the issues and look at the practicalities of matters which affect our particular branch of the archaeological and museum profession. The 1989 Conference at Newport looked at the reasons for collecting archaeological material, the ethical problems, the conflicts between museums, the relationship of museums with dealers, private collectors, legal obligations, the dispersal of collections and, fundamentally, the uses to which they are put.

The Conference was held at Newport Museum and Art Gallery and was a welcome visit to Wales by the Society. Our grateful thanks must go to Bob Trett, the Curator at Newport for organising the programme for the Conference and the physical arrangements, and the Museum itself for its hospitality. My personal thanks are due to Bob for assembling the papers for me and pursuing the contributors to this end. In turn I would like to thank all the contributors to this volume on the Society's behalf.

Edmund Southworth
Liverpool 1991

Front cover illustration:

Bronze mount in the form of a stylised animal.
Late Iron Age - found near Chepstow.
Newport Museum and Art Gallery.

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PERSONAL RECOLLECTION: THE MUSEUM TRIANGLE

Nicholas Thomas, Bristol Museum & Art Gallery

Each summer during the thirties, the Thomas family carried out their transhumance from Guernsey to London. To my mother it offered a blissful break from the insular life she never came to terms with. For four weeks she could be the cockney that her birth within sound of Bow Bells allowed. To my father it meant stealing off for as many of those days as he dared, to look at Museums. And he dragged me and my sisters with him. The girls loathed it. Row upon row of flint arrowheads or Chelsea figures, in cases still in mourning for Prince Albert's death, broke them, and it was many years before they, like all true Thomases, became collectors in their different fields. For me, the magic of the past was kindled there, in the showcases: though often brought home for tea grey with exhaustion, an unquenchable flame had been lit.

From the objects introduced to me by my father before the last war, to which the over-ripe riches of the Ashmolean's vast accumulations served as a delightful reinforcement during undergraduate days, I progressed to context - those arrowheads actually came from somewhere. In 1944 the Doodlebugs and rockets had driven the summer-holidaying Thomases (my sisters having escaped thankfully into WAAF and WRNS) to Wiltshire, where my father had been born. We stayed at Marlborough with a life-long family friend, old Dr Walter Maurice, on whose land just outside Marlborough the Manton barrow stood (that's Preshute GIA in Grinsell-speak). Dug in 1906 by Ben Howard Cunnington, Maud's husband, Walter Maurice had preferred to keep the world-famous grave group (gold halberd pendant, gold-bound amber disc, gold-banded shale bead *et al.*) in a little case on his imposing hall table. These were the things that greeted us on arrival and set the tone of that memorable visit to Wessex. And in 1952, when appointed curator at Devizes, I made it my first priority to scoop them up for Devizes. From our base in Marlborough my doughty dad led me on foot over the downs to Avebury - and back, before lunch, grey once again with exhaustion: and by bus to Amesbury, and a footslog to Stonehenge along roads choked with jeeps and trucks whose GI contents, preparing for D-Day, flattered my mother, who gamely accompanied us, with their optimistic wolf whistles. But the **impact** of my first sight of Stonehenge: of Avebury, half its houses spawned from the great

stones ; of barrows and ditches and man-made landscapes! To this 16-year-old the context was a knock-out.

One further element, introduced to me by that wartime escape from Sussex to Wessex, completed what I now see as the sacred triangle of our museum world. I met experts. At Avebury it was a striking man with a gravelly voice and dressed as a Special Constable who, in response to my schoolboy letter of enquiry, one afternoon presented himself at our front door clutching books for me. "I am Alexander Keiller" he announced. Later, following my queries about 'pits' to the British Museum, it was Thomas Kendrick, later Sir Thomas and Director of the BM, who wrote with careful explanations - "No, people didn't live in them; they were for storage of food". Kendrick!: never separated from his little carrying bag when out and about, for he was the most avid collector of railway tickets.

Objects, including their display; context; curators with their expertise: these are the three points of the triangle that constitutes a museum. These are what make us unique. Institutions lacking the first and third are not museums. They can be "heritage centres", "experiences", "theme parks" - fun, intriguing for children or dad maybe, informative even - but not museums. Let's be quite clear about that. Real objects and expertise set us apart in the business of preserving and presenting history to today and tomorrow. As for context, the third point in my triangle, that has to be documentation, sites-and-monuments records, an actual site, or information bringing an ancient landscape alive. As the BM (Natural History)'s marketing and communications manager, Chris Metcalfe, described us in part recently when cornered by the Press:

"..... a unique mix of experts, in a centre of excellence, working together to provide a public service"

Nothing like the real thing

In museums of the thirties, young Thomas saw extraordinary accumulations, some haphazard, some gathered with great skill and system. He remembers Devizes, of course, its entrance hall "festooned", as Stuart Piggott once described it, "with mantraps". His wartime private visit to Avebury Museum under

the shy guidance of Keiller's wife revealed flints and pots carefully excavated from the surrounding contexts of Windmill Hill and Avebury. The BM offered him the world. If museums inspired NT, they were generally a turn-off for Sir Henry Miers, writing his report on provincial museums in 1928: "... Rarely has a beginning been made on sound lines"...; "This process of accepting almost any offer has generally been continued to the present day and there have been few curators with sufficient foresight and determination to control the process...". "How dull many of them have become and how low the worst of them have sunk".

I suppose the volume and diversity of material crammed into our pre-war museums - some of them well over a 100 years old - which we have inherited, were the almost impossibly difficult yet incredibly rich legacy of Britain's imperial success. It meant that, for generations, people had been bringing back material of every kind from all corners of the globe. It meant also that museum-goers were accustomed to seeing and being vaguely interested by such exotica, presuming to find these things in every museum they visited. Along with Miers' uncritical curators we had uncritical visitors. Since museum education services are relatively recent, the process of teaching our visitors to question what they find, to wish to learn and not to be satisfied easily, is still taking time to work through.

As far back as the early 19th Century some learned societies, who ran museums, were collecting more or less systematically. Miers singled out the Spalding Gentlemen's Society (founded 1710). I could pick on my own museum, whose source was the Bristol Literary and Philosophical Society, founded in 1823. These highly learned gentlemen of the 1820's were issuing Bristol sea captains (who sailed the globe) with what were in effect shopping lists of objects - natural or human - that they wanted for the Society's growing collections. That was probably unusual. By the end of the 19th Century much of Bristol's collecting, like that of the majority of museums, had become haphazard and, as it happened, overwedded to the natural sciences. So, when there emerged in the city a far-sighted and inspired amateur archaeologist, W.E. Pritchard, the Curator of the day was at pains to hold him at arms length. Pritchard knew precisely what Bristol Museum should collect and how it must be displayed. He wanted the museum to concentrate on Bristol finds and historic relics from the many splendid buildings that were being demolished at an

alarming rate, in the name of development. Pritchard wanted the museum's fine new building of 1905 to include a Bristol Room, which could house the many 17th Century fire surrounds and other priceless architectural fragments that he had been rescuing and pushing in our direction. After much prodding (he was a powerful local figure, who had the Bristol and Gloucestershire Archaeological Society behind him) a room in the cellars was set aside for this purpose. In its annual report for 1906, with Pritchard clearly in mind, the Chairman of the Museum & Art Gallery Committee recalled:

"The Committee has not overlooked the question of providing accommodation for specimens of the ancient architecture of the City, and having no room on the ground floor of the Art Gallery building that could be used for the purpose, have set apart a dry, spacious room in the basement, where for the present such objects can be preserved, and where, by means of the electric light, they can at any moment be seen to advantage". Yet with Pritchard you couldn't win. As late as 1919 he felt:

"Full use can hardly be obtained by artist or student in an electrically lit apartment". "... I will say nothing of the correctness of the labelling".

As it happened, poor Pritchard, without whose unique zeal for site-watching whole acres of medieval Bristol would have gone unrecorded, met his match in Dr Bolton, head of the museum and a natural scientist. He could see no wisdom in preserving architectural fragments out of context; to whom Pritchard had become something of a menace. In 1927, seeking support for his policy of dispersal of these pieces from Sir Reginald Blomfield, the London architect and a V & A trustee, he moaned:

"For some years one local gentleman has urged the formation of an architectural court in the museum..... I have now, in the cellars, some six or seven mantelpieces....."

Ten years after Miers came S. F. Markham. His report of 1938 found indiscriminate accessioning to be continuing; and the country still to be without an authoritative central body charged with oversight of all public museums and galleries. His vision of museums in England included a series of large institutions located across the country whose collections were comprehensive - "not everyone can get to London" - while urging the great historical and

educational value of small local museums that specialised in a field of relevance to their area.

In 1963 it was the turn of Lord Rosse to report, to a museums world beginning to be seriously affected by the product of rescue archaeology. On the disposal of finds: "for items of national importance the needs of the National Museums must be safeguarded". Local finds, he urged, should remain as near to their sites as possible.

Although Miers had urged that every museum should have a collecting policy, "a definite, restricted policy based on the maximum service it can render to its own district or county", our contemporaries David Boston and Richard Harrison were urging the MA conference as recently as 1969 that collecting policies should evolve in response to changing ideas, as if they were still some strange new feature of what we nowadays call collections management. But by 1989, anyway, you won't achieve Registration, the key for unlocking Government millions, without a written, accepted, collecting policy.

So, this way and that, during more than 200 years, our museums have been accumulating the kinds of collections that make us envied throughout the world. For quality, diversity, depth, there can be nothing quite like it anywhere else. And our curators, one of my essential ingredients in the making of a good museum service, enjoy levels of professional expertise, through unique training facilities in this country, which are equally hard to match elsewhere. Constantly reviled though it may be, our Museums Association has a good deal to be proud of, whatever it now has in store for our student curators.

Total Collection Concept and its Development

I would like us all to embrace what I call the Total Collection Concept. It is the only possible riposte - provided that you believe in it - to the Councillor or MP or ordinary museum critic who suggests that we only show a little and hide the rest away in store, where we also reside, playing with or writing books about all the goodies that we keep away from our visitors. So these people constantly suggest that such things should be sold to pay for the roof repairs or whatever it might be.

My concept is that every single item in the collection has its place, is of value, and should be cherished. That what happens not to be on show in a public gallery is nevertheless an indispensable part of the

collection, thus making the 'stores' as valuable as the 'galleries'. I believe also that the collections should be as large as possible. The curatorial ordering of the collections through retrieval systems, constantly updated, and through presentation of associated archives, gives the specimens that context that formed the third part of my triangle. It is certainly not a question of: displayed/stored, good/not so hot, what we want/what we don't. If your collections threaten to seem like that, it is your fault and you must do something about it. A good collection is one in which objects, displays, documentation, associated archives and data, all of them readily available in study areas, come under one roof with curators as a unique, manned, cultural resource; a gathering of the tangible remains of history quite different from books and manuscripts and fancy visual experiences. A collection of my total kind is in-depth data for learning, a holding for inspiration, a showing that entertains as well as makes you think. This is why a good collection - almost any collection actually - is for treasuring, conserving, improving. All of it.

How should we set about developing these basic kinds of museum collections? Specialised? General? A total mix? Sir David Wilson suggests that if you specialise, then quality should be your principal criterion. If you mix it, the mix should be as mixed as can be. He thinks - and I absolutely agree - that you should build on strength. Likewise, if you have obvious weaknesses, you shouldn't ignore them: on the contrary, you should try to strengthen them.

You should not be afraid to strike out on new lines, although I find it hard, nowadays, to think of new lines. I shall always rejoice in the new line we thought of for Birmingham in the later sixties, when a freak, fleeting opportunity occurred. We bid for, and bought, the Pinto Collection and overnight were deep into treen. At Bristol I worked on Jimmy Bomford and suddenly we had a ready-made ancient glass collection, complete with trust fund to augment it. There was no particular need for treen at Birmingham. The toyshop of the world had concentrated on silver trinkets, jewellery and other metalwork and mixed media. I don't think wood was ever a speciality. But treen is lovely: full of warmth, craft skill, colour, **charm**. So why not just grab a few thousand pieces if they come your way cheap? - Collecting policy be damned! Except that in my day there we didn't have one. Glass on the other hand was a Bristol speciality in history. And to your Bristol Blue and Nailsea we also had fine French

paper weights and a unique holding of Chinese glass. But nothing much pre-18th Century. So to add ancient glass to an existing strength, especially a collection illustrating the origins of almost all subsequent glass-making techniques, made sense. And we continue to build there - as I hope Birmingham does its treen.

I have recently struck out on a genuine, minor new line, inspired by the late - bless her - Anne Hull Grundy's sudden, brief, flooding of Bristol with costume jewellery: **sweetheart brooches** - you know, the badges of regiment and unit, reproduced in gold, silver or cheapo metals, for mother, sweetheart, sister, daughter. Hull-Grundy had included a couple. I've gathered more than 50 now, seeing them as a specialism within costume jewellery (we have good costume too) and using them also as a link with our superb collection of services medals.

If you want another new line, very cheap still, but it will not last: augment your history displays with commemorative medals. There are a few specialist dealers to help you. And prices still really are low. The BM recently has been doing this with a specialism within Medals - art medals. Did you know that people like Elizabeth Frink occasionally design medals - little sculptures really, and remarkably low-priced?

I have wondered about pewter, a material I hate. And brass. As for ethno, here is a subject where you can collect actively in the field, bringing well-documented, fresh, Third World material into holdings that may have tended to be tired, ill-recorded and often stopping arbitrarily around the First World War. It is cheap too. What you do is to develop links with Third World people working in the U.K. who occasionally go home: or with Britishers going to Third-World countries for whatever purpose. Give them instructions and a shopping list - as the Bristol Institute did its Regency ships' captains - and a couple of hundred quid, and your collections will presently glow with new material, especially textiles, costume, small, genuine domestic articles - backed up with colour photographs and much other good documentation if your contacts have been well briefed. Or get a grant and go yourselves.

Where do all we museum archaeologists stand on the matter of foreign archaeology? Surely there is a place for ancient crafts, tools, weapons, from cultures a thousand miles away? Having worked under Adrian Oswald at Birmingham, nothing now angers

or distresses me more than the kind of collecting policy that says - to quote from a novel whose title I forget: "all abroad is hell". Its not, of course. It can be highly relevant to much of our own archaeology. And, quite simply, it can be more than wonderful in itself, even if it often lacks precise or reliable provenance. This does not necessarily make it 'merely a curio', as the MA definition of a museum would have us believe. Oswald, in the fifties, cashed in on the bandwagon of subscription to official British excavations abroad and received well-documented finds in return: ivories from Nimrud, grave groups from neolithic Jericho and from Cyprus, goodies from Egypt. We bought Greek vases at auction too, and classical terracotta figures. When Salisbury naughtily sold off its Blackmore collection in the later sixties, Birmingham bought the neolithic Swiss Lakes finds, and wonderful Danish flintwork. For Bristol I bought the Fawcett Collection, a small version of the typological material Pitt-Rivers assembled for Oxford, about which, I think, Fawcett was in complete ignorance. Why should there not be a scattering around the country of objects from other ancient lands, of material evidence for the way foreign cultures met and mastered the problems our own ancestors faced? Why should not Brummies and Bristolians gain joy and inspiration from the work of the great Greek Black and Red-Figure vase painters?

Of course, there may be ethical problems. In 1964 Sotheby's began selling a comprehensive series of early 6th Century BC terracotta roof tiles and upper wall cladding showing horsemen and griffins, all of the greatest charm and interest, which were clearly as fresh and as hot as they could be. They looked East Greek, a field in which I had wanted Brum to collect. In 1989 we would all exclaim: "don't touch them!! Unethical!", as the BM nobly did recently, when making no attempt to fill the gap in its wonderful holding of ancient glass by leaving the staggering Constable-Maxwell cage cup severely alone. In 1964 I reasoned that these tiles, clearly from a newly looted site in Turkey, had escaped the net; and unless somebody acted, they would be dispersed without record. So, over one or two sales, I bought a representative series, in connivance with Richard Nicholls, of the Fitzwilliam, an East Greek scholar, who generously left the field to Brum, although he was itching to buy them for Cambridge. With Sotheby's help I drew and photographed every tile that passed through their hands. And, helped again by Nicholls, I achieved a reconstruction drawing of

how they must originally have been fixed, and published it in an appropriate journal - my only excursion into hell-abroad archaeological scholarship. Soon after publication the grape-vine revealed the name of the site: Duver, in SW Turkey. Though handling loot, I had added to knowledge and saved a representative series for this country, whose contribution to Mediterranean archaeological studies has traditionally been so strong. I remain unashamed.

Certainly, Adela Breton thought that at least one museum in Britain, preferably Bristol, should collect Meso-American! "Who?" did you ask? Adela Breton (1849-1923), a spinster from Bath, unique, artistic, in-advance-of-her-time, intrepid almost-annual explorer in Mexico, with Mexican servant, on donkeys: meticulously recording details from Mexican temples now largely destroyed; among the founders of Meso-American archaeological studies. Largely forgotten. Adela Breton.

Here's Adela writing to Bristol University's Professor Lloyd Morgan, fellow member of the British Association in August 1899:

"I am looking about for a museum in which to deposit my collection of Mexican antiquities... Do you think Bristol would care for it? As it takes up the whole of my dining room (including a long dinner-party table) I am beginning to think it would look better in nice glass cases.....".

Adela got on well with our friend Herbert Bolton (Pritchard's favourite target). In 1918 she wrote to him:

"The Bristol Museum should become a headquarters of American archaeology in England. There must be rich men who could take up collecting, or financing expeditions".

Bolton had been helpful to her, though I suspect he may have begun to fear a new Pritchard, wearing skirts:

"A suitable case was provided for the large and interesting collection of Mexican objects deposited by Miss Breton, of Bath, who has resumed her travels in Mexico...." (*Annual Report*, 1900). In 1908 Adela had hinted that what she really wanted was a Central American Hall in Bristol Museum: shades of Pritchard and his Bristol Room! Needless to say, she

never got it. The first really significant showing of her collection has had to wait until this coming December, folks. But what a remarkable concept, which of course I wholly applaud.

How to Collect

We must start with a collecting policy. MGC demands it, Miers demanded it. It's the thing. Broadly speaking, it concentrates the curator's mind and informs your Committee of what you suggest they should be collecting. You should publish it, then all your colleagues will know of your wants and want-nots. Unfortunately, a collecting policy can be dangerously restrictive if its terms are too exact and inflexible. When drafting a policy, pay the closest attention to the wording. Write nothing that will tie you or your successors in a manner that you or they may regret. Fashion can change. New opportunities come up. If the policy firmly says 'no', your Committee will have to decide against your subsequent request. What if Birmingham had had a policy which included "we shall not collect trees"? The generally agreed 5-year review is not an adequate let-out. The crisis may occur in year one.

For similar reasons you should establish your geographical collecting areas with neighbouring museums, and incorporate it into the collecting policy. When Avon was created in 1973, Bristol, Bath and Woodspring carved it up and we have had no problems among ourselves since. We have, however, suffered a little from outside and I shall return to that!

We all prefer gifts. But if given, get the donor to confirm ownership in writing, and then, in writing well-witnessed, consign the ownership to your museum. This way, aggrieved members of the family, who want the East Greek tiles for their bathrooms, have no claim to them in law.

Borrowing, always a paperwork hazard, may be next best. But for heaven's sake don't lose loans. That way spells trouble and red faces. But a loan can become permanent in due course: can be an advantageous first stage if death duties and the like rear their heads. Have good photographs of loans. When I returned a loan of netsuke to Anne Hull-Grundy one time, she claimed that cracks and chips were new: NT had photos that proved otherwise. A donor/lender index is especially useful.

Exchanges are generally not on: but sometimes done nevertheless. Bristol's great treasure, a lovely 16th Century Benin bronze chief's head, was an exchange with a Sussex Museum between the wars. Heaven knows what we sent in return!

Rescue excavation can be a wonderful way of obtaining closely provenanced material: but if so, why not also research excavation, if you have the resources. If you have gaps in display or study material, why not select an already worked site and re-work it? Barrows, already robbed centrally, for example. A total excavation will complete the story and can often produce splendid material missed by the original excavators.

What about the product of metal-detecting? I'm not the hardliner here that I used to be. I think we should talk to treasure hunters, trying always to explain what scientific archaeology is about and to keep track of their finds. Our collections may be enriched: but, more important, we shall win the goodwill of people most of whom are deeply interested in our subject.

I love private collectors! I'm usually pretty scared of them too, not least because they tend to be rich: and awfully knowledgeable about their subject. As a breed they are egotistical: eccentric, not to say dangerously mad. Ruthless. Many don't like museums because an object in a museum is an object lost to a collector. But they are a potential source of in-depth material of quality, whether crumbs from their table or the whole lot, if, as they sometimes do, they tire of a subject and decide to change to something else. They seldom give much: you have to pay. But they can be helpful. Jimmy Bomford, who once appeared at Temple Meads station wearing the bedroom slippers he had forgotten to change before leaving London, extracted every penny he could from us for his collection: but reduced the price of each glass by 1/4. And he gave a very fine glass (just possibly fake) which we could sell and devote the funds to a Bomford Trust for buying more glasses. I coveted James Chesterman's fine collection of Greek terracottas for Bristol (Rabone-Chesterman the spring tape people) charming vignettes of ancient Greek life and costumes and habits: classical portraiture in miniature. But I could not persuade my colleagues and had to defer, with ill-grace, to the Fitzwilliam. Jimmy was useful to me personally however: he was expert with rabbits and on one visit was able to sex the rabbits our children insisted on keeping - important when deciding which should co-habit with which in which hutch!

Dealers and auctioneers can of course supply your needs. There is a grape vine, as Birmingham's Duver tiles revealed, and they are a major source of subtle information. Where finance is a prime consideration, there is a special dimension to working with dealers. But great kindness can be shown. I was at Sotheby's one day when Bomford was spending a lot of time and money gathering in glasses and other things. Near the end of the sale one dealer across the table was making so bold as to contest a piece with Jimmy. "Oh shut up" Jimmy bellowed. Which the dealer at once did; everyone loved it - and Jimmy.

You get what you pay for, whatever the currency. Do what my old colleague and friend Arnold Wilson always advises: spend more than you appear to be able to afford. Get the better or bigger one if there's a choice. Temporary debt soon gets forgot. Your collection will gain; and your reputation enhanced in retrospect, even if at the time you were given half an hour to clear your desk.

And should we de-access? No! We should not. And yet Hardly had I arrived in Bristol in 1970 before there was a letter from dear old Tony Gunstone, who'd stepped into my shoes at Brum. "Nick: you now have control of the Bowles Collection. The countermarked silver dollars in it are of no earthly relevance to you: but they were done in Brum and we don't have any ourselves. What about a sale? I agreed. My committee and the V & A agreed and the dollars went north, where they belonged. The cash in our pocket became a fund for buying Bristol mint coins Of course coins, like medals and stamps and prints, may be a special case - the only categories of genuine duplicates. But after 37 years curating I still say 'don't'. The moral is that you should never collect anything that is not absolutely relevant in the first place. MGC's guidelines for Registration cover this and that's wise.

'Nationals' and Regionals

I said I would, and I must, return to the matter of certain museums whose collecting may be pursued at the expense of others. Local or county museums cover their areas and their parameters are usually quite clear. There remain the large regional museums and the so-called 'national' museums. These latter, broadly speaking, will do what they will. In the end, as Sir David Wilson has also said, money wins the day: despite delegations to No. 10 pleading poverty, their disposable resources are vast in comparison with ours. In the fifties and sixties regional museums like Brum also threw their weight around, collecting

where they were minded. I recall with pleasurable embarrassment the efforts of Jocelyn Morris (Warwick County) and Adrian Oswald (Brum) to get there first when an archaeological find had been reported. I did it too. Now, I hope, this no longer happens.

But the BM goes marching on! In 1980 Ian Longworth described and thoroughly justified his acquisitions policy in our *Museum Archaeologist*. It is just that I cannot accept the concept of a 'national' collection. How can any museum's collection be 'national', i.e. definitive, the best, if, for the earlier bronze age it lacks the material at Devizes, Salisbury, Dorchester, Sheffield and Hull? I cannot accept that his collections are solely for scholars if, by implication, those at Devizes are not so also. You can't write a definitive tome - a good paper even - just at Bloomsbury. The national archaeological collection, surely, is scattered in museums throughout the U.K. It is what makes me so angry about press reports on the 'museums crisis'. This turns out to be restricted to the big boys in London. Our crises are far worse than theirs by comparison, as I said in a welcoming note to the BAFM delegates who held their AGM at Bristol this summer. My note did actually almost attract the media: but nothing outside London really catches the eye of Murdoch or Maxwell. I am saying simply that no one museum in the U.K. can or should hold the 'national' collection - of whatever it is, though I am minded to except RAF Hendon and Railways York. Nobody else. It's a non-concept.

That said, I must just urge that so-called national and regional museum staff should make absolutely sure that they respect local museum collecting areas when contemplating a purchase or, especially, the locating of a research dig or support of a rescue dig.

Here of course Treasure Trove raises its head. Good old Edward III granted Bristol rights of TT within our city boundary. I'm dying for a hoard of golden Battersea-type shields to occur there; they will be ours. But how shall we pay the reward? In fairness to the BM, I believe they usually fall over backwards to respect the provinces over TT and collecting generally. I just feel the principle is mistaken and unscholarly and should be queried whenever appropriate. I'm doing that now, as a good CBA man also should.

Display as much as you can

If objects are one of the three points in my museum triangle, that includes their display, a vital part of my Total Collection Concept. And display meshes collections into context, since a good display gives the things a setting. But are our display ideas now getting tired? The archaeological gallery at Cardiff is solid, efficient, quite attractive, informative, traditional. But for me it is brought to life mainly by the videos dotted about, each adding an authoritative gloss to some aspect of Welsh prehistoric material. That however takes much extra cash. Clearly we have to do something to present our collections afresh. Should we do it through themes other than chronology? For Egyptology, show **how** a coffin was made and decorated. All those classical sculptures at Merseyside: how did Roman sculptors actually make them? How were Beakers and Windmill Hill wares fashioned and fired? Show it. Have a go at bronzes technology and include the mixed media elements - wood, leather, bone, glue and so on for shafts, handles, scabbards and other missing parts. We should be able to be really interesting on woodworking; flint and stone tool making. Why was there such a range of shape and size in the humble scraper? Explain!

I like site museums. The thought that that broken Samian cup at Corbridge had actually been used there excites me. The reason why, of all the 'heritage' experiences, I like Jorvik alone, is because it includes a brilliantly presented, wholly traditional display of absolute goodies which came from the site (I won't comment on the clash of collecting policies which allows the helmet to live, sad and out of context, in the Castle Museum, where its display is therefore totally ineffective).

Should we not do more about temporary exhibitions? When will one of us put together a show entitled "Master potters in British prehistory" or some such? The impact on modern studio potters might be considerable. Good temporary shows can freshen both our collections and, more important, the perceptions of our regular visitors.

Conclusion

Forty five years on from my first encounter with archaeological objects, experts and sites, I continue to find an absolute magic and an inalienable element of truth in our museum collections. And I am still in awe of the mystery of curatorial expertise. These two elements alone are sufficient response to the threat

(for funds, popularity and so on) of the so-called heritage centres. I may have sounded old-fashioned, out of touch, when talking about actively collecting in places other than beneath the ground we stand on. With David Wilson and many others I believe that a museum that does not add regularly and visibly to its collections is a dead museum. Let us not therefore get too bogged down with ethical considerations nor impossibly ensnared with the unyielding cords of a too specific collecting policy. And let us show more, much more, of our collections. It is no bad thing to be festooned with some form of mantrap. You may lack display space, conservation facilities, storage, whatever it might be: but if some material on offer is of quality, if it has study potential, if, above all, it is likely to fascinate the public but will be gone if you hang about thumbing through your collecting policy - then go for it.

Sir Trenchard Cox believed that collections make curators: and curators make collections. Birmingham made him and he went on to become director of the V & A. I suspect that Neil Cossons will make the Science Museum, just as he made Ironbridge. But which has the stronger influence I cannot decide. Trenchard Cox never let on to me. That's why I turned it into a Museums Diploma essay question a few years ago, hoping for enlightenment. Alas, it didn't come. The students couldn't decide and perhaps in their uncertainty lies the answer. Many a museum, through the quality of its collections or the integrity of its approach inspires the staff to reach particular heights: who, in their turn, can bring further lustre to the museum. Either way I continue to believe that a good museum combines good collections and good curators. Society then has a unique kind of institution: the real thing, on display, expertly curated.

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THE FUTURE FOR MUSEUMS AND THEIR ARCHAEOLOGICAL COLLECTING POLICIES. THE IMPLICATIONS OF REGISTRATION

Chris Newbery, Museums and Galleries Commission

The Museums and Galleries Commission's (MGC's) Registration Scheme was launched in 1988 following a pilot scheme in North-East England and an extensive consultation exercise. We are now well into the second year of a four-year programme of implementation. Starting with the North-West, the North-East and Greater London in 1988/89 we are currently dealing with the East and West Midlands and the eastern part of the South-Eastern Area Museum Council. Our objective at the end of the four-year period is to have registered all U.K. museums wishing to take part in the scheme. Thereafter there will be a rolling programme of Registration renewals (on a five year basis) and new admissions. A more detailed progress report concerning implementation of the scheme can be found in the September 1989 edition of the *Museums Journal*.

The key requirements of Registration are:

- i) accordance with the Museums Association's definition of a museum or, if appropriate, the MGC definition of a 'national' museum;
- ii) an acceptable constitution and financial basis, and compliance with all legal and planning requirements;
- iii) publication of an acceptable statement of collection management policy;
- iv) provision of a range of public services and facilities appropriate to the nature, scale and location of the museum;
- v) access to professional curatorial advice.

What concerns us today is what constitutes an acceptable statement of collection management policy. A core requirement is the submission of an acquisition and disposal policy together with information about the museum's existing collections. It hardly needs pointing out of course, that the existing holdings of the museum may be very different in scope from that outlined in the collecting policy! To assist museums in compiling an appropriate policy the Registration guidelines spell out the information which should be provided in the following manner:

"Reference should be made to the nature of the collections and the criteria used to define their scope. The criteria should normally include the following: the subjects or themes of the collection; the period of time and/or geographical area from which the collection is derived; the limitations on collecting imposed by such factors as inadequate staffing, storage and conservation. Due account should be taken of the collecting policies of other museums in order to avoid unnecessary duplication and waste of resources".

The remaining guidelines covering acquisition and disposal policy are broadly the same as those to be found in the Museums Association's **Code of Practice for Museum Authorities**, and are usually adopted **in toto** by museums seeking Registration. It is stated for example, that acquisition policies should be published and reviewed from time to time, and at least once every five years. Acquisitions outside current stated policy should only be made in very exceptional circumstances and then only after proper consideration by the governing body of the museum itself. The guidelines also state that a museum should not acquire, whether by purchase, gift, bequest or exchange, any work of art or object unless the governing body or responsible officer is satisfied that the museum can acquire a valid title to the specimen in question, and that in particular it has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. So far as British or foreign archaeological antiquities are concerned, the guidelines state that the museum should not acquire by purchase objects in any case where the governing body or responsible officer has reasonable cause to believe that the circumstances of their recovery involved the recent unscientific or intentional destruction or damage of ancient monuments or other known archaeological sites, or involved a failure to disclose the finds to the owner or occupier of the land or to the proper authorities in the case of a possible Treasure Trove (in England and Wales) or Bona Vacantia (Scotland).

What has been the impact of Registration in relation to the adoption of collection policies?

The Museums Association's Data-Base Survey conducted in 1983 revealed that only 42% of respondents had formally adopted a written acquisition policy.

Breaking this figure down into the major constituent parts of the museum sector we find that 60% of the

nationals had such a policy; 40% of the independents and 45% of the Local Authority Institutions. Looking more specifically at museums with archaeological collecting policies the **Archaeological Collections in London** survey (1988) by Beth Richardson shows that only one museum had a published statement on archaeological collecting although at the time of the survey (1986/87) four other museums in London were preparing collecting policies.

At first sight the **Cost of Collecting** survey report (1989) by Gail and Barry Lord shows encouraging signs of improvement in these figures. Almost 70% of respondents to the cost of collecting survey indicated that they have formally adopted a written acquisitions policy and of those who have not yet adopted such a policy over 50% indicated that it was being drafted or had been drafted but not yet formally approved. However, the authors of the report point out that their survey was more limited in scope than the MA Database and contained a significantly higher proportion of museums with well-developed collecting policies than is true for the general museum population. Notwithstanding this qualification to the survey results, our own experience at the MGC demonstrates that Registration is already having a dramatic effect in the area of collecting policies. With few exceptions, the policies submitted to the Registration Committee were all written and adopted during 1987, 1988 and 1989; in other words during the period when Registration was either under discussion or starting to be implemented. During phase one of implementation the 'take-up' rate for Registration was 90% among members of Area Museum Councils in the sense that they had either submitted applications or had stated a firm intention to do so in the immediate future. This figure tallies well with the **Cost of Collecting** survey which reveals that 87.5% of respondents intend to apply for Registration. All being well then, at the end of the initial 4 year programme we should have a fairly comprehensive array of new collecting policies for U.K. museums.

But what about the quality of the collecting policies? The Registration Committee has tried to be as flexible as possible regarding the precise content of collecting policies and no museum is likely to be rejected purely on the grounds of an inadequate collecting policy. However, the Committee is quite prepared to take the line that it will only offer provisional registration if there are clear deficiencies to be rectified.

A good example is a museum in Lancashire with an important collection of Roman antiquities but with a collecting policy which was judged to be too ill-defined. The scope of this museum's collecting activity was stated as being that which relates to the history of the Roman occupation in the North of England and of the 'Blogtown' area in particular, while some material relating to the pre and post Roman heritage of the area might also be collected. The museum was written to by the MGC in the following terms:

"The acquisition policy is basically adequate as it stands but the first paragraph (scope of collecting) should be developed and expanded. This is important because the museum is seeking to acquire archaeological material from a defined geographical region. It will be necessary, for example, to make reference to the role of other museums acquiring archaeological material in the area. We accept that consultation and broad agreements may take some time to achieve, but recommend that you make this your aim with a view to up-dating your policy in the next year or two. We will be able to supply you with copies of other acquisition policies referring to Romano-British archaeology from your area, or indeed from the North of England, if that would be a helpful beginning". This factor together with a number of problems relating to the documentation of the archaeological collections led the Registration Committee to offer this museum provisional registration.

In framing an archaeological collecting policy I think it is important that a museum should look realistically at the constraints within which it operates. I don't mean that the constraints should always be accepted meekly as the ultimate arbiters of a collecting policy. However, they should be expressed clearly and honestly so that curators and governing bodies alike can understand their implications.

When the Leicestershire Museum, Art Galleries and Records Service revised its acquisition policy in 1986 (to cover the period 1986-90) it was quite open about the problems it faced. After mentioning that the service and its predecessor had served as the **de facto** county repository for archaeological excavation collections for well over a century and had been formally recognised as such by central government agencies since 1960, the policy statement went on as follows:

“It is a matter of considerable concern that the present accommodation for archaeological collections comes nowhere near the newly adopted criteria of the Museums and Galleries Commission and the Historic Buildings and Monuments Commission (HBMC) and hence that within three years the service may no longer be eligible to serve in this capacity”.

With reference to collecting activity more generally, the policy statement also makes the point that most objects offered to the service are unique, or nearly so, and if an opportunity to acquire a particular item is lost because of lack of financial resources or - even worse - lack of accommodation for the material when it is offered as a gift, the opportunity will rarely repeat itself. Summarising the position, the policy statement concludes that “there must be very serious cause for concern that acquisition decisions are already having to be made not on the basis of the value and importance of the objects or collection under consideration, but in accordance with the availability or otherwise of the accommodation available to house them, if acquired”.

Leicestershire’s statement is therefore very much in accord with the Registration guidelines which suggest that a collecting policy should refer to the “limitations on collecting imposed by such factors as inadequate staffing, storage and conservation”. As a starting point for a definition of adequacy I would recommend that reference be made to the MGC’s **Eligibility Criteria for the Grant-Aided Storage of Excavation Archives**, even though (unlike Leicestershire) your museum may not be in receipt of HBMC funded excavation archives.

Although we are currently reviewing the implementation of these guidelines with the help of the Society of Museum Archaeologists, I doubt that we will want to reduce the standard in any way. On the contrary, our objective should be to increase the number of approved stores by targeted grant-aid.

Of the museums that have been accorded full registration status so far, it may be useful to pick out some examples of good (or at least adequate) practice, especially in relation to the thorny issue of the geographical scope of collecting activity. London has always been a problem area with regard to collecting areas and the situation has got more complicated in recent years as more Boroughs have established local museums. The **Museum of London** obviously occupies a central and sensitive position

in this regard. It has recently published a detailed acquisition and disposal policy, and sections 3 and 4 of this document are particularly relevant to this discussion. Section 3 is concerned with the direction of future collecting for the museum as a whole, and paragraph 3.3 is worth quoting in full. “An important matter which has a bearing on the direction of collecting in the future is the relationship between the Museum of London and the national, specialised and local museums concerned with London. A number of museums at all levels might reasonably have an interest in acquiring a given object or group of objects. Undoubtedly major issues can be resolved by agreement with the owner and having regard to the justifiable interests of others. In formulating the Museum of London’s claim to be offered an object or collection, or to pursue a particular direction in active collecting, it would be necessary to establish that it relates to a theme of London-wide rather than local significance”.

Section 4 of the document begins with an outline of the existing archaeological collections and then goes on to detail future archaeological collecting policy as follows. “The Museum of London aims to acquire all material and associated records derived from excavations and the recording of buildings undertaken as part of the archaeological services in Greater London (except within the boroughs served by the Passmore Edwards Museum) and chance finds of high intrinsic importance. It is the Museum’s view that such material is best cared for by an organisation with the necessary specialist staff as part of a wide collection in regular use by scholars. Most excavations except in the Passmore Edwards Museum area, are undertaken by, or under the auspices of, the Museum of London. The maintenance of this archive centrally is the proper solution and the status of the Museum of London as the central archive of finds and data derived from excavations supported by English Heritage is recognised by English Heritage and the MGC. Clear policies have been established for deciding what material from an archaeological field activity is retained”.

The Museum of London’s policy was fully acceptable to the Registration Committee in the way that it specifically mentioned the role of the Passmore Edwards Museum and stated that it would pay due regard to the justifiable interests of others. The fact that the Museum of London continues to lend local archaeological material to museums like the Museum of Richmond with adequate security and environmental

controls obviously helps to gain acceptability for this policy among the other museums in London.

At this point I think it will be helpful to look at the policies of two London Borough Museums which have been accepted by the Registration Committee. Both make detailed reference to the legitimate collecting interests of other museums in the London Area. **Bruce Castle Museum (London Borough of Haringey)** has adopted the following archaeological policy:

a) To collect documentation of archaeological excavations and finds within the London Borough of Haringey.

b) The Service does not have an archaeology department and is therefore not qualified to initiate or direct any excavated work itself. The Service will liaise with staff of the Greater London Archaeology Department of the Museum of London, who provide a rescue archaeology service for the borough.

c) To collect archaeological material from this area from the earliest times to about 1900, whether obtained by organised excavation or through casual finds, having regard to legal restrictions and to considerations of storage and conservation.

Bromley Museum (London Borough of Bromley) states in its policy that most of the archaeological acquisitions (including records) are likely to be from properly controlled and scientific archaeological excavations and surveys carried out by the staff of the Museum, the South East London Archaeological Unit or by other reputable archaeological organisations. It recognises the need for co-operation and consultation between national and provincial museums with similar or overlapping interests and collecting policies and states that it will seek to consult with such other institutions both on specific acquisitions where a conflict of interest is thought possible, and more generally on defining areas of specialisation, especially with Museums Services in neighbouring boroughs both in Greater London and the counties of Kent and Surrey. Reciprocal agreements will be sought in such cases.

It has to be said that Registration can only establish the framework for collaboration with regard to collecting activity. Much will continue to depend on sound professional practice and good personal relations fostered through organisations like the Society of

Museum Archaeologists, Regional Museum Federations and County-wide Consultative Committees. However, if it can be demonstrated to the MGC and its Registration Committee that an institution has blatantly disregarded its published collecting policy it will always be open to the MGC to de-register a museum subject to the normal appeals procedure.

Moving now to the north-east of England I shall give two further illustrations of archaeological collection policies which have been accepted by the Registration Committee. An example of a succinct but reasonably comprehensive archaeological collecting policy is provided by **Cleveland County Council's Museum Service**. It states that "the County Archaeology Section collects archaeological material, items and other records relating to the history of man's use and occupation of the Lower Tees Valley and its hinterland. The collection's scope includes all material which may be used to illustrate the history of human occupation in the area, and material which assists in this interpretation, including maps, documents, excavation records and air photographs. The collection policy acknowledges the published collection policies of museum services in the Region". It goes on to state that the collection will include:

i) Archaeological finds and excavated material from land owned by the County Council.

ii) Archaeological material excavated in the area of Cleveland and the Lower Tees Valley and placed in the care of the County Archaeological Section.

iii) Archaeological objects or associated records from Cleveland and the Lower Tees Valley placed in the care of the County Archaeological Section.

iv) Archaeological objects or associated records that have a connection with the history of occupation of the Cleveland area and the Lower Tees Valley.

Within the County of Cleveland the District of Langbaugh operates its own museum service based on **Kirkleatham Old Hall**. Its archaeological collection which is mainly the result of the County Museum Service taking responsibility for archaeological fieldwork, collection and recording. The Museum's policy states that this situation should continue with the museum passively collecting and liaising with the County over the excavation and recording of sites in, and finds from Langbaugh and

the loan of artefacts for exhibition and interpretive purposes.

As I have previously mentioned, these archaeological collecting policies taken within the context of the broader acquisition and disposal policies submitted by museums seeking Registration have all been deemed satisfactory. The policies (which I have not quoted in full) have adequately described the nature of the existing collections; the scope, purpose, and future direction of collecting activity; the capacity of the institution to care for the collections; and they have recognised the need to take into the account the collecting policies of museums with similar interest. It is worth noting that none of the collecting policies mentioned above contain anything like a "shopping list" of sought-after objects. I know that some museums have been worried about publishing detailed collecting policies which would give away confidential information about potential acquisitions. Registration should not be seen as a threat in this respect.

Even in those areas where the Registration process has not yet begun there has been significant progress in promoting regional collecting agreements. To be fair, Registration cannot take all the credit for this! As long ago as 1977 the Sussex Curators Group Archaeological Working Party (SCGAWP) was formed with a primary objective to rationalise the archaeological collecting areas of the six Sussex Museums with substantial existing archaeological collections. It was intended to try to settle conflicting claims to certain areas and also to indicate to the recently formed Sussex Archaeological Field Unit which museums would receive the large quantities of excavation finds expected to result from an active programme of fieldwork in the area.

The SCGAWP drew a map of Sussex showing all the parish boundaries and indicated agreed collecting areas by means of shading numbered parishes and using an accompanying checklist of parishes to permit precise identification. It has not yet sought to change official attitudes but has aimed to establish a working compromise among the museums themselves. The SCGAWP has always recognised the claims for smaller local museums, with appropriate professional staffing and facilities, to collect within their own localities and the original group has now expanded from six to eleven museums.

It is admitted in the SCGAWP policy statement that there will be some instances when it is inappropriate or impossible for material to go to the designated museums. For example, it is desirable from an archaeological point of view for material from one site to remain together as far as possible, so finds from a small trial trench on a certain site should logically go to whichever museum already holds the principal collection from the site. In other cases an owner/donor may object to a particular museum or a museum may simply not have the facilities to receive a very large quantity of excavated material. In all such cases however it is agreed policy that the museum in whose collecting area the site falls should be kept informed and ideally should be involved in decisions.

The archaeological collecting agreement for Sussex appears to be working satisfactorily and the collecting area map was recently revised (1988). When the Registration Scheme comes to Sussex the Museums in the area will be able to demonstrate that they are taking due account of the collecting policies of other museums with similar interests.

Other initiatives concerning regional collecting agreements have been more directly prompted by the onset of Registration. A good example is in Yorkshire and Humberside where the local Area Museums Council (YHMC) has been pursuing the recommendations of a report entitled *Archaeology Collecting in Yorkshire and Humberside* (1988). The Report was produced by a YHMC Working Party chaired by David Crowther, and its principal recommendation was that six Archaeological Advisory Panels (AAPs) should be established by YHMC, respecting modern county boundaries and oriented so as to embrace clusters of difficulty or conflict among the museum community. It proposed that membership should include both active and non-active museums as defined in the Working Party Report. The report specifically recommends that each Archaeological Advisory Panel should assist museums in meeting the requirements of Museums Registration and should review and amend such policies on a regular basis.

It was recognised that AAP policies could not undermine the autonomous museum authority's right to adopt whatever collecting policy it chooses. However, it was agreed that AAPs would be a mechanism for working towards policies that are mutually compatible and with Area Museum Council

advice, appropriate, given the resources available to each museum. It was also proposed that the AAPs should be required to seek advice and comment from relevant field organisations, and could thereby become an effective medium for developing the management of archive transfer that will require planning and budgeting for in the years ahead.

This is all splendid stuff, very much in line with the objectives of Registration and a possible model for other regions to copy. The point that the YHMC Working Party makes about effective liaison with field organisations is an important one. Although not a condition of Registration, museums should seriously consider drawing up **conditions for acceptance of archaeological material derived from field organisations** on the model of the Somerset County Museums Service. This Museums Service reserves the right to refuse such collections unless the following conditions are met:

1. The County Museum must be informed at an early stage of the proposed fieldwork.
2. The museum must be involved in the planning stages and an attempt should be made to estimate the volume and types of material likely to be collected/excavated and the possible conservation implications.
3. The fieldwork organiser will at an early stage settle the issue of ownership of the finds and acquire a written statement from the owner over their future. Ideally the material will be donated.
4. Fieldwork recording will take place in a manner compatible with the accessioning system of the museum. This will involve use of an accession number which will be awarded to the project in advance, and use of the museum object registration forms. All finds, samples, photographs, drawings and other records will be clearly and systematically numbered in the agreed manner by the field worker.
5. The whole archive including records will be handed over (note: under normal circumstances the records will be housed at the Somerset Record Office).
6. Lists in manual or IBM compatible machine readable form should be provided at the time of handover, or earlier, of all artefacts, samples, documents and records placed with the museum. There should also be a record of anything that may

have been retained or placed elsewhere (note 5 above).

7. The archive is to be organised and stored in a manner agreed in advance with the County Museum.

8. Where the archive includes unstable material e.g. iron or water-logged wood from archaeological excavations that have not been stabilised or treated, this material should be packed in the appropriate microclimate (normally in sealed containers with controlling agents) in a manner agreed with the Museum. Such containers should be clearly identifiable on their arrival at the Museum.

Ian Longworth writing in the *Museums Journal* (September 1987) about the British Museum's collecting policy, likened the drawing-up of a collecting policy to a letter from a bank manager. "They offer us an opportunity for reflection and make us question our lives: not just questions of 'what have we got?' and 'should we have more?' but that far more fundamental catechism of why? - the philosophy behind the policy; how? - the definition of how best to implement that philosophy, and perhaps most vexed of all, the question of from where?". If registration can make curators think through their museum policy in this way then we will have achieved a lot. And it should not be forgotten that the acquisition and disposal policy needs to be formally approved by the museum's governing body in order to conform with the Registration guidelines. This should give a real sense of 'ownership' to the museum policy and hopefully lead to the necessary resources being made available to realise its stated objectives.

GEOGRAPHICAL CONFLICTS - THE WELSH SITUATION

Bob Trett, Newport Museum and Art Gallery

The subject of conflicts in museum collecting policies is not new. The matter was aired in a seminar at the British Museum on 27th June 1986. Regrettably I was not able to attend that particular seminar although the Welsh situation was covered by Richard Brewer on behalf of the National Museum of Wales and by Chris Delaney of Carmarthen Museum on behalf of Welsh regional museums.

By co-incidence the 6th Welsh Archaeological Conference hosted by the Council of Museums in Wales and the National Museum of Wales in December 1989 at St. Fagans includes discussions relevant to this talk and therefore a detailed analysis of the Welsh situation may not be appropriate in this paper. However I intend to preface my own comments by reference to the British Museum seminar. Anyone wishing for more details of this particular seminar can read the individual papers in the *Museums Journal*, Vol. 87, No. 2, for September 1987.

Richard Brewer summarised the archaeological work of the National Museum of Wales by saying that it functioned not only as a national museum but also had a local presence through its branches at Segontium near Caernarfon, and at Caerleon within the present Borough of Newport. It also had plans for extending its role in Welsh regions.

To me, as to anyone else working in Welsh archaeology, the importance of the work of the National Museum of Wales is unquestioned. Apart from their own museums and their own excavations and research projects, they have co-operated in mounting exhibitions at a number of ancient monuments in the principality. They have also given invaluable assistance to many local museums through loans, new displays, conservation work and practical advice. Indeed the important Caerwent collections at Newport Museum were first listed by V. Nash-Williams from the National Museum. More recently several important items or groups of material in this museum have been published by members of the National Museum's staff.

Richard Brewer went on to say that the N.M.W.'s archaeological collecting policy is to acquire, to preserve and to display a collection which reflects the heritage of the whole of Wales from the stone age

to the post-medieval period. In addition to this it seeks to acquire those outstanding antiquities which it considers of national importance to Wales.

He also stated that "As a national institution the National Museum does not wish to poach material rightly belonging to a local museum, and is careful not even to appear to do so."

Brewer concluded with the remark that the National Museum desires to develop its collecting policies in a spirit of harmony and co-operation with local museums in Wales, and to this end has initiated informal discussions with both Cadw and the Council of Museums in Wales to seek mechanisms for achieving this.

In his paper Chris Delaney identified 18 museums or museum services in Wales which he considered had, or at least had pretensions towards, a role in the collection, conservation and interpretation of archaeological material. Except for Bangor all were based in mid and south Wales.

He also pointed out that potential conflicts could occur not only between regional museums and the National Museum, but also between Welsh museums and museums in England such as Chester Museum.

He reviewed the relationship of the National Museum of Wales to the local museums by saying that initially he believed the relationship to be paternal. However with the creation of the Council of Museums in Wales and the increase in professionally trained staff in local museums there was a need for a "working relationship" between fellow professionals.

Both speakers referred to the importance of the role of the four Welsh Archaeological Trusts from where the bulk of archaeological material is now derived. Whilst the Trusts are keen to ensure that wherever possible the finds go to a local museum, the National Museum has also greatly benefited from the results of their endeavours. Indeed it could be argued that it is not the role of an Archaeological Trust to decide which museum has what and that the owner's rights should be paramount.

So what is the problem? At present there are few actual disputes. As one curator from mid Wales, (who is an archaeologist), said to me. "We would like to acquire the archaeological material from our area, whether from private sources, Cadw, the Trust,

or material in the National Museum of Wales. However with our restricted resources for staff time, storage, display, conservation and public access, as well as security considerations, at present we are not in a position to **demand** this material from the Dyfed Archaeological Trust."

So far there do not seem to me to be any particular problems or conflicts between the local museums themselves. For example Newport Museum has a country-wide collecting policy which includes the area covered by the Monmouth District museums. Monmouth, Abergavenny and Chepstow all have produced important archaeological material from recent excavations and I hope that these finds will be housed in the appropriate local museum in these towns. In Monmouth the situation is complicated by the fact that the Monmouth Archaeological Society has retained the fruits of many years of their own excavations, at least until post excavation work has been concluded and until Monmouth Museum has facilities to take these finds. Newport Museum has refrained from involvement in these sites, although the National Museum has made its own independent approaches to the Monmouth Archaeological Society. A recently discovered prehistoric wet-wood site in Caldicot Castle Park is producing a wealth of material. Whilst Newport Museum has given some assistance it is hoped that the finds themselves will be housed in Caldicot Castle. Co-operation is ensured by direct communication between museum staff, normally on a totally informal basis. Indeed we have agreed to provide the Monmouth District museums access to material from Newport Museum for display or reference once they are in a position to use it.

In his paper at the British Museum seminar Richard Brewer dealt briefly with the particular problem existing between the National Museum and Newport Museum regarding material from Caerleon. This has probably been the most contentious dispute between a local museum and the National Museum. I intend to conclude this paper by examining the particular concerns and by referring to a similar problem relating to excavated material from Caerwent. I also wish to make my own assessment for resolving such problems in the future.

The chief area of contention over Caerleon relates to the excavation by the Glamorgan Gwent Archaeological Trust of land outside the Legionary fortress and known as the Mill Street excavations. The site came into the possession of Newport Borough

Council prior to redevelopment. It proved to contain the remains of a hitherto unknown settlement which would have been associated with the Roman fortress. The excavations resulted in the discovery of a large quantity of small finds of both civilian and military nature. The policy of Newport Borough Council, decided at a senior level, was that the Council would retain ownership but if appropriate allow the bulk of the material to be deposited on loan to the Legionary Museum of Caerleon, a branch of the National Museum.

In deciding this policy the Council were mindful of the fact that Newport Museum was in the process of a major redisplay of its own collections. This consists primarily of material excavated in the 1900's from Caerwent and donated to the Museum by Lord Tredegar. The collection contained important material but was lacking in certain areas needed to allow the Museum to interpret, at least in general terms, the archaeology of the County of Gwent. In particular there were very few Roman items of a military nature suitable for display and even greater problems with the prehistoric and medieval collections.

At the same time the Council was aware of the role of the Legionary Museum in Caerleon, which is after all a site museum where the bulk of the finds are housed. In 1986 the Director of Leisure Services of the Borough Council wrote to the Director of the National Museum listing seven principles governing our policy. These were:

1. Archaeological material excavated from land owned by Newport Borough Council is the property of the Council (except where items are deemed Treasure Trove by H.M. Coroner's Court of Inquest).
2. Such material may be loaned to the National Museum of Wales or any other responsible institution. Material from Caerleon will not be loaned to any other institution without prior consultation with the National Museum of Wales.
3. The nature and extent of any loans cannot finally be determined until excavations on the land concerned are complete, but this should not prevent satisfactory interim arrangements being made for conservation and display.
4. Matters concerning loans shall be the subject of consultation.

5. The specialist role of the Legionary Museum will be taken into account in the policies of Newport Museum, and much of the material excavated in Caerleon and district will be deposited at the Legionary Museum.

6. Excavation records should be housed with the material concerned and copied for the benefit of other institutions upon request.

7. Information relating to archaeological sites and finds acquired by each museum should be passed on to the sites and monuments officer of the appropriate archaeological trust.

No response was received from the National Museum regarding general principles although as a result of informal discussions between the Research Assistant in charge of the Legionary Museum and myself arrangements were put in hand for the loan to the Legionary Museum of an amphora neck bearing an inscription of the Second Augustan Legion. We requested in exchange the loan of a funeral inscription of a military nature since these were not represented in our collection and we were aware of a number of such pieces in the National Museum which were not displayed. This arrangement was confirmed as being acceptable by the then Keeper of Archaeology and Numismatics at the National Museum. In this matter we felt the spirit of co-operation was working in the interest of both museums and of the public display of archaeological material.

Unfortunately the continued lack of response to our stated collecting policy meant that arrangements had to be made with the Glamorgan Gwent Archaeological Trust, and without involving the National Museum, for the excavated material from Mill Street. Indeed, although this is now past history, it is with regret that we were not able to make arrangements for conservation work to be undertaken in the National Museum's conservation department, despite the agreement of the senior conservator there and despite the fact that we were prepared to fund the employment of a contract conservator. The end result has been that Newport Museum is now heavily committed to the conservation, publication, storage and display of the entire Mill Street collection. This commitment is now such that it would be impossible for us to pull out without serious damage to the post excavation programme.

A parallel source of contention has been the absence of any agreement on collecting policies regarding excavated material from the Roman town of Venta Silurum, modern day Caerwent. The first major excavations of the site were carried out between 1899 and 1913 on behalf of a committee chaired by Lord Tredegar. The subsequent donation of the finds to Newport Museum by his lordship resulted in an acrimonious dispute with the local vicar. There is nothing new in such territorial conflicts. However, with some exceptions, later excavations were carried out under the control of the National Museum, and the finds are now housed at that museum. In particular the National Museum, on behalf of Cadw, is still continuing with its programme of re-excavation of the temple site, forum and basilica, sites where previously discovered finds are housed at Newport.

My main concern is not where this excavated material is displayed. After all there is more than enough material from both Caerleon and Caerwent to satisfy all our aspirations. What does concern me is that it is now some years since National Museum staff have looked comprehensively at the collections at Newport and that was before their current re-organisation. It would seem to me to be beneficial for both institutions and for Caerwent archaeology that the Newport collections should be taken fully into account in the research design for the present excavations. We could even have the situation of some pieces of the same artefacts housed in separate museums with no immediate probability of direct comparisons. The Newport collection is at present being re-catalogued and sorted, with a number of re-discoveries of previously lost provenances. A joint project to rationalise the work in both museums is long overdue, and from our point of view the full archive should be housed at Newport to assist in the interpretation of the Tredegar collection.

I should add that full co-operation has been offered by us to the National Museum of Wales when specific requests have been made. We have also asked them for advice on many occasions. As has been previously stated a welcome and valuable contribution has been made by the National Museum through publication and identification of certain finds from Caerwent and elsewhere in our collections. However this is no answer to the need for a comprehensive assessment of all the available material and information relating to the fields of joint interest. The policy of the National Museum appears to me to be to establish a framework for their own collecting

policies and projects by reference to umbrella organisations such as Cadw and the Council of Museums in Wales, and in some instances through the Welsh Archaeological Trusts.

Until there is proper communication on an individual and regular basis there is a danger in Wales that museums will go their separate ways to the detriment of all.

What is lacking, in certain cases, is a desire to sort out individual problems with individual museums on the basis of what has already been described as a working relationship with fellow professionals. Whilst of course the National Museum has continued to co-operate with individual museums and archaeological groups in many areas of activity, for example with the Monmouth Archaeological Society in Monmouth and also with ourselves over some of our work in the Severn Estuary, this co-operation has been piecemeal. The National Museum is aware of Newport's involvement with Caerwent - and I personally feel that it would have been of great benefit to Newport Museum to have been kept informed of progress on a regular basis and to have been offered copies of small finds lists at the end of each season. A similar attitude is evident over Caerleon.

Whilst consultation with such organisations as the Council of Museums in Wales is to be welcomed it does not replace the need for separate contact with the local museums at the earliest stages of planning, and for continued briefings and consultations throughout the project. Without this any proposals for a general framework is liable to be seriously flawed.

In conclusion I feel that if unnecessary conflicts are to be avoided there must be recognition of a few basic principles.

1. No individual museum has an inalienable "right" to archaeological discoveries it does not own, even if it feels it is the right home for such material. In any case there should be the fullest co-operation and transfer of appropriate information between museums.

2. No individual archaeologist or museum necessarily has the exclusive monopoly to a particular field of research, although of course expertise and facilities should be used to the best advantage.

3. Museums do have a "duty" to ensure that their work is carried out in the interests of the future of archaeology as a whole.

GEOGRAPHICAL HARMONY - THE WELSH POTENTIAL

Stephen Green, National Museum of Wales

The previous paper by Mr Trett has shown the potential for conflict in any situation where fundamental principles of professional behaviours are involved. I declined to speak at the conference proper - *inter alia* - because it seemed to me that a deep analysis of conflict situations was more likely to open up old wounds than to produce friendly agreement. There was a strong feeling at the Conference that the National Museum viewpoint should be put and I did so there on the matters raised by Mr Trett. I see no point in raising the issues again here. They are in the past - *en otro tiempo* - and are best left there.

Wales is a country whose small size presents a unique opportunity for museum professionals to work in close co-operation. It is a country, too, whose rich past and geographical and social cohesion evoke a true sense of community. The National Museum's position may perhaps be best understood through a restatement of our archaeological collecting policy:

“first to collect from Wales, and to a lesser extent from the Welsh Marches, artefacts which reflect the whole heritage of Wales from the Stone Age to the Post-Medieval Period;

second to collect in particular those items whose importance can be described as “national”, whether by virtue of their intrinsic quality or because of their discovery at sites regarded as being of national importance within Wales;

third to form teaching and reference collections of archaeological artefacts, whether Welsh or not, available for the use of University departments of Archaeology in Wales, schools or other appropriate educational establishments, and for comparative archaeological displays.”

Some of the finest Welsh treasures are held by the National Museum of Scotland, the Oxford University Museum and the British Museum. All of these finds were early discoveries made before the National Museum was founded, as recently as 1907. Accordingly, we are still in a state of forming basic collections in many areas and, of course, this is even more true of the provincial museums. In such a situation we can **only** progress through a genuine

respect for the legitimate interests of the other. We must each accord to the other respect for our complementary and sometimes overlapping roles. Indeed we must be prepared, for the sake of archaeology, to act in the common interest.

Many of these problems were reviewed in the VI Welsh Archaeological Conference, held under the joint auspices of the National Museum of Wales and the Council of Museums in Cardiff on 1st December 1989. The proceedings are soon to be published. It would be improper here for me to anticipate the conclusions of that Conference, save only to state that there was a strong feeling that a properly constituted committee should be set up to review the many aspects of relations between local museums, the National Museum of Wales, the Rescue Archaeology Trusts and Cadw. I hope that this will happen and that this forum will point the way to the development of closer co-operation within Wales.

EAST ANGLIA. THE TREASURE SCRAMBLE?

Barbara Green, Norfolk Museums Service

The title of this paper was dreamt up by Bob Trett, after having asked me to talk about collecting policies; however, I suppose there is some truth in it. In the 1988 Review by the Treasury of the *ex-gratia* awards paid to finders of Treasure Trove which were acquired by museums between 1977 and 1987, more than 50% of the value related to Norfolk finds, that is, over £500,000 out of a total of over £1 million. The British Museum has often given us the opportunity to acquire items from Norfolk which have been declared Treasure Trove. The availability of money does have an important effect upon our collecting policy.

I intend to deal mainly with Norfolk. The problems in Suffolk are different from those in Norfolk. Suffolk has two main museum centres which collect archaeology - at Bury St. Edmunds and at Ipswich, and there are also a number of small museums. Much of the material from recent excavations is however still retained by the Suffolk Archaeological Unit who have considered applying for M.G.C. approval to obtain storage grants.

Norfolk is a large county some 80 miles east to west and 60 miles north to south, as the crow flies. The Norfolk Museums Service came into being in April 1974. It is run by a Joint Committee of County and District councillors and the agreement is renewable every ten years. Four museum centres amalgamated in 1974, Norwich, King's Lynn, Thetford - which had no curatorial staff (I did some work there) - and Great Yarmouth which had three museum assistants under the control of the Borough Librarian. Subsequently a Rural Life Museum was opened at Gressenhall and the two small museums at Walsingham and Cromer run by a single curator. Later, the Norfolk Archaeological Unit became the field archaeology section of the Museums Service. There are a number of small independent museums in the county with whom we have some links.

Apart from the Archaeological Unit, the number of professional curatorial archaeologists in the county at the moment is four. Three of these are in the Archaeology Department at the Castle Museum while the fourth is Curator of the Thetford Museum. We are hoping that the fourth archaeology post at the Castle, frozen since January 1980, will be filled in

1990. There are currently no archaeologists at King's Lynn, Great Yarmouth or Cromer, all of which have archaeological collections. At Thetford, where there is only one curatorial member of staff, the previous occupant was not an archaeologist.

This year, out of a budget of about £1.5 million, the Norfolk Museums Service has a purchase grant of just over £7000 for 14 museums. Each of the museum centres has a separate Friends organisation with the exception of Walsingham. At Great Yarmouth only the Maritime Museum has the support of Friends. The Norwich Friends is much the largest group with over a thousand members.

Before 1974 Norwich served as county museum even though it was almost entirely funded by the City. We had some agreement with the other museums about collecting areas but sometimes material came to us which might perhaps have gone into local museums under different circumstances. When the first part of the Snettisham Treasure was found in 1948 it came to Norwich as King's Lynn Museum was frankly at that time not a suitable place for a collection of that value or importance. The bulk of the finds from the 1948-57 excavations at Thetford came to Norwich as there was no space in Thetford Museum though some of the better items were displayed there. We made sure that material from excavations at Caister and Burgh Castle near Great Yarmouth came to Norwich when the Borough Librarian told me that he didn't believe in keeping broken objects and would throw such finds away.

In our official collecting policy we tend to keep the boundaries of each museum's area fairly flexible. The Archaeology Department based in Norwich covers the whole of Norfolk and the northern part of Lothian which moved from Suffolk to Norfolk in 1974 while each of the other museum centres collects from its natural catchment area. For a variety of reasons, as you will see later, we felt it was not practicable to draw up rigid boundaries, and inevitably there are overlaps. We try to resolve problems by discussion and so far we have been successful. The Archaeology Department does not set out to poach all the best finds from the County, but the actual structure of the Museums Service means that the most expensive items tend to go to Norwich. One of the factors which undoubtedly affects where material finally ends up is where people shop. Many people in north-east Suffolk consider Norwich to be their natural centre and rarely

go to Ipswich, while many people in south-west Norfolk shop in Bury St. Edmunds or even Cambridge. Therefore they take material into the museums in their shopping centre and often want it kept there. Over the year we have agreed with colleagues in those centres that it is better for material to go into a neighbouring museum rather than being lost. We try and make sure that the record at least gets to the right centre.

What other factors affect where material ends up and how do we try and resolve matters? There are three categories to consider.

1. Single items or small collections, usually of low monetary value, which are given to the Museums Service.
2. Major collections, usually finds from excavations or large-scale fieldwork such as five winters' work in the Norfolk Fens.
3. Items which have to be purchased, sometimes Treasure Trove but often quite small items. Many metal detector users have agreements with the farmers to share any profit made from items found so that we are sometimes buying objects we would previously have been given.

Taking purchases first, here the problem is the availability of money. Where possible it is accepted that each museum should have the opportunity to purchase objects found in its collecting area, but the small amount of money available in the budget for the purchase of exhibits poses real problems. We have a current example of this. We are very fortunate that outside sources have often made funds available so that in the last 18 months, for instance, the Norfolk Museums Service has (exceptionally) spent a total of over half a million pounds on a Hogarth painting, a collection of over 2000 teapots and over 2000 Anglo-Saxon urns and associated grave goods from Spong Hill, North Elmham. Without the great generosity of many organisations and, in particular the National Heritage Memorial Fund, we could not have acquired these. Consequently when the British Museum offered us the chance of acquiring a Later Bronze Age gold torc from the Thetford by-pass which had been declared Treasure Trove, we had a problem. If it had been just a gold torc we would not have tried to purchase it, but there was very strong circumstantial evidence that the torc had been buried with three bronzes; at the time of discovery this was the best

authenticated example in Britain of such a Later Bronze Age association. We knew that the Crown Estate would let us have the bronzes if we acquired the torc, but the latter was going to cost a 5-figure sum. We had exhausted our purchase grant and most of our credit with other grant-giving organisations. However, it was decided we should try to buy it but, if so, it had to be kept in Norwich. The Norwich Museums have access to certain bequest funds which came to us before 1974; none of the other museums have such reserves. Using bequest funds, a grant from the National Heritage Memorial Fund and gifts from a charity and local firms, we have been able to acquire the torc and thus the whole hoard. There was no way in which we could have raised the money to acquire the torc for Thetford. But we have managed to keep this important hoard in Norfolk and, academically, one can make out a case for adding the hoard to an already large and important collection of Bronze Age metalwork where it can be shown in context. But it was a difficult dilemma, and I was happy that the Thetford curator accepted the solution. This problem has occurred before and will, I am sure, occur again.

Major collections of finds from excavations and field work surveys pose different problems, the most important being that of storage. Like most museums, all departments and museums in the Service are suffering from lack of quality storage space and our approved archaeology bulk store is now just about full. Negotiations are taking place about new stores and we hope that the situation will improve soon. We are, however, moving towards the provision of a single large bulk archaeology store for the whole county as being cheaper to equip, run and supervise than acquiring new stores in each of the towns which have museums. The store is likely to be in the centre of the county, close to our present bulk store. This has several advantages. The Archaeology Department, as now, would be responsible for the general running of the store and making material available to students. However, other museums can remove material for display and, if it can be suitably housed, some or all of the figured material from any one site. The reserve Ethnography collections have been kept in this way for more than ten years without major problems. Because the material is kept centrally it need not, of course, mean that a particular group of objects cannot be accessed by the museum in whose collecting area the group was found. But this will not necessarily always be the case, for instance many major fieldwork survey collections, which are really only suitable for

research purposes, are likely to be accessed by the Archaeology Department but can be drawn on by other museums if required. Given good will, we think this system should work to the benefit of all. The Conservation Department feel that a few large stores have much to recommend them.

Writing collecting policies and defining collecting areas is comparatively easy; being able to carry them out is another matter.

When considering which museum should acquire the number of single stray finds or small collections of items found in Norfolk which are given to the Norfolk Museums Service you would think there was little problem. I mentioned earlier how the pattern of shopping in Norfolk and Suffolk affected donors in their selection of a museum to which they offer material, and of course similar expressions of loyalty to 'their' museum are to be found inside the county.

Another factor is undoubtedly the staffing of the museums. This has become particularly apparent in the last year. King's Lynn Museum, until recently, has always had an archaeologist or someone with an interest in and some knowledge of archaeology. The majority of archaeological enquiries come either to the Castle Museum or to the Archaeological Unit. At the moment members of the Unit also attend metal detector society meetings, but they wish the Archaeology Department to take over this latter chore if our frozen post is filled next year. If there isn't an archaeologist on the staff of a museum people have often to wait some time for enquiries to be delivered to the Castle, dealt with and returned to the Museum which took an enquiry in. Because of the distances involved, there isn't daily contact between the Norfolk museums. We find that some 'regulars' get tired of waiting, come directly to the Castle and tend to give us finds because we are now 'their' museum. We notice too, that where there isn't an archaeologist in a museum for a long period that the number of enquiries drops off and takes a long time to start building up again if an archaeologist arrives. I am sure that we are all losing much valuable information because of this and our museum collections are suffering.

If our frozen post is filled and we find ourselves able to take over the responsibility for visiting metal detector meetings, I would like to try holding regular 'surgeries' in the museums nearest the society meetings. These would need publicity but I would like to see if we can build up a local clientele and of course can help to build up existing collections.

FINDS FROM MARITIME SITES IN BRITAIN

Sean McGrail, Institute of Archaeology, University of Oxford.

Introduction

Ideally, finds from maritime sites should be subject to the same legislation as finds from other sites. For example, finds from the underwater Bronze Age site in Langdon Bay should be dealt with on the same basis as those from a site at Dover Castle, only one mile away. This is not, in fact, the case: the Castle site is dealt with quite differently from the Langdon Bay site, and this distinction is generally true throughout Britain for finds and structures from maritime sites which are within tidal waters.

In this paper I shall first present a definition of "maritime sites": note at this stage that the term "maritime site" is not synonymous with "underwater site", and neither of these terms is synonymous with "tidal site". Then I shall attempt to explain the special status of certain maritime sites and describe the present legal situation, leaving to Dr Henry Cleere (this volume) the task of discussing improvements that could be made. I shall then discuss the disposal and acquisition of maritime finds, mentioning the role of specialist maritime museums. Finally I shall suggest what curators should do if they are offered material from maritime sites.

Maritime Sites

Although the phrase "Maritime Archaeology" is frequently used, there is no such entity. The maritime dimension is just one among several aspects of archaeology which contribute towards building up a multi-faceted picture of the past. On the other hand, it must be remembered that, without the maritime dimension, archaeology is incomplete: much of early Man's life was in the maritime zone, and, as Britain has been an island for 10,000 years or so, it is of particular importance in this country.

There are several ways of defining the maritime zone, but for the purposes of this paper I shall assume that its seaward limit lies at the extent of territorial waters, now 12 nautical miles from the coast, and that it extends inland from the coastline for a certain, but undefined, distance, and up rivers. Thus maritime sites may be formed in three different environments: firstly at sea (for example, as wrecks), secondly in rivers and lakes (wrecks or structures such as weirs),

and thirdly on land (ship burials, harbour buildings, and so on). Changes over the years since deposition, either by Man (that is by drainage and reclamation schemes) or by Nature (shifting river channels, and changes in coastlines and in relative sea level), mean that what was once in water may now be found on land, and *vice versa*: thus we may find wrecks in drained rivers and lakes, or on land reclaimed from the sea.

The maritime sites now on land or in lakes and in non-tidal rivers are not a special problem as far as museum collection policies are concerned. Although finds from such sites may be difficult to recover and may need special conservation, and maritime structures (ships or waterfronts) may also be difficult to store and/or display because of their size and general intractability, nevertheless their status is the same as that of all other finds and structures from any site above Mean High Water Springs (colloquially, "high tide"). That is, in general terms, their legal status as antiquities is defined by the 1979 Ancient Monuments & Archaeological Areas Act. Thus, for example, the site of the Romano-Celtic wreck in the grounds of Guy's Hospital, London is a scheduled monument under this Act (London Monument 157).

With the major exception of submerged land sites such as harbour structures and causeways (colloquially "trackways") which in theory come under the 1979 Act, maritime sites now in tidal waters are treated differently: their legal status is, in general, determined by the 1894 Merchant Shipping Act, although in certain circumstances part 3 of the 1979 Ancient Monuments & Archaeological Areas Act could be applied to them, but the Secretary of State has not so far chosen to do so. Thus important maritime sites in tidal waters become the responsibility of the Department of Transport, whereas analogous sites on land become the responsibility of the Department of the Environment and the corresponding bodies in Wales and in Scotland. The incongruity of this division becomes clear when it is realised that many finds from maritime sites are not of a maritime nature: they shed more light on land-based life and industries than they do on purely maritime activities. See, for example, the range of artefacts recovered from the **Mary Rose** site.

The legal position of tidal sites

In Britain there are two main Acts which bear directly on the legal status of tidal sites - these are the 1894 Merchant Shipping Act (Part IX) and the 1973

Protection of Wrecks Act. In addition, the Protection of Military Remains Act of 1986 allows the Secretary of State for Defence to designate the remains of military aircraft and vessels that have crashed, sunk or been stranded, as "protected places" which may be visited but nothing disturbed or removed.

The Merchant Shipping Act was formulated without any consideration for the underwater heritage, a concept which has only been recognised in the past 30 years. The main purpose of Section IX of this Act was to prevent the plundering of wrecks and to arrange an equitable distribution of salvaged property. The principal effects of this Section, from the viewpoint of the museum archaeologist, are:

1. All wreck recovered from tidal sites and landed in Britain must be reported to a Receiver of Wreck (an agent of the Department of Transport and often a member of the Customs Service). "Wreck" in this context has a special meaning and includes:

derelict - a vessel abandoned without hope of recovery.

jetsam - material thrown overboard to lighten ship.

flotsam - material lost overboard or which has floated up from a wrecked vessel.

lagan - material thrown overboard with the intention of subsequent recovery.

So wreck includes both vessel and contents or former contents.

2. If an owner recovers wreck he may keep it; otherwise the salvor/finder must hand it over to the Receiver of Wreck who then publicises the fact that he holds it, and keeps it for a year. In practice Receivers allow material which requires special treatment (e.g. conservation) to be taken elsewhere.

3. During this period of a year an owner may claim his wreck on payment of salvage money to the salvor/finder, and fees and expenses to the Receiver. If the wreck is from a British naval vessel the owner of the ship and her equipment is the M.O.D. (Navy). The Navy does not appear to feel that the Heritage underwater is its immediate concern, and readily considers application for the transfer to others of title to historic naval wrecks. Two examples may be given of such transfers. The 15th century *Grace Dieu* in a tidal stretch of the R. Hamble was sold to

the University of Southampton for a nominal sum; and the structure and equipment (but not the personal possessions) of the 16th century *Mary Rose* have been granted to the *Mary Rose* Trust by deed of gift.

4. Wreck from territorial, tidal waters remaining unclaimed for a year becomes Crown property. The Receiver then sells it, deducts his own fees and expenses, pays to the salvor/finder such amount of salvage as he (the Receiver) determines, and pays the remainder, if any, to the Crown. In practice, in the case of historic artefacts the salvage award is 100% of the net proceeds of the sale, except for coins where it is 75%. The Receiver may sell this unclaimed wreck in any way he thinks fit and not necessarily to the highest bidder. For historic artefacts the Secretary of State for Transport's declared policy is to ensure wherever possible and subject to his duties under the Merchant Shipping Act 1894, that:

- a) artefacts become accessible to the general public
- b) collections are kept together
- c) items of special local interest go to local museums

Thus museums have a chance to bid for finds from tidal sites. However, this policy does not always lead to the acquisition of finds by museums, partly because the most appropriate museum does not necessarily have finance available, and partly because many museums do not want everything from a wreck site - they do not have the resources and facilities to acquire and look after large, individual collections.

The Protection of Wrecks Act 1973 The aim of this Act is to ensure that wreck sites of historical, archaeological and artistic importance, and within tidal, territorial waters, are protected from unauthorised interference. Before such a site is designated under this Act, the Secretary of State for Transport is required to "consult with such persons as he considers appropriate". The Advisory Committee on Historic Wreck Sites (usually known as the Runciman Committee, after its first chairman) was therefore established some 15 years ago to give advice on these matters. This Committee is not a statutory body but an unpaid, advisory body appointed by the Secretary of State. The Committee advise: the Department makes decisions and takes action.

Another important area in which the Secretary of State seeks the advice of the Committee is that of assessing whether groups which apply for licences to survey or to excavate designated sites are competent,

properly equipped, and have the necessary institutional support to undertake these tasks. At present there are about thirty designated sites (Fig. 1), of which twenty or so are regularly licensed for survey or excavation during the annual diving season.

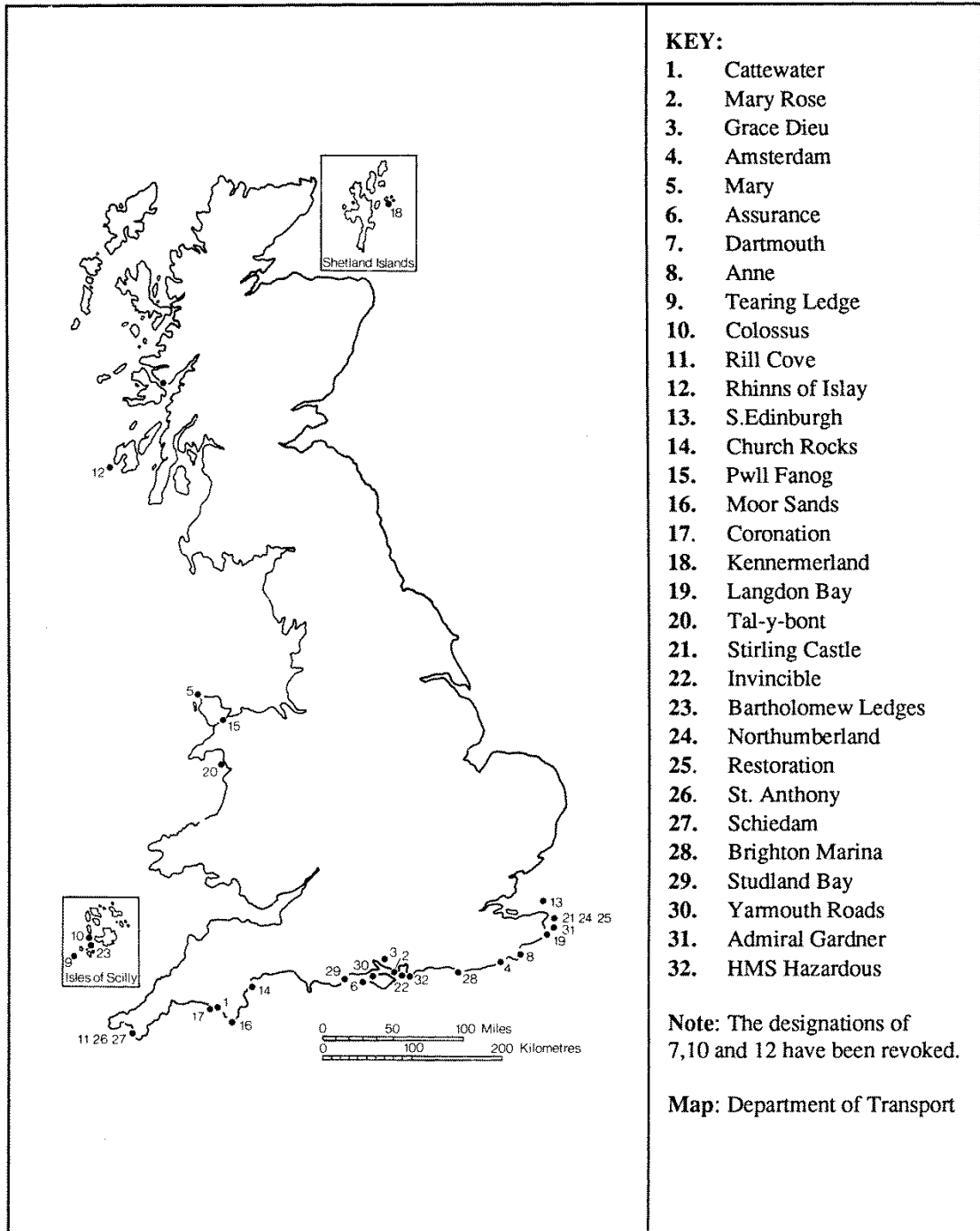


Fig. 1 The distribution of designated sites in 1988

Since 1986 the Advisory Committee has been assisted in its task by the Department of Transport's Archaeological Diving Unit (ADU) led by Martin Dean and based at the University of St Andrews, Fife. This unit, of one permanent and two part-time diving archaeologists, visits designated sites to gather information which will help the Committee reach soundly-based conclusions. The ADU also has an educational role, and is able to discuss problems with and offers advice to, licensed teams. One problem frequently met by the ADU is that of the disposal of finds from these sites.

The disposal of finds

The 1973 Wrecks Act - that is, the heritage-inspired Act - does not legislate for the disposal of the structures or the finds which come from the excavation of designated sites (the 1979 Act similarly does not legislate on this for land sites). Disposal of wreck (i.e. finds and structure) remains within the domain of the earlier Merchant Shipping Act, the salvage-inspired Act. Thus, after one year, unclaimed finds from these sites, and from undesignated sites, are disposed of by the Receiver of the Wreck.

All archaeological fieldwork is under-financed; fieldwork underwater is exceedingly under-financed, and some of the groups licensed to excavate designated wreck sites have had difficulty in obtaining institutional support. Such groups generally do not appear to have fully appreciated, when they first applied for a licence, the resources required and the long timescale involved in undertaking underwater work on designated sites to professional standard. They may thus not be in a position to buy the material they have excavated, back from the Receiver; indeed, they may need the salvage award, obtained from the monies raised by the Receiver from private sale or at public auction, to enable them to survive as a group to undertake further work on site. Other groups, with greater resources, have been able to acquire the material they excavated either by payment to the Receiver or in lieu of a salvage award from the owner; subsequently some of these artefacts may be sold at a higher price at public auction. In such ways are groups of artefacts dispersed.

There are counter examples to this dispersal of finds; and I shall mention two. The Mary Rose Trust early recognised these problems and, by hard work, by diligent fund raising and by an arrangement with the Ministry of Defence, the Trust has been able to excavate, raise and keep together the ship and the

associated artefacts. The ship and her equipment and stores are the Trust's by gift from the M.O.D.; the personal possessions (including coins) are, however, "unclaimed wreck" and thus have to be bought back from the Receiver of Wreck, i.e. the Department of Transport.

My second example is the group of three designated sites excavated by the National Maritime Museum during the time I was at Greenwich: the Bronze Age underwater sites off Moor Sands, Salcombe and in Langdon Bay, Dover, and the site of Henry V's *Grace Dieu* in a tidal stretch of the R. Hamble. Work on the two Bronze Age sites was financed jointly by the British Museum and the National Maritime Museum, and subsequently the British Museum bought the excavated bronzes by an arrangement with the Department of Transport - in both cases the money went to the amateur groups associated with the Greenwich-directed excavations. The *Grace Dieu* work was financed entirely by the National Maritime Museum. There have been no small-finds from this excavation and I doubt very much whether the wreck will ever be lifted.

The role of museums

As many will know, the National Maritime Museum disbanded its Archaeological Research Centre three and a half years ago, and now concentrates mainly, but not entirely, on the non-archaeological, maritime aspects of the 17th, 18th and early 19th centuries. The main contribution of the National Maritime Museum to Maritime Archaeology in recent years has been the production, in association with the Nautical Archaeology Society, the Council for British Archaeology, the Institute of Field Archaeologists and the Society for Nautical Research, of *Heritage at Sea*, a document which identifies the principal faults in the present method of protecting archaeological sites underwater, and makes proposals for improvement. The document is still under consideration by Government Departments.

There is still much to be learnt about Britain's maritime past, and I do not think this can be left entirely to the specialist maritime museums. I do not know how many of them have staff members in the Society of Museum Archaeologists but I do not believe many have archaeologists on their staff. In any case, as with the National Maritime Museum, most regional and local maritime museums seem to concentrate on the recent past. Thus for the earlier periods much now depends on general museums. It

is important to remember when formulating archaeological collecting policies that most of the information gathered to date about medieval and earlier maritime Britain has come from sites which are now on land or in inland waters: for example from sites at Ferriby, Brigg, Hasholme, Sutton Hoo, Graveney and Kentmere, numerous logboat finds, and the many Roman and medieval waterfront sites. Such sites came under the Ancient Monument & Archaeological Areas Act or the Act this superseded, rather than the Merchant Shipping Act and the Protection of Wrecks Act. On the other hand, in the post-medieval period, there is not only much documentary and iconographic evidence, but also much underwater evidence to be excavated, as 29 out of the 32 tidal sites that have been designated under the Wrecks Act are dated to this period (Table 1). This is the situation now: medieval and earlier maritime sites are generally found **inland** in Britain;

post-medieval sites are found in **tidal waters**. Nevertheless, this situation may change and it would not be too early to consider now what action should be taken if a large and important medieval, Roman or prehistoric site were to be found in tidal water. How should such an excavation be controlled and funded, and what would happen to the structure and to the finds? It is essential that museums in coastal regions should declare their interest in tidal waters when formulating their collection policies.

Period	Number		Summary
Bronze Age	2)	Prehistoric 2
)	
Iron Age	0)	
Roman Period	0	-	Roman 0
Early Medieval	0)	Medieval 1
)	
15th Century	1)	
16th Century	7)	
)	
16th/17th Century	3)	
)	
17th Century	8)	
)	
18th Century	9)	Post-Medieval 29
)	
18th/19th Century	1)	
)	
19th Century	1)	

Source: Department of Transport's Guidance Note of December 1986

Table 1 Distribution of designated wreck sites by period

Curators' Action

Now to tackle the final point: what should a curator do if offered material from a maritime site. I recommend that the Curator should first establish whether the finds come from land or from underwater; if from underwater, whether the site is tidal or non-tidal; if tidal, whether from a wreck site or not; and if from a wreck site, whether from inside or outside territorial waters (Fig. 2).

From the legal viewpoint the finds from land sites (A), from non-tidal, underwater sites (B), and from non-wreck, tidal sites (C) may be treated in the way material from any land site is dealt with. An interesting point which has not, as far as I know, been resolved, is who is the owner of finds and structures from these non-wreck, tidal sites (C) e.g. submerged harbours and causeways. The view of the Department of Transport is that it would be the owners of the seabed, usually, but not invariably, the Crown Estate Commissioners.

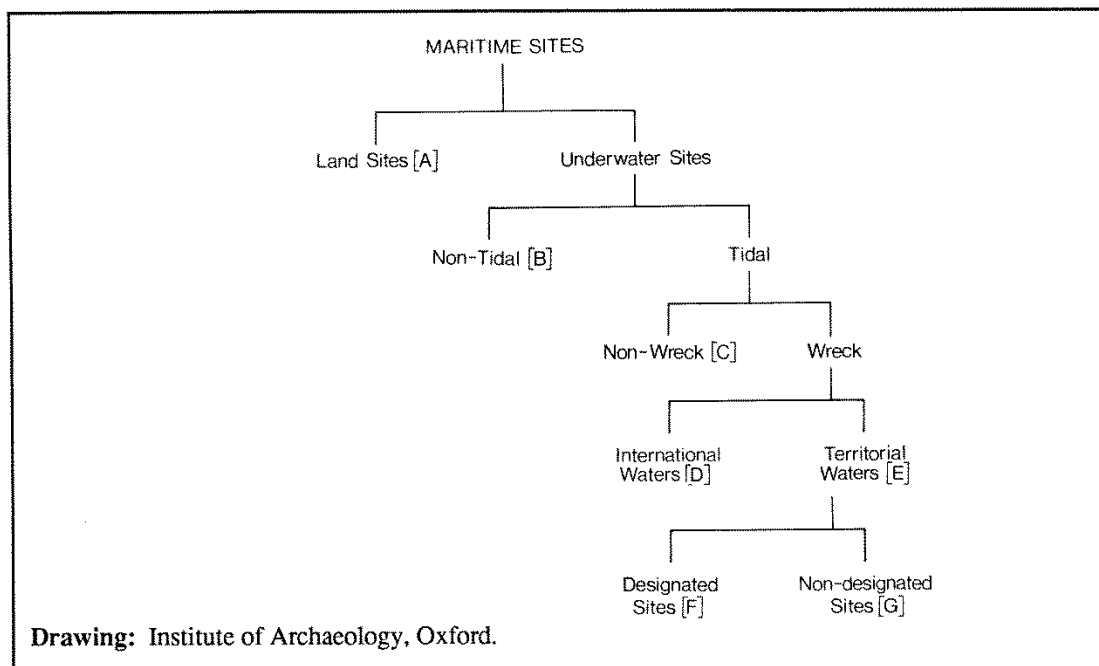


Fig. 2 Diagram showing the types of maritime sites mentioned in the text

Finds from wrecks in tidal sites (D) and (E) must be reported to the Receiver of Wreck, and, if this has not already been done, the Curator should remind the finder/salvor of his legal duty. I further recommend that Curators should devise a means of reporting such finds to Sites & Monuments Records (local and national), and to the Archaeological Diving Unit at the University of St. Andrews. In this way some progress may be made towards a survey of tidal sites, and important new sites may be recognised at an early stage. If the museum collecting policy is such that the recovered objects are potential acquisitions, I suggest that the Curator should then begin negotiations with the Receiver of Wreck and the finder/salvor about temporary custody and conservation, with a view to purchase after one year. The curator should

keep the finder/salvor informed of the legal requirements and emphasise that if the legal owners do not become known within the year, the finds become Crown property.

Three complications may arise here:

Firstly, if the site in question is in international waters (D), unclaimed finds do not become Crown Property but are returned to the salvor. Secondly, if the site proves to be that of a designated wreck (F) the finder will have, possibly unwittingly, committed an offence. I recommend that the Curator should report the matter to the Department of Transport (Marine Directorate) so that appropriate action may be taken and the relevant licensees informed. Thirdly, groups

or individuals undertaking salvage of non-designated tidal wreck sites (G) may acquire legal standing as "salvors in possession". They may then have a claim in civil law on any finds removed by others.

Conclusion

Dealing with finds from maritime sites is not difficult but it can be **different** from the way finds from general land sites are dealt with. The main differences are due to the effects of Part IX of the 1894 Merchant Shipping Act which treats the recovery of structure and of finds from tidal wreck sites as "salvage". Such finds must be declared to the Receiver of Wreck and remain under his control until ownership is established or for one year; at which time the Receiver must dispose of unclaimed finds from sites within territorial waters. Museums are generally given priority by the Department of Transport in the acquisition of those unclaimed finds which are thought to have historic value, in as much as the Department's responsibilities under the Merchant Shipping Act allow.

The Department of Transport's Archaeological Diving Unit is the only body actively involved in the supervision of archaeological fieldwork on British tidal sites: it could form the nucleus for an expanded service which is much needed. Until such a reorganisation takes place the ADU can act as a focal point, receiving information from curators and offering curators advice on the problems associated with tidal sites.

Acknowledgement

I am grateful to Dr Basil Greenhill and to Martin Dean for their criticism of an earlier draft; and to Mr R. Latham of the Department of Transport for guidance on legal matters and advice on the Department's experience in the administration of the two main Acts discussed in this paper.

The opinions expressed here are my own and should not be taken necessarily to reflect the views of the Department of Transport or, indeed, of the Runciman Committee of which I am a member.

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Guidance may also be obtained from the Marine General Division, Dept. of Transport, Sunley House, 90 High Holborn, London WC1V 6LP.

THE LAW RELATING TO OWNERSHIP AND ARCHAEOLOGICAL COLLECTING IN ENGLAND AND WALES

Henry Cleere, Council for British Archaeology

There is a fundamental difference between the English legal code (much of it based on ancient Germanic law and practice) and those legal systems that stem from Roman law, such as the French Code Napoléon. Under Roman law, as codified by Justinian, the state or the crown (which for the purposes of this study may be deemed to be identical) has a residual title to all land in the territory to which the legal code refers. Thus in those countries where Roman law prevails it is possible for the state to assert a legal title to all land and everything lying within it which overrides the rights of the landowner. This fundamental principle is reflected in the attitudes adopted towards archaeological material which lies within the soil that constitutes such land.

For example, the Italian legislation makes legal provision for the state to have an interest in all cultural property (to use the UNESCO phrase: this covers works of art as well as archaeological material) which is registered on the national inventory. Whilst the Italian state does not in fact exercise this right directly by appropriating such material, the law imposes a lien (the *vincolo*) on all such material (D'Agostino 1985, 75-6). Material on the inventory remains the property of the owner but it may not be disposed of or exported without the permission of the state. There is comparable legislation in France, well illustrated by the way in which the French Government has an absolute right to purchase any French cultural material that is about to be exported, without any provision for the vendor or the purchaser to object.

The situation in this respect in England and Wales is significantly different (Cleere 1985): the owner of land in these countries has an absolute title to it and the crown/state can claim no overriding interest (except in respect of minerals). Under English Common Law, the Englishman's (and Welshman's) home is truly his castle: he may do whatever he likes with his land - subject, of course, to the constraints of the Town and Country Planning legislation, the rights of statutory undertakers to build on it or purchase it compulsorily, the ability of the Ministry of Defence to appropriate it, and much more besides!

There is no doubt, however, about who owns the rights to archaeological material that reposes in the soil: the title of the landowner is absolute and is enshrined in the Common Law, supported by case law and precedents over many centuries. The only exception relates to a Royal prerogative which is an archaic survival from antiquity. The origins of Treasure Trove may truly be described as being lost in the mists of antiquity. In his classic treatise on this complicated subject, Hill (1936) tried to establish its origins but the fascinating story that he unfolds is far from clear. He cites examples and parallels from Roman and Germanic law, but exactly how the principle of Treasure Trove entered English Common Law is not documented. It was certainly well established in codifications of English law as far back as the 12th century.

It is indisputable that Treasure Trove began as a purely fiscal measure - a Royal prerogative designed to augment the Royal Exchequer. The principle of *animus revertendi* which requires Treasure Trove to have been buried with the intention of being subsequently recovered, was explicit from the start. Such objects would be seized for the Crown by the Coroner (i.e. the 'Crown', the Crown's man). His duty was then, as now, to empanel a jury that was required to determine if there was an *animus revertendi*. In this event, and if no legal owner or his descendants could be identified, the material was forfeit to the Crown and was added to the Royal coffers. It is interesting that Treasure Trove was seen in earlier practice as a source of revenue: Hill lists over a hundred examples of franchises that were granted by successive monarchs to individuals, such as noblemen and prelates, or to corporations (civic or religious), presumably in return for services rendered, and so they must have had a monetary value. Most of these seem to have lapsed or to have been abrogated: the only survivals, in addition to the Crown (and the Duchy of Lancaster, which is effectively Crown-owned), are the Duchy of Cornwall and the Cities of Bristol and London.

In earlier times there was no question of any reward being paid for Treasure Trove, but in the first half of the 19th century there was an abrupt change of emphasis. This was a period when museums were being created throughout Britain, the most notable being, of course, the British Museum. It was proposed in the 1840's that archaeological material should no longer be considered in terms of its monetary value to the Exchequer but instead as being of cultural

value, as evidence of the history of the nation and the land. It was decided that the British Museum should henceforth become the recipient of Treasure Trove on behalf of the nation, and that a reward should be paid to the finder, equivalent to its current market value.

This is the system that has prevailed up to the present day, with only a few modifications. Following the reporting of objects of gold and silver (usually nowadays to the police), a Coroner's Inquest is convened, with a jury. In the event of the material being deemed to be Treasure Trove, it is first offered to the British Museum. Should the Museum not require all or part of it, it is then offered to other museums. In the event that no collection wishes to acquire the material (and, of course, pay the reward), it is returned to the finder, whose property it becomes, to dispose of as he wishes. If the jury rules that the material is not Treasure Trove, it is generally returned by the Coroner to the finder, not the owner of the land. This does not confer a legal title to the material on the finder: the Coroner has no judicial powers to determine ownership and so theoretically no alternative course of action is open to him. In a number of cases, however, especially in recent years, Coroners have either retained possession of material or ordered it to be held by a museum until the exact ownership can be settled in the courts.

The estimation of current market value in order to establish the level of reward was formerly done by the British Museum alone, but this was recognised to create problems related to the Museum's inevitable interest in such cases. In order to demonstrate that this valuation was disinterested, therefore, the Treasury set up the Treasure Trove Reviewing Committee, some ten years ago. This is a small independent body, consisting of archaeologists, museum experts, and dealers, which fixes the level of payment. It should be borne in mind that the Chancellor of the Exchequer has the power to withhold payment of any reward in those cases where deliberate concealment of the material can be proved (as in the case of the Mildenhall Roman treasure) or to pay a reduced amount (only one-third of the market value was paid in respect of the Thetford treasure, where there was a considerable delay in reporting the find to the Coroner). The Donhead St Mary case in 1987 highlighted another anomaly. A metal detector user who had been found guilty and fined for an offence under the Ancient Monuments and Archaeological Areas Act 1989 was adjudged by a Coroner's Inquest

to qualify for a Treasure Trove award in respect of the material that formed the basis for the earlier prosecution. After vigorous protests from the Museums Association, the Council for British Archaeology, the Director of the British Museum, and others, a reduced award was made, and the Treasury shortly afterwards carried out a review of its procedures and practices.

The present system is far from satisfactory and poses a number of problems. On the legal side, it is no simple matter in a number of cases to establish whether or not there was an *animus revertendi*. At the Inquests and subsequent criminal trials connected with the material taken from the Romano-British religious site at Wanborough (Surrey), the crucial point was whether votive offerings could be deemed to have been buried with the intention of being recovered: contradictory evidence was given by two senior archaeologists. It was concluded that there was no *animus revertendi* involved at Wanborough, a somewhat dubious judgement when one considers, for example, the collection of the coins thrown into the Trevi Fountain in Rome for charitable purposes. Another problem area is that of the precious metal content of material being considered in this context. In the recent case of the Duchy of Lancaster vs. Overton Farms Limited considered by the Court of Appeal, the judgement of the then Master of the Rolls, Lord Denning, was that, to be Treasure Trove, objects must have a 'substantial' content of precious metal, or the order of 80%.

There are also problems from the archaeological point of view, largely as a result of the growth of metal detecting since the early 1970's. Treasure Trove Inquests are increasingly being held on material resulting from deliberate searching of archaeological sites, rather than from casual finds during ploughing or other earth-moving operations. This results in the destruction of stratification and the divorce of artefacts from their archaeological contexts. Even more serious is the practice by 'treasure hunters' of deliberately falsifying the provenances of objects, so as to avoid claims by landowners whose land was being searched without permission or prosecutions under the 1979 Act. The restriction of Treasure Trove to objects of gold and silver also results in the loss to archaeologists of the information contained in the objects of non-precious metal or non-metallic materials associated with the precious metals - copper-alloy coins and jewellery and precious or semi-precious stones from a hoard, for example, or the container in which the hoard was buried.

The Council for British Archaeology (CBA) has been campaigning for many years for a revision of the law relating to buried archaeological materials. Ideally, British archaeologists would like to see a legislative system such as those which obtain in the Scandinavian countries, where all archaeological objects are legally the property of the crown or the state, or in Scotland, where the Scottish legal principle of *bona vacantia* assigns title to any material whose owner cannot be identified to the Crown. Most British archaeologists recognise, however, that a drastic legislative innovation of this kind is highly unlikely, whatever the political complexion of the political party in power: the concept of private property is deeply ingrained in the English consciousness, whilst there is a strong popular attitude that is romantically favourable to the notion of treasure hunting as being part of the birthright of every free-born Englishman.

Against this background, therefore, the CBA has sought instead to change the present situation in two specific ways, which seek to prevent the loss of archaeological information, as opposed to the objects themselves. In 1983, with the support of Lord Abinger, a private Bill was introduced into the House of Lords which proposed to amend the present Royal prerogative of Treasure Trove by abolishing the *animus revertendi*, so that all objects of gold or silver became Crown property, and by extending the protection thus offered to all material associated with the precious metals and to other categories 'to be determined from time to time by the Secretary of State'. Despite strong Government opposition, this Bill was carried successfully through all its stages in the Upper House, only to be lost in the House of Commons by the employment by the Government of a little-known constitutional procedure.

The CBA's other stratagem is a statutory reporting procedure for all archaeological procedure for all buried archaeological material. This campaign began in the 1960's when a proposed Antiquities Bill went into nine drafts following very extensive consultations in the archaeological and museums communities. It was, regrettably, finally abandoned in 1969, when the British Museum made it clear that it would oppose this measure. No further action was taken until 1985, when the sale of some Iron Age horse trappings at one of the major London auction houses provoked the Director of the CBA to write a letter to *The Times*, pointing out the inadequacies in the protection afforded to 'portable antiquities' under

English law. This was taken up by Tam Dalyell MP, who secured an undertaking by William Waldegrave MP, then Minister responsible for heritage matters at the Department of the Environment, to set up an interdepartmental enquiry. A memorandum was prepared by the CBA which proposed a compulsory reporting system of the type already in force in Scotland and Northern Ireland; this was accepted by the interdepartmental working party, which promised tacit support to a private Bill and assistance in drafting. The CBA began a process of intensive lobbying among archaeological and museums bodies and was gratified that the strong support that its proposal received counted among its adherents the British Museum. It was virtually ready to launch its renewed campaign in 1987 when the Donhead St Mary case referred to above (in which the CBA's Wessex Regional Group had played a significant role) received a great deal of media exposure. As a direct result of Parliamentary pressure in both Houses, the Treasury carried out a review of the Treasure Trove procedure and the Department of the Environment issued a consultation paper early in 1988 (based to a considerable extent on the CBA memorandum). The result of that consultation is still awaited at the time of writing (October 1989).

The CBA system is a relatively simple one. It proposes that there should be a statutory obligation upon all citizens of England and Wales to report the discovery of archaeological material, whether by chance or as a result of deliberate searching, to an approved archaeological body, such as a museum, a university, or a professional archaeological unit, within a specified period, at the same time supplying details of the findspot of the material and handing it over for study and recording. This reporting could be direct to the approved body or indirectly via the police. The approved body would undertake to return the material to the person or organisation reporting it within a set period, probably of the order of four weeks, during which time it would be studied and recorded. This system does not involve any transfer of title of ownership and it does not affect the operation of Treasure Trove in the traditional way (although the CBA is still strongly in favour of the abolition of the *animus revertendi*).

The recent case of the Romano-British bronzes from the protected site at Icklingham (Suffolk), which have been offered for sale by a New York antiquities dealer (see *British Archaeological News*, November 1989, pp 77-8) has raised the whole issue of portable

antiquities legislation again in very high relief. This case illustrates the whole range of problems.

1. It demonstrates the vulnerability of protected sites in the United Kingdom, since it seems clear that offences had been committed under Section 42 of Ancient Monuments and Archaeological Areas Act 1979, which forbids the use of metal detectors on protected sites and the removal of material from them without the authorisation of the Secretary of State.

2. It illustrates the problems faced by owners of archaeological sites, since in this case offences were committed under the Theft Act, as well as the Common Law offence of trespass.

3. It underlines the problems arising from lax application on the part of the authorities of the Export Control regulations: it is an offence to export any archaeological object over 100 years old without an Export Licence. A CBA meeting with members of the Reviewing Committee on the Export of Works of Art in 1975 resulted in an approach being made to HM Customs and Excise which was met with a blank refusal to take any kind of action, even the posting of notices drawing attention to the Export Regulations in Customs halls at ports and airports. A similar approach to the Association of Chief Police Officers had little more success, although in fairness it should be added that certain County Constabularies, notably those in Norfolk, Suffolk, Surrey, and Wiltshire, have demonstrated their readiness to collaborate with state agencies such as English Heritage and with local archaeologists in following up looting of protected sites and prosecuting offenders.

Once archaeological material has gone abroad, however it may have been obtained (i.e. by clandestine excavation, by theft from a museum, a church, or an archaeological excavation, etc.), there is no means by which the U.K. Government can invoke the assistance of the Government of the recipient country in securing its return. This is directly attributable to the persistent refusal of the U.K. Government to ratify the 1970 UNESCO Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property. Had the United Kingdom been a State Party to this Convention, it would have been possible for the US Government to have taken direct action on its behalf in the Federal Courts to recover the Icklingham bronzes and return

them to Britain, as it acted for the Government of Cyprus in respect of the medieval mosaics from Turkish-occupied Cyprus at the Federal Court in Minneapolis in July 1989.

Finally, some words about the somewhat different situation regarding archaeological material from underwater sites. There is a system of protection for selected underwater archaeological sites which operates through the Protection of Wrecks Act 1973. The underwater portable heritage is, however, governed by international salvage law as set out in Part IX of the Merchant Shipping Act 1894. All material has to be delivered to a Receiver of Wreck, who retains it for one year while seeking to establish if an owner exists; at the termination of that period, the material is sold. As a result, much material is removed clandestinely from historic wrecks by treasure divers, whilst underwater archaeologists find themselves faced with the prospect of being required to purchase material that they will have excavated scientifically. The nautical archaeology community in the U.K. recognises that its problems are comparable with those of its land-based colleagues, but that a separate campaign for reform is needed, given the fact that their material is governed by different legislation and Government Departments. A Joint Nautical Archaeology Policy Committee has been set up by the National Maritime Museum, the CBA, the Nautical Archaeology Society, and the Institute of Field Archaeology (Maritime Affairs Group), which is campaigning to abolish the present system involving the non-archaeologist Receivers of Wreck and the one-year holding period before disposal, replacing with a reporting procedure similar to that proposed for land-based materials, using a similar system of designated museums. The Joint Committee's detailed proposals were set out in a policy document, *Heritage at Sea*, which was launched at the House of Commons in May 1989 and which is currently being studied by the appropriate Departments.

To sum up, it can justly be said that the legal situation regarding the protection of portable antiquities in England and Wales - in fact, in the whole United Kingdom, since neither the Scottish nor the Northern Ireland system is operated adequately - is an appalling one when it is compared with the best international standards, such as in the Scandinavian countries, the countries of East European, and many Third World countries (some of these, ironically, endowed with admirable antiquities legislation by the U.K.

Government when they acquired independence during the 1960's and 1970's). It has to be recognised that this situation stems to a considerable extent from a deeply entrenched English tradition of private property, which means that in practical terms a system of statutory state seizure of archaeological material is unthinkable - most certainly with the present government, but probably also with any foreseeable alternative administration. Nevertheless, the present situation cannot be allowed to continue, in view of the erosion of the nation's cultural heritage and the loss of archaeological data that it entails. This erosion may not be as dramatic as that wrought by the *tombaroli* of Etruria or the *huaqueros* of Central America, or even the pothunters in the USA with their backhoes, but the results are equally catastrophic for archaeology and for our understanding of past.

A campaign to reform the present situation is essential, and should be based on three main planks:

1. The abolition of the *animus revertendi* in Treasure Trove
2. The introduction of a comprehensive reporting procedure, relating to material from both land and underwater sites, backed up by the level of central Government funding that such a system demands
3. The immediate ratification by the U.K. Government of the 1970 UNESCO Convention.

With the introduction of these measures, the British archaeological heritage will no longer be dug up, in Sir Mortimer Wheeler's graphic phrase, 'like potatoes', with the consequent loss of precious archaeological data, and sold to the highest bidder, to end up in a private collection in Dallas or Zürich.

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WHAT'S MINE IS HER MAJESTY'S: THE LAW IN SCOTLAND

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Introduction

In discussions about the portable antiquities legislation of England and Wales, it is commonly asserted that the system which operates in Scotland is better and should be emulated, since it encompasses a broader range of material.

Study and experience of the Scottish system leads the author to conclude, however, that although the legal provision for portable antiquities is indeed better north of the Border, the system of applying the law as it currently operates is far from ideal. Any moves to improve the situation in England and Wales should therefore take account of the Scottish experience.

This paper presents a brief outline of the laws which relate to the discovery, reporting and disposal of portable antiquities in Scotland, together with a discussion of the operation and problems of the current system, and suggestions as to possible improvements.

The law in Scotland

There are three main areas of legislation relating to portable antiquities in Scotland, namely:

1. The Civil Law doctrine of *quod nullius est fit domini regis* ("that which no longer has an owner becomes the Crown's"), and the law of **Treasure Trove**, which is subsumed under this broader rubric: this covers **all** artifacts which are discovered on or below the land surface in Scotland. The Treasure Trove law relates specifically to items of silver and gold; the broader maxim defines a category of items named *bona vacantia* ("ownerless goods"). Under this rubric it is not necessary to determine whether items were deposited with an intention to retrieve them. Both the doctrine and the Treasure Trove law have existed for centuries in Scotland; for discussions of their scope and history, see Stevenson 1969 and Turnbull 1989.

2. Maritime legislation (i.e. the Merchant Shipping Act 1894, Part IX, the Ancient Monuments and Archaeological Areas Act 1979, Part III, Section 53, etc.): the same laws apply in Scotland as to the rest of United Kingdom territorial waters, with but minor operational differences; for full details, see the paper by Sean McGrail, this volume. These laws relate to

artifacts found in or under the sea and in or on the shores of the sea or any tidal water.

3. The Ancient Monuments and Archaeological Areas Act 1979: this is the same law as that covering England and Wales, except that Part II is not in force, and the amendments of the National Heritage Act 1983 do not apply. This covers only artifacts which are found using a metal detector on scheduled ancient monuments (irrespective of whether the ancient monuments are on land or under the sea, in the latter case as non-shipwreck sites).

Briefly, it prescribes (in section 2) that it is an offence to execute, or cause to permit the execution of, any works (and hence uncover any artifacts) on a scheduled ancient monument (henceforth SAM) without the prior consent of the Secretary of State for Scotland; or (section 28) to destroy or damage a scheduled monument, or a monument under the guardianship of the Secretary of State for Scotland or a local authority, by virtue of the Act. More specifically, section 42 makes it an offence to use a metal detector on a scheduled monument without the consent of the Secretary of State for Scotland, or to remove artifacts, found by use of a metal detector, from an SAM without consent. The removal of surface finds not uncovered by the use of a metal detector is not covered.

(Other laws with a bearing on portable antiquities do exist in Scotland, but the ones detailed above are the principal legislative tools used on archaeologists' behalf here.)

Operation and problems of the system

Since the last two areas of legislation can be dealt with briefly, they will be discussed first.

Maritime legislation

The operation and problems of the existing system dealing with maritime legislation have already been discussed in detail by Sean McGrail, so need not be repeated here. Most of the known and designated shipwrecks off Scotland date from the relatively recent past, and the problems relating to the salvage of material are essentially the same as those encountered south of the Border. The issues surrounding the salvage and disposal of wreck are likely to receive public airing as a result of the recent formation of "SS Politician PLC", a company whose intention it is to raise and sell the remaining cargo of the infamous, ill-fated "Whisky Galore" ship.

One example of a successful and uncontroversial application of maritime law in Scotland relates to the discovery of a Viking gold armlet in the Sound of Jura in 1979. The item was discovered by divers as a stray find on the sea bed, then taken to the Receiver of Wreck who dealt with it according to the Merchant Shipping Act 1894. The armlet was disposed to the then-named National Museum of Antiquities of Scotland (now National Museums of Scotland), and the finders were rewarded.

Ancient Monuments and Archaeological Areas Act 1979

The body responsible for the application of this Act is Historic Buildings and Monuments, Scottish Development Department (henceforth HBM). The Secretary of State for Scotland schedules structures, sites and remains in Scotland and is bound to publish, from time to time, a list of SAMs; the most recent list was published early in 1989. Such lists are available free of charge. Since 1986, HBM has employed part-time wardens in six of the twelve local authority Regions or Island Areas; almost complete coverage of the country will be achieved in 1990. They visit all scheduled monuments, but have paid particular attention to SAMs which have been most prone to metal detector interest (e.g. Newstead Roman fort, Burnswark Roman fort, Jedburgh Abbey, Old Roxburgh medieval burgh). From 1988 signs have been placed on some vulnerable SAMs, informing the public of the Act's prescriptions.

The HBM also acts on the Secretary of State for Scotland's behalf in granting or withholding Scheduled Monument Consent for excavation and other "works". Although there is no system of excavation licences (as exists, for example, in Northern Ireland under the Historic Monuments Act (N.I.) 1971), HBM does have discretionary powers and takes into account aspects such as the prospective excavator's publication track record.

The main problems involved in operating the system are those of **educating** the public, **policing** the sites and **enforcing** the law. The first is being addressed by means of a publicity programme designed to heighten public awareness of the law: this takes the form of publication (e.g. the new HBM Information Leaflets on scheduled ancient monuments and on metal detecting, the new-look, easily-accessible List of Ancient Monuments in Scotland and a recent article in the journal of the Scottish Landowners' Federation), broadcasting on TV and radio, and

personal contact (e.g. talks to the Scottish Federation of Metal Detector Clubs). Inevitably, the task of educating the public in such matters is a slow and difficult one, and the general level of public awareness remains low, as shown in the Borders metal detecting case discussed below.

The second relates to the broader problem of HBM staff shortages: there are insufficient resources to allow the blanket, full-time policing of sites, although HBM is addressing the problem through its recent expansion of the field warden staff. A further problem, also related to staff shortages, is the difficulty of ensuring that other vulnerable sites get scheduled before they are stripped of their contents.

The third problem, law enforcement, is well illustrated by an unsuccessful attempt, in the spring of 1988, to prosecute a couple who were caught metal detecting within the scheduled area at a famous Roman fort in Borders Region. Having been discovered by the HBM warden and apprehended by the local police, the case for prosecution under the 1979 Act was brought before the local Procurator Fiscal. The items confiscated on the day and used as evidence consisted of a few unspectacular pieces of lead and copper alloy; the fact that the same people had previously found numerous, more spectacular pieces from the scheduled area (which they had taken to the National Museums of Scotland after their apprehension) could not be used as evidence. It is understood that the Procurator Fiscal threw out the case on the following grounds: (i) the couple had received the landowner's permission to detect (an objection which is, in fact, irrelevant within the terms of the 1979 Act); (ii) the couple were otherwise upstanding citizens, and had not committed a serious crime; (iii) there were no notices on the site to warn the public that metal detecting and other disturbances are illegal. Such a judgement highlights the need for education about the law. It is also symptomatic of a widespread misunderstanding about archaeology, which fails to recognise the damage done by treasure hunting. HBM are in the process of preparing an article for legal journals in Scotland about the law concerning ancient monuments.

***Bona vacantia* and Treasure Trove**

As indicated above, under this legislation the Crown lays claim to all objects found on or in the land in Scotland. It can exercise its discretionary powers to invoke the law to claim any object it wishes, and also to issue or withhold a reward to the finder. Where

paid, the reward is usually equivalent to the full market value of the object; but the Crown can reduce the amount if, for example, the finder has deliberately delayed the notification process. No reward is to be paid where items have been recovered in contravention of the Ancient Monuments and Archaeological Areas Act 1979. The legislation relates to any item found within the last twenty years.

The system which operates today owes much to the work of Henry Rhind, who in 1858 campaigned on behalf of the Society of Antiquaries of Scotland to improve the application of the existing legislation. His recommendations, published in "The Law of Treasure-Trove: How can it be Best Adapted to Subserve the Interests of Archaeology?" (Rhind 1858), make interesting reading since many still need to be heeded today. Briefly, Rhind exhorted the Crown's agent to exercise the law which already existed so that the finders of all objects were paid a reward, thereby ensuring that the objects were brought to the attention of the appropriate body; he also called for greater education and enforcement of the law. (The Crown's agent had in fact been applying the Civil Law since 1846, but Rhind felt that the issue needed a broader airing.)

Rhind's greatest contribution was to promote a positive attitude towards the portable antiquities legislation. Recognising that it was widely regarded as "the bugbear of Antiquarianism", he attempted to demonstrate that the philosophy behind the laws was that the Crown was working to protect the heritage of the nation for the nation. As will be demonstrated below, however, old beliefs can be hard to shift.

Under the current system, two levels of operation exist, namely:

- the Treasure Trove Panel (TTP); and
- the Finds Disposal Panel (FDP).

The TTP is a formally constituted body which advises the Crown's agent, the Queen's and Lord Treasurer's Remembrancer (Q<R), who in turn is responsible to the Treasury. (The Q<R now works from the Crown Office). The TTP advises the Q<R on which items the Crown should claim, how much the reward should be and to whom the material should be disposed. (Despite its name, it deals with all items defined as *bona vacantia*, not just those covered by the Treasure Trove law.) It comprises three members:

the Chair (also acting as the Q<R's Assessor) and two local museum representatives, who are appointed by the Chancellor of the Exchequer in consultation with the Secretary of State for Scotland. Under the existing legislation, all finds of portable antiquities are supposed to be reported to the local police or museum. These agents should then inform the local Procurator Fiscal, who in turn notifies the Q<R; the Q<R then consults the Chair of the TTP, and on the basis of his or her recommendations, decides whether to claim the items. The TTP then recommends whether and by how much the finders are to be rewarded, and to whom the items are to be disposed. The TTP has traditionally had an arrangement with the National Museums of Scotland whereby advice on the nature and value of the items is collated by the latter body, and any conservation work needing to be done is carried out by NMS conservators. In practice, the sequence of reporting often deviates from the model, but the network usually works so that the appropriate information is eventually passed to the Q<R. Where an item is claimed and a reward paid, the recipient museum must meet the cost of the reward; help with museum purchases is available from the National Art Collections Fund and the Local Museums Purchase Fund (the latter, naturally, available only to non-national museums).

The FDP is an informal advisory group, established by HBM in 1981 as a successor to the Finds Disposal Committee of the Ancient Monuments Board for Scotland, to deal with material from HBM sponsored excavations and with stray finds from monuments in the care of the Secretary of State. Having been in abeyance for some time, the FDP has now been re-activated; it comprises the following: Chair (representative from HBM), Secretary (representative from HBM), Director of the Scottish Museums Council, Director of the National Museums of Scotland (or a nominee thereof) and an Independent Assessor, appointed by HBM. (Although formerly present on the FDP, the Q<R's Assessor no longer participates at this stage, having already screened the material for items which are to be claimed by the Crown.) The role of this committee is to advise HBM, who act on behalf of the Secretary of State for Scotland, in the disposal of the objects in question. In arriving at disposal decisions, the role of the Scottish Museums Council Director is to advise on the eligibility of non-national museums as recipients of material.

Thus, in theory, the TTP/FDP system provides a great degree of control over the reporting and disposal

of portable antiquities in Scotland. In practice, however, it faces several problems, the most serious of which are:

- widespread ignorance of the system, which leads to non-reporting of finds and other abuses of the system;
- wilful non-disclosure of finds, and the attendant problem of dealing in Scottish portable antiquities;
- the current slowness of the system in processing Treasure Trove/*bona vacantia* cases;
- the disposal of finds.

All of these problems were identified by the Museums and Galleries Commission, who carried out an investigation into the Scottish system and published its results as the Miles Report in 1986. The comments offered below are informed both by this report and by the author's own experiences over the last two years.

As for the need for education, the author's own experiences lead her to conclude that this applies not only to the general public but also to professional archaeologists, some local museum curators, the police and many Procurators Fiscal - in other words, the very people who are meant to ensure the smooth running of the system. As far as excavated material is concerned, for example, it is not widely realised that the matter of disposing finds is the responsibility of the FDP (in the case of HBM-funded excavations, if the Q<R passes ownership to the Secretary of State for Scotland) or the TTP (in the case of other excavations), and **not** of the excavator or funding body, regardless of past practice. Colleagues from organisations outside Scotland who undertake excavations in Scotland should be particularly careful to avoid breaking the law.

In response to the Miles Report recommendations, the TTP published an information leaflet and poster on "Treasure Trove in Scotland" in 1986. The wide distribution of this publicity served to raise the public profile of the subject somewhat, but clearly a more intensive publicity campaign is still required. Unfortunately, the financing of such ventures is a problem, as the Q<R has no funds earmarked for this purpose.

On the subject of the wilful non-disclosure of finds, it is clear that the hostility to officialdom and the feeling that more money can be gained for finds on

the open market which Rhind noted in 1858 is still alive and well in Scotland, fuelled by a volatile market. The antiquity of such sentiments is demonstrated well in the report on the discovery of a major Pictish silver hoard at Norries Law, Fife, around 1819:

"The two decorated plaques, two hand pins, penannular brooch and part of a decorative plaque which ended up in the collections of the Society of Antiquaries of Scotland were part of a large hoard from a gravel mound. The hoard was first discovered during digging for sand and gravel in about 1819. The precise facts connected with this remarkable discovery were never ascertained, owing to the apprehension of the interference of the Scottish Exchequer to reclaim the Treasure Trove. However, it has been estimated from the silversmith who bought the treasure that some 400 ounces of silver may have been sold off before their significance was realised. A formal search was made in 1822, and all the remaining objects (some 24 oz.) came from this later discovery" (Paraphrased from *Proceedings of the Society of Antiquaries of Scotland* Vol. vi, 1864).

Compare this with a recent piece of popular bad press for the Treasure Trove system, concerning the discovery of an Iron Age massive armlet:

"Forest worker Tom McCormack was astounded when a 2000-year old bronze armlet was sold for a staggering £100,000. For he ended up with a paltry £150 for a similar one he found near Stirling. Tom, 25, found it at the Bows of Doune in August, 1981, and handed it over to the Royal Museum of Scotland in Edinburgh.

The Celtic find was claimed as "treasure trove" by the Crown Office. Tom got a £150 reward - the full market value of his find, according to experts. But in 1986, another Celtic armband - the Achavrail armlet - was sold by the Duke of Sutherland Trust for £75,600 at Christie's in London.

Tom, ...said "I can't believe my armlet was valued correctly. I'm so choked I wish I'd kept it and sold it privately." A Crown official said "The Achavrail armlet achieved a sale price which reflected its high artistic merit. The Bows of Doune armlet by these standards is very unimpressive." (*Sunday Mail*, 6.12.87)

During the 19th century, it was not uncommon for precious metals to be melted down to escape discovery by the Q<R; nowadays, the determined lawbreaker is more likely to sell the items to a dealer. It is not known how many objects are passed amongst dealers in Scotland; since dealing in unreported recent finds is illegal according to the Treasure Trove/*bona vacantia* legislation, one assumes that any such dealing is carried out in secret. However, that some such Scottish finds are passed to foreign dealers' hands (e.g. in London) cannot be doubted, even if the obscuration of their true provenance (as in the case of a dragonesque brooch "from the north of Britain" which recently appeared in a catalogue) makes it hard to prove that they are Scottish.

The slowness of the system is due to several factors, and it is not proposed to discuss these in detail here. Delays can occur at every stage in the process, and the end result is often a long interval - sometimes lasting years - between the discovery of an object and the payment of a reward (or other resolution of a case). This inevitably causes ill-feeling amongst many finders of objects, who are often impatient for their rewards. Whilst the finders' desire for money should not be the main motive for improving the system, nevertheless an enhanced efficiency is in everybody's interests.

It should be noted, incidentally, that the system is not as fraught as it might be: although in theory every find must be notified to the Q<R, in practice a great deal of informal screening is carried out at the level of the local and National museums, so that only the more noteworthy archaeological finds are processed through the Treasure Trove system. Thus, the system avoids becoming unworkably cumbersome. It must be admitted, however, that a review of the screening process is desirable.

The final problem, disposal of finds, encompasses the thorny issues of national vs. non-national museums' claims to finds and the accreditation of non-national museums. Concerning the former, the traditional view is that the National Museums of Scotland have "hogged all the goodies", depriving non-national museums of what local people feel is their rightful heritage by using their privilege and superior purchasing power. However, the statistics for 1970-1986 do not bear this out as far as the recent past is concerned: of the 67 cases in which material was claimed by the Crown, in 30 cases the finds went to the NMS, in 30 cases they went to non-national

museums, and in seven cases they were shared between the NMS and non-national museums. Only in six instances was the disposal decision contested. The heart of the problem resides in three factors: (a) the absence of formal published collecting policies for all Scottish museums (which would legitimise and clarify claims to material); (b) the lack of consensus about the respective roles of national and local museums; and (c) the National Museums' superior purchasing power. On the last point, it must be stated that the purchase of expensive material is not the sole domain of the National Museums: the above mentioned Achavrail armlet was purchased for the Inverness Museum and Art Gallery with the aid of a Local Museums Purchase Grant, negotiated with the assistance of the National Museums.

The issue of the accreditation of non-national museums was dealt with in detail by the Miles Report, so will not be discussed at length here. Briefly, at issue were the criteria for accreditation (e.g. the presence of trained archaeological curators in museums with archaeological collections; the presence of adequate storage conditions) and the presence or absence of financial support whereby these criteria could be achieved.

So much for the main problems afflicting the *bona vacantia*/Treasure Trove system in Scotland. That the system is prone to other, more arcane problems is illustrated by the famous court case over the St. Ninian's Isle Treasure, found in a church on this Shetland Isle on 4th July 1958 (Smith 1973). In essence, the legal wrangles between the Lord Advocate v. Aberdeen University and Budge revolved around discussion as to whether Scottish Law or Norse Law obtained in this case. Luckily for the future well-being of the system, the Lord Advocate won. The legal commentator, T.B. Smith, added however that it was just as well that the General Trustees of the Church of Scotland did not join the fray and complicate matters by staking a claim, as *ultimus haeres* ("ultimate heir"), to the Treasure.

Suggested improvements to the system

Sean McGrail has already dealt with the improvements which need to be made to the system concerning maritime finds, so these can be passed over. As for the remaining areas of legislation, the following improvements can be suggested:

1. Improved education and better P.R.; greater publicity needs to be given to portable antiquities

legislation and the working of the system. As far as the public are concerned, more and better communication is required, reaching a broader range of people than are currently aware of the law. Information should be tailored to, and targeted at, groups such as farmers, forestry workers and schoolchildren. As far as *bona vacantia*/Treasure Trove is concerned, the public need to know not only what the law dictates, but also how the system works, and how decisions are made. As far as the professional agents involved with Scottish portable antiquities are concerned, induction sessions offered during police and other law officers' training courses, Museums Association courses, university archaeology courses, meetings of Procurators Fiscal etc. would serve to heighten awareness.

2. Better policing and law enforcement: the former is largely a problem of allocating more resources, or finding more effective modes of policing (as far as scheduled ancient monuments are concerned); the latter, one of educating the agents of the law. As far as the policing and prosecution of dealers and lawbreaking finders is concerned, the problem is more intractable. Infiltration of the dealer network, followed by some exemplary prosecutions, may deter some but is unlikely to eradicate the problem of non-disclosure of finds. The declaration of an amnesty on metal-detected finds from SAM's is a possibility, although without better intelligence on the offenders, few are likely to be motivated by the deal.

3. Improvements to the operation of the *bona vacantia*/Treasure Trove system, such as allocation of more staff time in the National Museums of Scotland.

4. Better communication between national and non-national museums: (a) the publication of collecting policies (which would be much facilitated by the compilation of a computerised National Inventory of Portable Antiquities); (b) more open discussion of the respective roles of national and non-national museums.

5. Introduction of the Museums and Galleries Commission Registration system for non-local museums, together with the resources needed to improve their lot.

Some of these improvements are already in train, whilst others are expected to occur in the near future. The Scottish Museum Archaeologists Group is actively

lobbying for change, and most of the institutions involved with portable antiquities in Scotland have acknowledged the need for it. However, even if all the improvements suggested above were to be implemented, some problems would remain. Nevertheless, recognising these problems and attempting to address them is an important first step.

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DISPOSAL OF COLLECTIONS AND LEGAL RESTRAINTS

Peter Saunders, Salisbury and South Wiltshire Museum.

The recent revelation, in the Museums Association's **The Cost of Collecting**, that the maintenance of each 1 sq. ft. object might represent an investment of £11 *per annum* for ever might be enough in itself to frighten us all into disposing of collections as a means of keeping future costs down. At the very least it may lead some curators and trustees to be more careful about the processes of acquisition. By thinking more carefully about what we acquire today, we may be more able to avoid questions of deaccessioning and disposal arising tomorrow.

Whilst, however, better accessions policies in the future might lead to the possession of fewer unwanted objects this does not solve the problem of present inherited skeletons in the cupboard. Most museums, if honest, would own up to having items they would rather be without. What should they do about them? The disposal of collections has been an emotive subject: 'disposal' is seen by some as a dirty word. At the outset I should declare that I am not against disposal; disposal, that is, within a clear ethical and legal framework. I suspect that many curators are reluctant to entertain disposal. One told me: "Personally I am not against even selling (objects) in some cases but it is such a dangerous precedent I dare not subscribe to this view in public!" Another said: "In common I suppose with most curators (certainly in the local authority sector) I try to avoid giving elected members the idea that it might even be possible to get rid of collections, since you never know what some of them might come up with if given their heads". Yet a third described to me how objects were "sold anonymously (with the Chairman's approval) through the local saleroom" as a means of solving the problem of long-term storage of material totally unsuitable for study or display. "The whole matter was kept out of Council committees and the press". I dare say we could all relate similar stories of clandestine behaviour which, it seems to me, is certainly unethical and probably illegal. What is interesting is that there seems to be, and has been, more of this going on than would appear on the surface.

In preparing my thoughts for this paper I sent a brief questionnaire to sixteen curators from a variety of museums asking what legal restraints they faced

concerning disposal and whether they had faced problems in disposing of objects. Fifteen replied and many had comments which would frankly make your hair stand on end. I refer, albeit anonymously, to several in this paper.

Many curators, if the sample is representative, agree with the principle of the disposal of objects though many prefer not to face up to the emotive side of the issue and simply tuck unwanted material away and forget it. Disposal goes on also through neglect - who has not seen natural history specimens being eaten dead, so to speak, so that eventually they have to be destroyed? What is needed is a facing up to the issue of disposal so that curators are not afraid of it. I believe that the Museums and Galleries Registration Scheme will help in this regard by forcing curators and trustees to state publicly what their policies are toward this issue.

Publications

In forming a policy for disposal, and being aware of the legal restraints, it is helpful to survey some of the scanty literature on the subject:

(1) Paragraph 18 of the M.G.C.'s *Guidelines for a Registration Scheme for Museums in the U.K.* is a useful starting point, for it sets out the minimum standards which might be expected in such a policy.

(2) Section 5 of the Museums Association's *Code of Practice for Museum Authorities*, adopted 1987, concerns the disposal of collections and reinforces the idea that "there must be a strong presumption against the disposal of any items in the collections of a museum". With registration more museums are adopting this code, which again should help to demystify the idea of disposal.

(3) Peter Cannon-Brooke's chapter on "The Nature of Museum Collections" in the *Manual of Curatorship* includes a section on disposals where he makes the useful point that they require a higher standard of care than acquisitions. He also points out the difference between deaccessioning and disposal.

(4) For a detailed assessment of the 'Legislation relating to the acquisition and disposal of Museum Collections in the U.K.' see Geoffrey Lewis's *Museum Studies Notes*. vol. 2 (1986) section 2.2, pages 1-13.

Individual, particular museums may have specific legal restrictions upon disposal, as in the case of the

British Museum where the British Museum Act of 1963 lays down that Trustees shall not dispose of objects except under provisions in Section 5 or 9 of the Act. These are quoted in full by Lewis and in broad terms relate to duplicates, printed matter after 1850, objects unfit to be retained, or made useless by damage or decay. The National Gallery and Tate Gallery Act of 1954 specifically removed the power of the Trustees to sell items. The present Government seems to be trying to sweep away such restrictions!

Examples of such restraints at local level include the Plymouth City Museum and Art Gallery where the Cottonian Collection is a special case and the Plymouth City Council Act of 1987 specifically states that the collection "shall be maintained intact", that is, by implication, no part may be disposed of.

My own Museum, the Salisbury and South Wiltshire, in accepting the gift by the Treasury in 1975 of the Pitt Rivers Collection, accepted four legal conditions. In summary these are (a) that the archaeological material shall be retained as a single collection to be known as 'The Pitt Rivers Collection', (b) that apart from short loans or conservation needs it shall be kept at Salisbury Museum or its outstation, (c) that the Collection shall be properly preserved and (d) that in the event of the Museum defaulting on any of the above three conditions then ownership of the collection is to be transferred to the Treasury Solicitor and the collection delivered to such place as the Treasury may direct. The Pitt Rivers Collection is thus safeguarded against disposal. This is the more significant given the fact that the future of the archaeological material in the Pitt Rivers Museum at Farnham in Dorset (which had closed in 1966) had by the early 1970's become a major cause of concern with the archaeological and museum world voicing fears in 'The Times' and elsewhere over its disposal by sales.

(5) There are other publications including case histories. The Association of Independent Museum's Guideline No 14, *Museum Collecting Policies and Loan Agreements* (rev. 1988), is germane to our theme.

(6) I would particularly commend Martin Norgate's article 'Dispose is a dirty word' in *South West Museum News* (No 6, Autumn 1987) where the reasons to dispose of an object were set down in note form:

- because you don't want it
- because you can't care for it
- because you can't make use of it
- because someone else should have it
- because you've lost it by theft or destruction
- because you need to sell it

He then lists some reasons against disposal and sets down the methods and procedures if you do decide to deaccession.

The restraints on disposal

1. *The public's perception of museums*

The public trusts museums to keep what is donated to them. If museums are seen, or appear, to be careless with objects donated then the sources of donations will dry up. The public will give elsewhere or sell instead of donate. There is thus self-interest in not disposing of objects.

2. *Restrictive conditions on the acquisition*

The Museum may have entered into agreements or contracts with donors in the past which clearly prohibit disposal.

3. *Third party interests*

The acceptance of a grant towards the purchase of an object will in most cases automatically place a restraint upon its disposal.

The M.G.C. Purchase Grant Fund, for example, draws specific attention to its retention of an interest in an object it has helped to acquire. In signing the grant claim form (Form B) an institution undertakes not to dispose of the item in question without the prior approval of the Minister for the Arts and if it persists with a sale may "seriously prejudice its chances of receiving grant aid in the future".

A similar safeguard principle is used by the National Art-Collections Fund, the National Heritage Memorial Fund, the Contemporary Arts Society and other, less well known, grant-giving bodies. The Friends of many museums give assistance towards purchases and thereby acquire moral if not legal interests in them.

If an Area Museum Service has conserved objects it will have an interest - would disposal of an object concerned require the repayment of subsidised costs?

If collections, upon which an H.B.M.C. storage grant had been obtained, were to be disposed of, the grant could well be required to be repaid. Section 4 English Tourist Board development grants are repayable if the grant-aided project changes hands within ten years of the grant being made.

These all demonstrate third party interest. Some will rarely be encountered, but over a period of time they all tend to be forgotten or overlooked. Some disposals may require multiple permissions.

4. Curatorial considerations

There may be sound curatorial reasons against disposal. Where a collection has been formed by one person or institution the collection may not appear to make much sense as a collection but it may throw great light on the methods of the collector. Care should be taken with historic collections not necessarily to weed out items which now fall outside the museum's collecting policy. Salisbury Museum assimilated the Blackmore Museum Collection of archaeological and ethnographical material (opened 1867) in 1878. By the 1930's the Museum found that it could not properly continue to maintain the collection and decided to sell some of the ethnographic collections (the Squier and Davis Collection) to the British Museum. As recently as the 1960's and early 1970's further residual material (that is outside of its local collecting policy) was dispersed to other museums by exchange, gift or private treaty sale, the practice subsequently recommended by clauses 5.5 and 5.6 of the Museums Association's **Code of Practice**. Whilst one now regrets that the Blackmore Museum was in effect broken up, the objects were at least to be preserved by means generally acceptable to the museum profession. In the climate of today it may have been possible to preserve the museum intact but I question whether that was possible in Salisbury in the 1930's. If the disposals of the 1930's were tragic by the standards of today then at least the disposals of the 1960's and 1970's may be seen as a sound rationalisation of the residue of those collections and together they were retained within the museum community.

It may also be wise to retain objects about which little is known. Poor documentation in the past may lead one to suppose that an object was never accessioned and thus disposable. What happens when proof later materialises to show that the object was indeed accepted into the collection? Beware too of changes

in fashion since the values placed upon objects change and what appears useless today may be highly relevant tomorrow.

Beware also the temptation to avoid the issue of disposal by entering into the long term loan for this may simply be disposal by another name. Loans to even other museums have been known to lead to loss.

Archaeological curators need to face up to the issue of disposal perhaps even at the point of accession. The sheer volume of excavated material means that decisions will ultimately have to be taken over the non-acceptance of some material (perhaps the preferred solution) or the disposal of selected material from bulk excavation archives (an issue too big to be developed in this paper).

5. The Law

We have already seen that some collections are safeguarded by statute, e.g. those of the British Museum and National Gallery and Plymouth's Cottonian Collection.

The Museums Association's **Code of Practice** draws attention (Section 5.3) to the legal position included in the *Report of the Committee of Enquiry into the Sale of Works of Art by Public Bodies* (HMSO 1964). It is worth quoting:

"30. The basic principle upon which the law rests is that when private persons give property for public purposes the Crown undertakes to see that it is devoted to the purposes intended by the donor, and to no others. When a work of art is given to a museum or gallery for general exhibition, the public thereby acquires rights in the object concerned and these rights cannot be set aside. The authorities of the museum or gallery are not the owners of such an object in the ordinary sense of the word: they are merely responsible under the authority of the Courts, for carrying out the wishes of the donor. They cannot sell the object unless authorised to do so by the Courts or by the Charity Commissioners or the Minister of Education on behalf of the Courts, because they have themselves nothing to sell." A threat then ensues: "If they attempt a sale in breach of trust it is the function of the Attorney General to enforce the trust and protect the rights of the public in the object by taking proceedings in the 'Chancery Division'."

Whilst this is often cited as a legal restraint against disposal I believe that the situation is less clear cut than might appear for four reasons:

(1) Local Authorities are not always seen as trustees. Because the same politicians are making decisions about other local authority services and priorities, their decision about the disposal of a museum object is not thought to be purely in the interest of that museum alone but perhaps the local authority as a whole. Political factors may cloud the issue. Perhaps Registration will encourage local authorities to take their trusteeship more seriously though it has to be said that some authorities may wish to divest themselves of trusteeship, as presently does Avon County Council in relation to the Royal Literary and Scientific Institution, Bath.

(2) I suspect that the Crown's position is weaker than suggested. Museums are not a mandatory service. Often the true wishes of a donor are not actually known. Several of the curators I surveyed pointed out that their 'donation' forms incorporate statements giving the museum 'right' of disposal.

(3) Unless there are specific trust deeds relating to particular collections even the Charity Commission's position may work against the independent museum curator who follows his professional code of ethics. He may wish to transfer an object by gift to another museum but this may conflict with his museum's charitable status where the best deal possible for the charity is usually sought. The attitude of the Charity Commission is that where collections are held as part of the charity's Trust Fund, disposal should be for the best market price. This conflicts with the Museums Association's Code and the M.G.C.'s *Registration Guidelines* (18h), which states that "material should be offered first, by loan, exchange, gift or sale to registered museums before sale to other interested individuals or organisations is considered."

(4) The presumption is that the authorities of a museum or gallery are not the owners of a donated object in the ordinary sense of the word. However, when I have sought examples of this being tested in the courts colleagues have been remarkable silent. If examples exist it would be helpful if they were more widely published.

Advice, comment and cautionary tales

Whilst not encouraging disposal I do not believe that it should be taboo. Those who resist disposal at all costs, in my opinion, fly in the face of reality. With the recent and continuing growth in the number of museums it is not unreasonable to believe that there will be (indeed are) some which fail to survive and carefully thought through disposal (perhaps 'dispersal' would be a better word) will be required. This is the extreme situation but we should be prepared for it. To safeguard the collection of an independent company or trust museum (the majority of these new museums), for example, it is possible to set up a separate company to hold the collections. In this way if this company or trust which manages the museum were to become insolvent, the collections (otherwise regarded as assets and therefore saleable) would be safeguarded from inappropriate disposal.

In the case of Salisbury Museum, a company registered as a charity, the value of the collections is never shown in the Balance Sheet and there is provision, in the event of winding up, for the collections to be transferred to another charitable body similar to the purposes of the Museum. The idea that the collections are a financial asset is thus discouraged.

Unfairly to my mind, while local authority museums and other bodies may negotiate private treaty sales under Schedule 3 of the Capital Tax Act when acquiring objects from the public, independent museums may not. Presumably this is because the Treasury and the Inland Revenue have doubts about the long term possibility of disposal of objects acquired through tax relief. Yet, as we have seen, other types of museum can and do dispose of collections, often contentiously (as, for example, in the case of the recent sale of the George Brown Collection by Newcastle University). Perhaps Registration might be used as the criteria by which museums should be judged by the Treasury worthy of this indirect tax relief.

Fears over disposal thus lead to problems as well as safeguards. If curators follow the guidelines of Registration, seek the proper authority of their governing bodies, keep proper minutes and records, ensure that sale proceeds go into Acquisitions Funds (or benefit the collections) they need have no fears. In the final analysis I suspect that it is the quality of judgement of the curator, the trustees or local authority members which is the important factor in the matter of disposals. Those who act in trust need to be

educated that while they may have the legal freedom to dispose of collections that freedom needs to be exercised within an ethical framework and to be tempered by a willingness to adhere to a well thought out collections policy and a sense of duty to objects rather than their institutions or political masters. One curator, responding to my questionnaire on this subject wrote: "Most of the bad cases that I have come across concerning disposal have resulted from the activities of unprofessional curators who should have known better. Only rarely has it been a high-handed governing body."

The reply from another was revealing: "The worst problems have been in the where got control of the prints and pictures and permission from a weak committee to sell non-local items. There was such uproar over my not unreasonable request that a list should be kept of material disposed of that I smelt a rat. I came in after hours to list them myself and found that the packages contained two thirds local material. An embarrassed chairman was dispatched to discover that some of the material was local at the auction viewing day and to fetch it back. An auctioneer's fee had to be paid."

Another related the results of his predecessor's lack of foresight which lead to a collection passing through private hands and then to a London auction house where items were catalogued as being "from the City Museum Collections" thereby giving the impression that his Museum was now in breach of the **M.A. Code** and **M.G.C. Guidelines**. This highlights the danger of not ensuring that deaccessions to non museum bodies are themselves accompanied by restrictions on their future use.

These cautionary tales reinforce the need for the highest standards in an age when disposals are, I believe, with us to stay and may well increase as collections managers take stock in an increasingly rational, businesslike way. Under controlled conditions disposals may become more acceptable. In reviewing the subject I have become more, rather than less, convinced that the general presumption against disposal is correct but at the same time equally assured that conditions do exist under which disposal is in the best interests of the object and museums generally.

‘THE MUSEUM COLLECTION - A “JUNKYARD OF CURIOSITIES” OR A NEGLECTED ARCHAEOLOGICAL ASSET?’

David Gaimster, The British Museum.

Of all the current trends in British archaeology today perhaps the most counter-productive is the entrenched compartmentalisation of its profession. Museum archaeologists are increasingly ostracised by their fellow professionals in the field or university sector. This exclusive attitude was accurately described in a recent paper on the need to redeem the role of museums in archaeology by Tim Schadla-Hall,

“There still exists a feeling that museums have no real role to play in the process of archaeology except as a vast storage area for excavated material” (Schadla-Hall 1987, 49).

It is my submission, however, that it is this ‘repository’ which is central to the process of archaeology itself. The documentation and research of this vast and largely untapped resource of knowledge can only help to reinforce the claim of museum archaeologists to the centre of the discipline in this country.

Collections-based research is not only part of the mainstream of British archaeology but as Sir David Wilson has recently reminded us, museum scholarship is central also to all the functions of a museum,

“...collections depend on the scholarship and continuing experience of the staff, without which the Museum would be a junkyard of curiosities, assembled without thought or order” (Wilson 1989, 25).

Research is not just the preserve of the mighty national institution, such as the British Museum, but rather the concern of all museum archaeologists throughout the town, county and independent museum services. I will attempt to debunk some of the somewhat sterile accusations of arid intellectualism or “white-coated élitism” (Shanks and Tilley 1987) levelled at museum researchers, and attempt to show that our practical academic activities are essential in the creation and running of a dynamic museum.

Using two specific case studies, the aim of this short paper is to re-evaluate the primary role of research as the linchpin of our curatorial activities: acquisition, and documentation, publication and display and the public enquiry service. It is not my task here to

explain how to research material culture (there are more than enough texts on how to go about that) but rather to discuss the question to **what purpose?** and to **what extent?** is research valid in the context of competing demands for curatorial time and museum resources. The discussion will hopefully enable us to come a little closer to understanding the issues of why and for whom we collect.

Acquisition and Documentation

Much of this conference has concentrated on the formulation of collection policies, but little time has been allocated to the chronological, cultural, geographical (etc.) criteria which govern the acquisition of a particular object, assemblage or material category. It is only by active research on the corresponding area of the collections that a picture can be built-up of acquisition requirements. In my own curatorial field, for instance, the British Museum collection of post-medieval stoneware ceramics has recently been boosted by the purchase of a dated seventeenth-century jug from Bouffloulx, Belgium (Plate 1; Gaimster 1990,). Such vessels are rare on British excavations, and the acquisition of this example has provided important topological and petrological information for ceramic researches in Britain. Its archaeological value could not have been realised without several years’ work on the existing collections at the British Museum, and close collaborative research with outside specialists.

The research potential of our collections can only be tapped, however, if our museum records are up to the job. Research begins with the documentation of the object or assemblage as it is acquired. The systematic computerisation of accession records is a welcome development in British museums. The database containing details of provenance, means of recovery, post-recovery, history etc. are all crucial sources for future research. For individual items this information may appear insignificant, but in the context of historical syntheses from, say, a certain geographical region, this data is vital. The importance of standardised information-retrieval systems cannot be stressed enough, specially for the outside researcher conducting national or regional surveys (West 1989).

Publication and Display

The publication of archaeological fieldwork, assemblages or individual artefacts is a fundamental objective in modern archaeological practice. Without the dissemination of new research the subject and our knowledge of the Past cannot advance. Properly

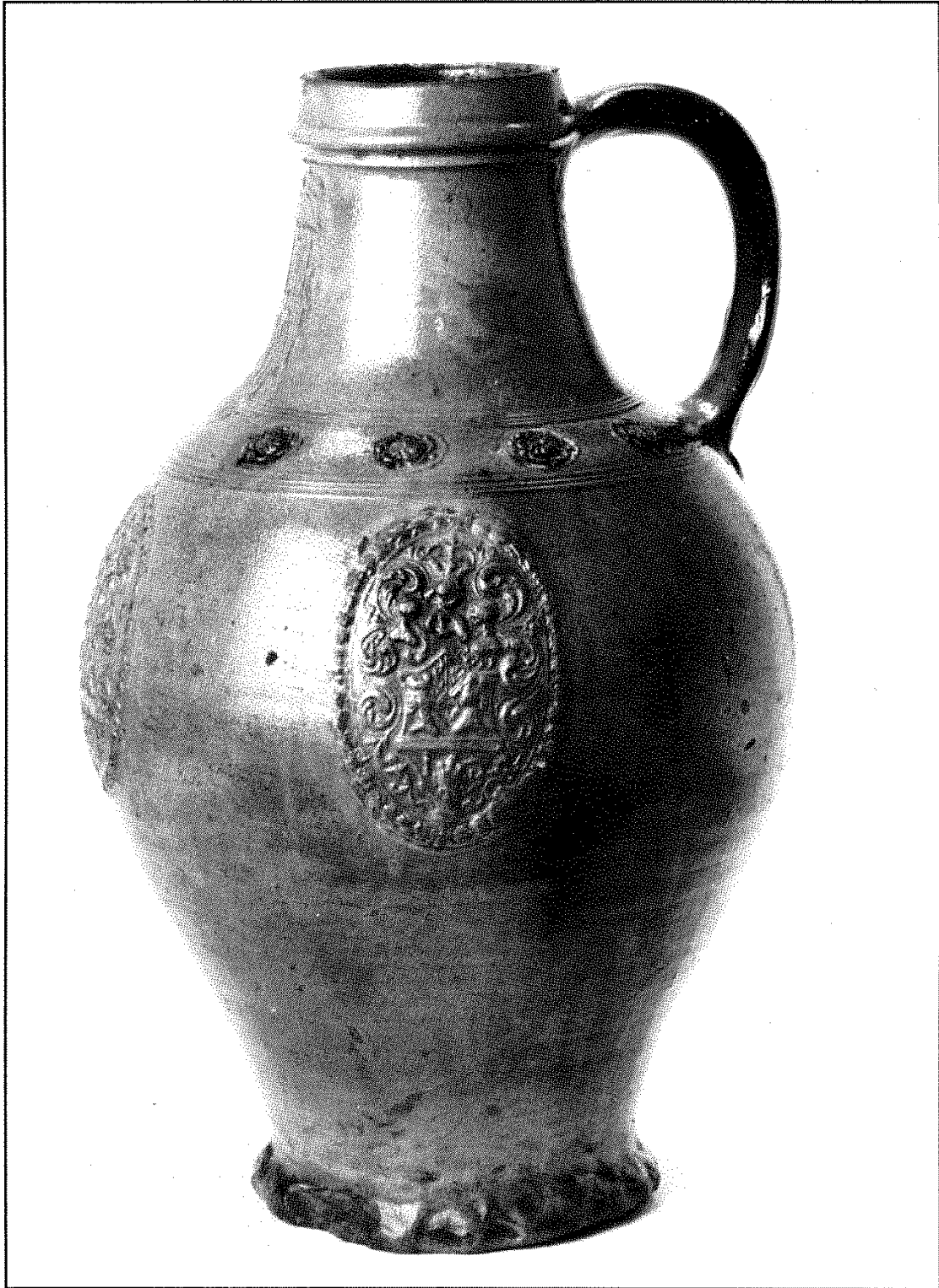


Plate 1: Salt-glazed stoneware jug, applied with three repeated oval medallions bearing the date 1639. Made in Bouffioulx, near Charleroi, Belgium, about 1640. (Copyright: British Museum).

conserved and documented museum collections remain a vastly underused resource in archaeological research. Relatively few articles based on museum artefacts or collections appear in the major period or cross-period academic journals. However, as archaeological 'fashions' change, it is inevitable that long-neglected material can suddenly become the focus of revitalised interest. One such transformation recently occurred at the British Museum where the series of post-medieval ceramic stove-tiles bearing the Royal Tudor and Stuart Arms became the subject of renewed archaeological and scientific study (Plate 2). The research confirmed that the tiles were almost certainly produced in Southern Britain and were not imported

from the Continent, unlike the contemporary Rhenish stoneware jugs, which were also decorated with the Royal Arms (Gaimster 1988). The archaeological evidence for their popularity among the wealthy aristocracy and urban élites of Renaissance England has substantially altered our impression of sixteenth and seventeenth-century interiors, and will form a new and colourful element in the planned re-organisation of the B.M. Renaissance gallery. This research project, which sprang from a re-evaluation of the post-medieval ceramic collections at the Museum, illustrates convincingly, I hope, how new research can generate new displays.



Plate 2: Green-glazed ceramic stove tile bearing the Arms and emblems of Queen Elizabeth I (1533-1603). Made in the Surrey-Hampshire border region. (Copyright: British Museum).

We must bear in mind, however, that archaeology is a constantly changing discipline and that new research continues to alter our interpretation and presentation of the Past. Permanent archaeology galleries and labelling systems must be capable of flexibility as new discoveries are made or new objects added to the displays. In this context, I would support some recent questioning about the over-didactic nature of some of our presentation techniques (Johnson and Holman 1986). If the process of research which creates our displays is as interesting as the results which come from it, then let us present the research as well. So many current displays do not allow the visitor to question the relationship between archaeological evidence and its interpretation; there is no opportunity to examine the inadequacies of the data or see that an alternative theory exists. The presentation of the archaeological research which produces the 'end-product' will almost certainly improve the dynamic quality of the display if designed sensitively. The hierarchy of museum labelling systems must be capable of catering for this input.

Public Enquiries

Museum opinion services seem to be in a constant state of siege. Faced with the all-too-common queues of enquirers, the museum archaeologist must think fast on his/her feet and provide clear, accurate opinions supported by the latest academic research. The quantities of objects submitted enables the curator, in my own museum at least, to extend his/her knowledge of a particular category of small-finds, such as Roman or medieval horse furniture. The vast majority of metal-detector enquiries covers fields which are ill-researched and are usually devoid of reference material. The importance of systematically recording these finds for future analysis is paramount. My own department uses a 1:1 photographic box to record the wide range of medieval and later metalwork submitted for opinions. This photographic index is an invaluable aid to archaeological research and has substantially improved the efficiency of our own opinion service. The process emphasises once again the importance of the 'hands-on' approach to collections research. The comparative value of submitted items must not be overlooked in the practical task of collections documentation and future scholarship.

Implications

I have attempted to show how collections-based research is not only a function of a major national museum, but essentially an activity of immense

practical value for museums of whatever scale or resource level. Although the personal dedication and motivation of individual curators is an important factor, it is becoming increasingly clear that museum managers must maintain their commitment to the allocation of research time for curatorial staff. Despite the apparent supremacy of the more bureaucratic activities in today's museums, museum professionals must not lose sight of the fundamental role of research in the conservation, display and education process. Recent proposals at the V&A Museum to divorce curators from their collections and establish mutually-exclusive research and collections management teams are the very antithesis of the proven formula of hands-on museums scholarship. This ideology must be resisted at all costs by museum archaeologists if they wish to remain part of the archaeological mainstream.

Collections are at the heart of a museum. As Peter Gathercole (1983) has implied, they form the springboard for all our academic and public activities,

"For a museum today is not so much a storehouse, or a provider of knowledge, but rather it is a place where knowledge is created". For me this is the attraction of the museum profession. The vast potential of our archaeological collections puts museum archaeologists in a privileged position in both the generation and articulation of archaeological research. Isn't it about time we realised that our most important asset is sitting under our collective curatorial noses?

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MUSEUMS AND THE INDEPENDENT RESEARCHER

Peter Webster, University College of Cardiff

I should like to treat this as a view of museums and their collections from the viewpoint of a certain category of consumer. Inevitably that viewpoint is biased, so it may perhaps help to start by giving you a brief outline of the various reasons for my visiting the inner recesses of Museums over the last quarter century. I first came into contact with a variety of museums (from the deceptively grand portals of the British Museum to the tin huts of Corbridge) when, as a research student, I went on a search for a particular type of Roman pottery. Thereafter I visited yet more both as the husband of someone researching Roman small bronzes and as someone looking for (and sometimes looking at) the products of specific excavations, often excavations of times long past. More recently, my museum contacts, have, most frequently, been as an Extra-Mural tutor seeking to involve a variety of adults in research in both Roman and Medieval aspects of museum collections.

On the basis of this experience I should like to offer a few comments. My starting point is to ask the question "What general areas are likely to concern the visiting 'academic' researcher in a museum?" I think I can identify three likely areas.

1. Research on a specific object or class of objects, whether hand axes, fertility goddesses or Delft pottery.
2. All the finds from a specific region - for instance anything from the Severn Levels.
3. All, or some, of the finds from a specific site - all Oxfordshire ware from Caerwent, for instance.

My suspicion is that I have listed these requirements in inverse order of difficulty. It would be easiest for most museums to find items from specific sites, most difficult to find all examples of a specific type of object. Let me have a slightly closer look at each of my categories of request:

If we take first that which I have suggested is the easiest category, finds from a specific site. Simply because finds generally come in on a site by site basis and are accessioned by site name, finds from a specific place can generally be identified rapidly. It is probably only in the case of old collections or

specific classes of object, such as coins, where arrangement may originally have been by type rather than provenance, that problems can be expected. I will only add that every researcher learns to dread looking for that special item which has, for some reason, been separated from the bulk of the site finds - perhaps for display or special study. Such items have a remarkable reluctance to return to their fellows.

I would make two further qualifications. The usefulness of a site collection may well depend on the ability of a museum to relate finds on its shelves to specific features or items in the published report. As an excavator, I know that, once one has got the site published, one tends to feel that that is the end of it and one happily bundles all the finds up and sends them off to a museum. Both museum and excavator have an obligation to ensure that the finds arrive with sufficient paperwork to relate finds and published text and/or stored archive. The wise museum curator will bear in mind that a proportion of his queries will be based upon the published finds reports and accession and store accordingly.

This brings me to my second qualification. The records of an excavation are as much items worthy of storage by a museum as the finds. The two are interdependent and it is usually unhelpful to store them in separate depositories. One example will be sufficient to show you what I mean. The finds from Ian Richmond's Lancaster excavations are, very properly, stored in the Lancaster Museum. However, the site notes are deposited with the other Richmond papers in the Ashmolean. I think one has to say that Richmond, like most of his generation, was sufficient of a believer in immortality, not to give overmuch consideration to the possibility that he might not survive to write up his sites and the notes are not extensive. However, when working on the Richmond material some fifteen years ago it was both annoying and ridiculous to have to go to two places several hundred miles apart to look at the finds and the records from the same excavations. This surely is what the good lord gave us the xerox machine for.

As a rider, I might add that I find it almost as annoying to have to visit two different museums to see finds from the same site. I know this is a thorny one not made any easier by the collecting policies of most national museums or by local government boundary changes but the situation does occasionally verge on the ridiculous. I have recently been looking at Roman samian pottery excavated by a Unit from

at Roman samian pottery excavated by a Unit from a site previously excavated in the early years of this century. The recent excavations have removed both the backfill and the spoil of the earlier and, not surprisingly, it is clear that some of the 'new' pottery is from the same vessels as sherds excavated in the earlier campaigns. The early work was by the local University and finds went to its museum. The recent excavations were sponsored by the local authority who, not unreasonably, wish to place 'their' finds in their own museum. Unfortunately this will result in different parts of the same pots being stored 30 miles apart. This is an extreme case perhaps, but it may serve to reduce to absurdity certain present attitudes to museum collecting. I need hardly add that, in this particular case, local collecting policies have got in the way of scholastic requirements. Perhaps attitudes to exchanges and long term loans, if not to the collecting policies themselves, should be tempered by thought on just who is going to use the collection and how. Inter-museum politics, like most politics, may be of supreme interest to the participants at the time, but it is only their effects on others both now and in the future which are likely to be of lasting and more general interest.

As I am not so foolish as to expect any instant solution to boundary differences, I should like to suggest that, where the finds from a site are split between different museums, each might find it advantageous to have accurate information on the holdings of the other. Indeed, I would go further and suggest that, as museum archaeologists will presumably wish to understand as fully as possible the sites from which they have finds, they owe it to themselves to find out as much as possible about holdings from those sites in other establishments. When I see museums of the eminence of the British Museum using such a major source of information on the holdings of others as its casts of those parts of the Parthenon Frieze not in its possession as decoration in the public tea room, I may perhaps be forgiven for feeling that my view may not be a generally held one.

Let me turn to my second line of enquiry - finds from a specific region. I think the success of this type of exercise is going to depend much more on the ability of the individual museum or curator to direct the retrieval of information from the accession system, but generally I think it will be fairly straightforward. I think my only plea, born out by experience, is "Please don't re-box finds without transferring all the information on the original packaging". It sounds

so obvious as not to require saying but at least twice I have found it not adhered to. Once in quite an eminent museum I asked for and was shown finds from two cave sites which arrived in two separate boxes. For some reason I had to go back and look at these again and found they were all now in one box and, as they shared a single accession number, there was no means of now separating the two.

To give a more bizarre example. I recall, many years ago, going in search of the proceeds of an early excavation. I found that the excavator had deposited unpublished finds from a number of his sites with his local museum, although they, in fact, did not relate to local work. Unfortunately, he appeared not to have deposited any accompanying paperwork and the only clue to the single letter site codes on the pottery was the use of paper bags printed with the names of shops in the vicinity of the various sites. I seem to remember that I failed to find the material which I was looking for, but I did crack the site codes. So, when a new museum curator found the pottery rebagged in stronger, more long lasting, but, alas, anonymous plastic bags, I was able to supply sufficient information to identify the sites involved.

Now that is certainly one occasion when I have been asked by a museum for a copy of information gathered from them. Generally, however, I think it fair to say that, although the museum is always (or generally) helpful, interest in the information I have gained is rather limited. This I think is a pity and a fault in many institutions. Research in museums should be a two way process. If I come to your museum and ask for information from something which you have in your keeping, then I think that you really ought to be asking me for a summary of my results. That way everyone gets something out of the exercise and, more importantly, the museum enhances its own store of information on its collection. I know that not all researchers are going to be forthcoming but, at the very least, I feel the museum should ask for this type of information.

My third area of possible enquiry was a request for all the objects of a particular class. The collection of this type of information is always a rather hit or miss affair for researchers and one rarely sees exactly the same collection of items if one makes more than one visit to a museum. The process is made more difficult by the fact that very often the researcher is looking for a class of object not previously isolated as a specific class. One can't expect clairvoyance on

accessions register and good records of all holdings does help, although neither, I suspect, are as useful as a good curator's knowledge of his own collection (and I should like to emphasise how much the outside researcher is dependent on the expertise of the curator). I can imagine, however, that a photographic index, such as I have seen being made here in Newport, is likely to make this type of request much easier to deal with in many cases.

I have tried not to make this a collection of horror stories and I would point out that, where I have cited specific cases, these often reflect as much on the shortcomings of those depositing material with museums as they do on the museums themselves. Nevertheless, I hope that, disposal policies notwithstanding, we would all regard museums as the ultimate depository of the archaeological finds within their possession. This does mean, however, that the buck stops with the museum. Whoever is to blame for the shortcomings in a collection, it is the museum which is responsible for that collection and it does, therefore, have a certain responsibility to do what it can to make up for the faults of others.

My "consumer report" would, therefore, end with these suggestions:

1. Thought about the possible usage of the collection **at the time of accessioning** will probably save everyone a lot of time later.
2. Don't split sites between museums. If you must, then try and find out what is elsewhere.
3. Records are as important as finds. A collection without its records is going to be of less use than one well documented. Time spent pursuing depositors for documentation is time well spent.
4. Make use of your visiting researchers. They are getting something from your collections. You can enhance your own holding by getting something back from them.

THE METAL DETECTORIST/ COLLECTOR

Dr. J. Davies

I have been a 'collector' since childhood, of anything that caught my eye, and came my way.

Stamps, coins, bottles, more recently topographical books and antiquarian maps, and particularly, over the last 4 years, of metal-detector found artefacts, though I have never acquired these other than by finding them myself.

I have always been a 'hoarder', and have never sold any object that I have recovered. Like the overwhelming majority of collectors and metal detectorists I do not collect for financial gain - quite the opposite, collecting is usually an expensive hobby - the thrill is in the **hunt** and the **finding** of the object, and the information it can provide - be it an antiquarian book in a bookshop or a medieval buckle in a field.

You all know the thrill of the recovery of an ancient object, no matter how commonplace - and it should not be difficult to understand the enthusiasm that many thousands of collectors feel for their hobby.

Private collections, over the years, have formed the backbone of many of the major museum collections around the world, and have been responsible for the preservation of much material for study. Most collectors will tend to accumulate material relating to a particular aspect of human productivity, and comparisons and analysis within such collections have enabled the publication of many authoritative books, many relevant to archaeological study - recent examples being such books as Hattatt's series on ancient and medieval brooches, or Mitcheners' on Pilgrim Badges.

Some archaeologists will consider metal detectorists as a special case. They may consider them a nuisance, 'heavy-footed treasure hunters' out to make a buck, at the expense of 'our' heritage. They may feel that metal detectorists can do only harm, and no good. They may even feel that the tool, the electronic metal detection device, is in itself an evil.

I cannot agree with these opinions, and hope that over the years a useful role for the metal detector and its amateur operator has appeared. I would like to talk more about my own personal experience of collecting

self-found metal objects, and show you a few examples to illustrate the benefits that the recovery of such objects and their recording can offer. I operate within a club framework - about 70 members here in Gwent, and we adhere to a strict code of conduct. This entails respect of the country code: the absolute necessity of obtaining the landowners' permission before any search commences: the avoidance of any scheduled archaeological site: agreement with the landowner regarding the subsequent disposal of finds, and adherence to any legal requirements.

The necessity to record discoveries is seen as paramount. To this end we keep a club register and hope over a period of time to accumulate an important archive. We have, as a club, made many important discoveries in Gwent, which have been reported to Newport Museum. I know of no important discoveries that have not been reported, and the willingness of members to approach the museum is a reflection of the relaxed and helpful attitude of Mr. Trett and his colleagues. I hope that he too feels that the contribution we have made benefits the museum and the population of our county.

I will mention a few examples...

The Bassaleg hoard of 900 C3 Roman coins, scattered over a wide area by ploughing.

Two Bronze-age hoards; a scattered find of 3 weapon fragments from a smelters hoard, from the surface of a ploughed field; the important hoard from the Usk Valley of spear and axe heads ready for the melt, and an unfinished bronze axe head of South Wales type.

An important Celtic find was the fantastic beast head mount from near Chepstow which was recorded and a replica made before the finder had to sell it to meet commitments: it was subsequently acquired by the museum for display (see front cover).

Other Celtic artefacts include lynch-pin terminals.

My own forté appears to be dark-age finds - I have approximately doubled the known total of metal objects from this period recorded from the County by the museum. My prize piece was a dark-age mount found in a field near Tintern. The field had not previously been attributed with any archaeological significance, and is periodically ploughed. These finds and others may in time lead to the location of previously unknown habitation sites for archaeological study.

The big advantage of field-walking using metal detectors is their ability, in skilled hands, to survey the top six inches or so of soil and pin-point metallic objects for recovery and study. Metal objects, particularly coins, are likely to be fairly straightforward to identify and date and can indicate a nearby focus of human activity that would not be readily recognised by traditional means.

In this part of the world, one Roman coin in a field would cause surprise, two suspicion and three would suggest the almost certainty of a habitation site nearby, such is the scarcity of these finds in most of our county. Concentrations of this order would be unlikely to reveal themselves to conventional archaeology. So accurate find recording and plotting of such finds should stimulate the interested attention of the archaeologically minded. There is an additional advantage in metal detectors that the topsoil need not have been freshly disturbed, as is necessary for example in pottery recovery with traditional fieldwalking.

We do also feel that in many cases we are saving the artefact from almost certain destruction - development continues unabated to destroy vast tracts of land. The majority of our farmland is ploughed at least occasionally, and much of it twice yearly, with liberal application of fertiliser, and the majority of our interesting finds are damaged and severely corroded, and reflect casual losses, unlikely to be stratified, and which offer information only in the nature of the find itself and in the location of its recovery in relation to other finds or records. Providing these objects are recorded I feel that their recovery can only provide a positive benefit to archaeology and the museums in which they may be displayed, and that the reluctance in some quarters to accept such information can only be detrimental to the national archive.

If there are points of disagreement between the hobbyist and professional these should be ironed out by discussion and guidance, not confrontation.

As regards the final disposition of detector found artefacts in Gwent - many of the more important objects have found their way into the museum displays, either by purchase, gift or loan. Most detectorists do accumulate private collections - we do try to keep abreast of modern conservation methods for use where the museum has not felt it appropriate to carry out conservation for their own purposes. Where

objects are retained by the finder, there has so far been a general willingness for replicas to be made, metal analysis carried out, etc., and the objects generally remain accessible through their index for further study. Why should they not be retained by the finder, where legal requirements permit; he has put in the effort to recover the object and if there is goodwill on both sides, and the find fully recorded and its location known, a great burden of labelling and storage is lifted from the museum's shoulders.

In conclusion I would urge you, when involved in archaeological surveys or excavation, not to disregard the possible benefits of the use of metal detectors as a tool to aid location of metal objects - after all it is not the metal detector that does the digging, but it is the skill and motive of the person wielding the trowel that is important. And the willingness of many detectionists to offer their services free where time and finance may be short may offer the opportunity to maximise information available from a site. Detector clubs can be massive reservoirs of knowledge regarding land usage in their district, and reference to their members' collections, and identification skills may represent a great untapped resource.

THE ROLE OF THE DEALER

Peter A Clayton *

The role of the dealer is a difficult one to define, but even more so are the attitudes adopted towards him - depending on the angle from which he is viewed. There are the extremes ranging from "Fairy Godmother" (the opinion of the collector for whom a dealer has located a long searched for piece) to that of the "Wicked Uncle" in "Babes in the Wood", a view enjoyed and indeed nurtured by some, though happily not too many, of the museum profession. Hopefully the proper answer lies somewhere in between.

Members of the antiquities trade obviously, as in almost any profession, vary considerably in their presentation, goods and knowledge. There is a vast gap from the bottom to the top of the market. At the bottom are the smaller dealers who are quite often engaged in coin dealing and who have added antiquities to their stock (especially in recent years with the upsurge of metal detector finds, of which more below). Then there is the next level, as it were, the dealers proper who are only concerned with antiquities and who may operate from premises open to the public, although a large number deal from home via mail order lists. Above those there are the larger galleries carrying vast and expensive stocks and the even higher echelons with no gallery or visible presentation who merely deal by contacting wealthy clients. At all levels there are antiquities dealers living off purchases and sales amongst themselves, just as antique dealers do. It is only after quite a long transition in some cases that a piece eventually finds a "home" and is out of the market place.

It was the concern voiced by a number of British dealers about attitudes and "profile" that led to the founding in 1982 of the Antiquities Dealers Association (ADA). Set up to give cohesion to the trade as well as to be in a position to monitor its members, and those outside membership, it has been proved a success and has continued to grow in numbers. Many enquiries were received from overseas so that the category of Corresponding Member was added to the existing Member and Associate Member status. As originally envisaged, the Association comprehended both dealers and collectors with joint meetings of lectures and socials being held. This has been very successful and there is now a move to have a completely professional membership of ADA with a sister society, the Antiquities Society, to which

both dealers and collectors would belong. The idea is similar to that pursued by the Arms and Armour Society which has dealers, collectors and museum curators amongst its members. Any person with an interest in antiquities, but not necessarily owning any, can join the Antiquities Society after due application via the Committee and all can mingle and exchange ideas and knowledge in their own spheres.

In 1982, the Aims of the Association were set down (Appendix A) together with a Code of Conduct (Appendix B) to which all dealer members subscribe. A mechanism for expulsion for transgression of that Code was also created but, happily, has not yet been needed. Applicants for membership have to be known to and proposed by two existing members, be accepted by the Committee and then have their names published in the journal *Ancient* (which is circulated to all members) so that any one with just cause may write in with any objections. After an interval, and if no objections have been raised, the names go before the Committee again and the application is accepted. One of the conditions is the signed acceptance of the Code of Conduct laid down. (A list of current Members may be obtained from the Secretary, ADA, c/o Faustus Fine Art, 90 Jermyn Street, London SW1.)

Without dealers in antiquities there would be scarcely any collectors and no sources of supply of objects, outside excavations, for museums. It should be borne in mind that many museums, and certainly the larger ones in this country alone, can all cite benefactions received from collectors who have made their collections available to them. To identify but three in very diverse areas, there is the Bomford Collection of Roman Glass at Bristol, the Pinto Collection of Treen at Birmingham, and the Whitting Collection of Byzantine Coins in the Barber Institute of Fine Arts, Birmingham. In all three instances, and in so many more, the museums concerned would never have had the finance, let alone the expertise and time, to accumulate such fine collections.

It should be remembered that most dealers in antiquities came into the trade by accident, often by starting as collectors and exchanging the odd item or buying and selling in a small way as collectors do to increase and enhance their holdings, or even as in several cases coming from the museum world to, may one say, a harder commercial world. A number of museums are in the uncomfortable situation of having, from time to time, to provide their Chief Executives

(if they are of municipal status) with a statement of the value of their museum objects above a certain limit. The majority of curators simply cannot do this, so diverse are their collections, nor in many instances would they wish to do so. Their concern is, rightly, the conservation, care and protection of the collection. In such instances, they can only call in an experienced dealer, preferably with specialist knowledge in the particular field wherein their objects lie, and who can also give a reasonable overview of the values as a whole. Not even a dealer can be expected to identify and value on sight some of the material that emerges from museum basements and cupboards. I, personally, could cite curators who have been genuinely aghast at the market value of some pieces that have been tucked away as unsuitable in various ways for their permanent exhibition cases.

A strong element of the role of the dealer is that of adviser, besides valuer. It is he who can advise a curator on the market aspect of a piece appearing in the salerooms which might be of interest to fill gaps or round off a collection. Whilst many curators, when the time is available, will attend antiquities auction sales, it is generally as an observer to see the pieces and the market trends rather than being there in the capacity of bidder. The latter is something which they usually are not allowed to do or, indeed, might not wish to do. Not least in relation to the availability of material from the saleroom is the question of museum cashflow and the beginning and ending of financial years. It is a truism that invariably a much needed piece will appear on the auction block just at the time when the grant has expired with no chance of supplementary funds until the next financial year, which could be several months away. This is where a good relationship with a dealer can stand the museum or curator concerned in good stead. The generally accepted commission for acting on a client's behalf in the saleroom is 5%. Some dealers, if approached by a museum, are prepared not only to act for them but literally to advance them the money necessary until such times, within reason, that they can pay at just a slightly higher percentage. In effect, the dealer is lending the museum the necessary funds and safeguarding the item until it can be properly acquired.

Confidence in one's own judgement and knowledge are very necessary attributes for dealing in antiquities. The dealer, as previously mentioned, will often be a former collector or museum person with specialist knowledge and interests in some areas, but there has

to be a greater awareness of broader fields of objects and the civilisations which produced them if the dealer is going to be concerned with antiquity at large. There is a tendency in fact for dealers to specialise and, for example, it is rarely that one finds a dealer who is concerned with and knowledgeable about, say, objects from the Mediterranean-based civilisations and the Far East. Generally they are very separate areas of dealing. Similarly, a curator will often have specialist knowledge but needs to acquire a broader knowledge as necessary - this arises more in museums outside the national institutions where so often the curator may be a lone voice and, of necessity, "jack of all trades" as best he may. There is no room in antiquities, either in dealing or in museology, for the "Ivory Tower" and "Touch Not" syndrome.

Today, the discovery of antiquities is a never ending occurrence due to the pace of life and development. Once unearthed, accidentally or clandestinely, the objects cannot be put back. Admittedly there have been the odd exceptions in recent years where Indian sculpture and Roman statues have been identified and returned to their rightful owners and original sites - but they are very few in relation to the whole. Nicholas Thomas made the point in his keynote address, "let us not get too bogged down with ethical considerations" - there comes the point where the well-being of the object, its conservation and preservation are paramount. There have been instances of smaller objects, e.g. painted terracotta Greek tiles which were obviously "looted" from a site somewhere in Asia Minor, beginning to turn up in some numbers on the market. Fortunately, as a curator, NT recognised the material and pursued it from two aspects - representative acquisition for the museum and recording, with the co-operation of the auction house where they were appearing, so that a possible reconstruction could be postulated alongside their recording. As NT said, "In handling 'loot' I added to knowledge," and this is very valid in the context. The co-operation of auction house, dealer and curator "rescued" that material and saw its publication. Some time later the name of the source site emerged - dealers can be "a major source of subtle information" (NT).

The latter is very much a case in point with some of the more emotive finds that have appeared in very recent years through the activities of metal detector users. The bad name that some have given the hobby has, largely in curators' eyes, been applied to all

users, and this is not the case. Many detector users go straight to a dealer with their finds and not always simply to sell. They seek information about what they have found, their past and the thrill they have in recovery of metal objects. Many never sell any of their finds but are only too willing to make them available for study (for a reasonable time) or loan for exhibition in the local museum. Unfortunately again, localised incidents, but ones which spread like wildfire in the telling, have led many detectorists to swear never to go near their local curator after the reception they have received which, to put it mildly, has been downright unfriendly and accusative. It is this kind of thing that all three sides have to overcome. Each has his own expertise, the detectorist, the dealer and the curator - all are essentially concerned with knowledge and record.

One of the biggest problems with detector finds is that of Treasure Trove, which is discussed elsewhere in this volume by Dr Henry Cleere. Whilst the TT content of a hoard, when properly declared, etc., is subject to the TT Committee, there is the vexed problem of associated material which is outside the remit of the Coroner and the Law of Treasure Trove. I need not enlarge upon the nonsense of the legal splitting of such material, but it is an area where the dealer can be called upon to arbitrate by suggesting appropriate valuations of non-TT material in the context of the find. A number of the major Treasure Trove finds in recent years were first notified through the antiquities trade, e.g. the Thetford Treasure and the Fishpool hoard of medieval gold coins. Other instances of non-TT material which is of great museum interest and apparently recovered from land that is a scheduled site are the Icklingham bronzes and the Brighton bronze stag.

What it all comes down to is the fact that there is a need and room for co-operation with a free exchange of knowledge and expertise on all sides by any who are concerned with antiquities, be they curators, dealers, collectors or detectorists. All of them have something to give to record the past and to bring it alive. As Sir Mortimer Wheeler so aptly wrote in 1954, "Dead archaeology is the driest dust that blows". It must be "seasoned with humanity". The role of the dealer in antiquities is a pivotal one that involves his own personal integrity and his relationships with curators and collectors - in that he serves them both.

APPENDIX A: The Aims of the Antiquities Dealers Association

1. To represent the views of the Membership to the various government and archaeological bodies, the press and the public.
2. To act as a link between dealers, collectors, archaeologists, museums and the appropriate government bodies.
3. To protect the interests of the Trade by negotiation, supply of information and any other appropriate means.
4. To promote and protect the image and good name of the Trade.
5. To act as a clearing house for complaints, and as an arbiter in any dispute between the public and ADA members.
6. To keep a check on illegal activities in the field of antiquities, such as on objects stolen or forged, and archaeological objects illegally obtained.
7. To gather information of importance to the Trade and to collectors, and to make it available to Members and Associate Members.

APPENDIX B: Code of Conduct of the Antiquities Dealers Association

Members undertake:

1. To ensure that to the best of their knowledge that all objects sold are genuine and are accompanied by the maximum information available relating to them.
2. To use their best endeavours to ascertain that no piece sold has been acquired in any illegal or illicit way.
3. To endeavour to maintain an adequate supply of antiquities to meet the needs of collectors and to foster interest in antiquity.
4. To ensure that the activities of members are in no way responsible for the destruction of information or possible information regarding antiquities including damage to sites, falsifying or concealing information about the provenance of pieces.
5. To ensure that to the best of the Member's knowledge antiquities are not sold to persons who may use them in any irresponsible way or for any illicit or illegal purpose.
6. To reasonably make available information about pieces sold by Members to interested parties with genuine concern and to act as an intermediary between such parties and owners, with the latter's permission, in instances where further research on a piece or its recording could be of value.
7. To ensure that customers have reasonable recourse for complaints (excluding valuations) connected with any purchase from individual Members and that should the customer not be satisfied with the handling of the complaint the matter should be referred for arbitration to the Committee of the Association.

* Peter A. Clayton was the Founder Chairman of the Antiquities Dealers Association in 1982. Although an archaeologist and lecturer, he addressed the SMA Conference in his capacity as Head of the Antiquities Department of B.A. Seaby Ltd in conjunction with Royal-Athena Galleries, New York, and Antiquities Consultant to a major London auction house. He is also the recently appointed Editor of the Museums Association Yearbook.

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