

ANNEX A



**Reviewing Committee on the Export of Works of Art and
Objects of
Cultural Interest (RCEWA)**

Statement of



Expert Adviser to the Secretary of State

that



**A set of portraits of the family of
Thomas 'Customer' Smythe by Cornelis Ketel**

Meets Waverley criterion 1 and 3

EXECUTIVE SUMMARY

1. Brief Description of item(s)

A set of nine head and shoulders portraits of Thomas 'Customer' Smythe and his family of 1579/80. Eight are oil on panel and attributed to the Netherlandish émigré artist Cornelis Ketel (1548–1616), the largest body of work to survive by this painter in Britain.

2. Context:

Provenance:

Eight of the portraits are by family descent from Thomas Smythe. The portrait of Elizabeth Smythe was bought by the family from Christie's 2 May 2013 *East & West: a private collection from Eaton Square and Anouska Hempel*. According to Hazlitt's the portrait 'had been in this country for 50 years prior to its appearance at Christies.'

Exhibited:

The portraits of Alice Smythe (née Judde) and Thomas Smythe the Younger, were lent to the Victoria & Albert Museum for *Treasures of the Royal Courts: Tudors, Stuarts and The Russian Tsars* (9 March – 14 July 2013)

The portraits of Alice Smythe (née Judde), Robert Smythe, and Joan Fanshawe (née Smythe) - were lent to Tate for *Dynasties, Painting in Tudor and Jacobean England 1530-1630* (12 October 1995 -12 January 1996)

Bibliography:

Karen Hearn, 'Merchant Class Portraiture in Tudor London: "Customer" Smith's Commission, 1579/80', in *Treasures of the Royal Courts, Tudors, Stuarts and the Russian Tsars* (V&A 2013) pp.36-43

Karen Hearn, catalogue entries in *Dynasties, Painting in Tudor and Jacobean England 1530-1630* (Tate 1995), pp.108-110

Karen Hearn, 'Ketel, Cornelis Govertssoon (1548–1616)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

3. Waverley criteria

Waverley 1: Connection to history and national life

The group are remarkable both for being the earliest known set of family portraits in the UK, and an early visual document of an important London merchant family.

Waverley 3: Outstanding significance for the study of art and history

As the earliest extant set of a genre of English portraiture (the family group), the portraits offer a unique opportunity to study the history of this genre within an Anglo-Netherlandish context. They also offer a unique chance to study the working methods of the émigré artist Cornelis Ketel, his workshop and circle.

DETAILED CASE

Waverly Criteria 1

The sixteenth century saw the development of the family portrait from donor portraits in religious works to independent easel paintings. The scholar Karen Hearn (formerly Tate Gallery) has commented about this set that 'no comparable contemporary group of English paintings, of such extent and quality and by a securely identified artist, has survived'.¹ This unique set appears to be the earliest known non-royal family group of portraits, eight of them by the same artist's studio and made to the same dimensions with similar inscriptions. The Smythe set therefore provide a singular opportunity to study the development in English portraiture of the depiction of family groups and children, and to compare this to practices in the northern Netherlands where this genre was more common.

The portraits are yet more significant because they document the family of a social group of growing status and significance in sixteenth-century London: the mercantile elite. Merchants and trade officials had increasingly close links with courtiers and the father of this group, Thomas Smythe, played a significant role in the development of English international trade. From 1558, for the next thirty years, he served as collector of the customs (import/export subsidies) on all goods (except wines) imported into London, which earned him the soubriquet 'Customer'. About 1555 he married Alice Judde, daughter of a wealthy City merchant and Kent landowner Sir Andrew Judde. The couple appears to have had nineteen children, nine sons and six daughters, suggesting three sons had died by the time the portraits were commissioned.² The portrait of Thomas the elder is not by the same hand as the other family portraits. It is probably a slightly later copy of a now lost picture that likely became detached from the set at an early date.³ Thomas Smythe the younger (c.1558-1625), portrayed here in at the age of 20, had like his father an extremely influential role in British trade.⁴

Unusually, the provenance of the portraits is traceable in early family wills and the set clearly stayed within the family for many generations. They are mentioned in the will of the third wife of Thomas Symthe the younger, Sarah (nee Blount). Her will, proved 13 March 1655/6, left a set of fourteen Smythe portraits to her nephew John Smythe of Highgate'.⁵ This proves that there

¹ Karen Hearn (ed.), *Dynasties: Painting in Tudor and Jacobean England 1530-1630*, Tate Publishing 1995, p.108.

² This information comes from the funeral certificate of Thomas Smythe, d.1591, with 'memorandum' notes on his wife Alice, d.1593. College of Arms MS, I.10, f.33.

³ Another version of this portrait exists in Queen's College, Cambridge (Accession No.55): <http://www.bbc.co.uk/arts/yourpaintings/paintings/thomas-customer-smythe-194563>

⁴ According to the historian Basil Morgan, 'Without men like him, prepared to switch financial resources to new fields of enterprise and between different continents, the English overseas empire would have been stillborn.' Basil Morgan, 'Smythe, Sir Thomas (c.1558-1625)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [<http://www.oxforddnb.com/view/article/25908>, accessed 27 Oct 2015]

⁵ 'Also I doe give and bequeath unto my Nephew John Smith of Highgate in the countie of Middlesex Esquire fourteene pictures [vellum creased but the word Customer is here] Smith and his wife and of their sixe sonnes and sixe daughters' TNA: PROB 11/253/638). We are indebted to Tabitha Barber, and to Timothy Duke, Norroy and Ulster King of Arms, for alerting us to this will. It is possible that

were at least fourteen pictures in the original set and that they were intended to be handed down a group. Eleven surviving portraits are known. Nine are included in the set considered here, the portrait of John Smythe is in the collection of the Yale Center of British Art (New Haven, USA), and that of Mary Smythe is in a UK private collection.

Waverley Criteria 3

Painters from the Netherlands working in London from the second half of the sixteenth century had a considerable impact on British art. The set meet Waverley criteria 3 because they contextualise the development of portrait formats and significantly add to our understanding of the methods of émigré artists active in England. The artistic handling of these portraits is characteristic of the best work by Netherlandish émigré artists. Taking into account the current condition of the works the portraits are consistent with the work of one studio, and the attribution to Ketel (first suggested by Dr Malcom Rogers and confirmed by Karen Hearn in 1995) remains convincing.

The authorship of many portraits of this period is unclear, so this group linked to Ketel is a valuable resource for the history of British portraiture. Ketel is also unusual in that documentary evidence survives of his practice and prices. A commission from the Cathy Company for nineteen pictures shows that at that time he was charging £5 for a full-length portrait and £1 for a head, which was more than most native English painters.⁶ Therefore, this set may have cost in the region of £14 when first commissioned. Hanging within a domestic context the set would have helped to demonstrate the couple's fertility and good fortune in their many children, as well as Thomas Smythe's taste and judgement in commissioning a talented and fashionable Netherlandish artist. 'Customer' Smythe may have known the artist through any number of his business connections. The scale of the commission (originally fourteen pictures) remains highly unusual for this date. It would have been normal for the artist to have required studio assistance with the costume of some of the portraits and this is evident in some places – particularly in the portrait of Elizabeth Smythe. It is also evident that many merchant patrons at this early date appear to have commissioned portraits of slightly smaller scale (i.e. head and shoulders, rather than half or full lengths common to the nobility), as for example in the portraits of the Goldsmith Martin Bowes, Lord Mayor Sir Thomas Exmewe and various members of the Goodman family.⁷

According to the painter and historian Karel van Mander, Ketel received numerous portrait commissions during his residency in England from 1573-81. However only two authenticated works by this painter remain in publically accessible UK collections: that of Martin Frobisher in the Bodleian Library (1577) and that of William Gresham (1579) at Titsey Place. Ketel eventually

this bequest was never carried out as John Smythe of Highgate appears to have died soon after the Countess.

⁶ Accounts, with subsidiary documents, of Michael Lok, treasurer, of first, second and third voyages of Martin Frobisher to Cathay by the north-west passage. TNA E 164/35 f.63v.

⁷ See Tarnya Cooper, *Citizen Portrait: Portrait Painting and the Urban Elite of Tudor and Jacobean England and Wales*, Yale University Press, for the Paul Mellon Centre for Studies in British Art (2012) pp.85f and plates 77, 94, 95, 97 and 98.

returned to the Netherlands in 1581. Physical examination shows this set are likely to be painted on English oak (rather than the more common Baltic oak), situating the commission in England.

While the portraits are in need of conservation they remain in reasonable condition for paintings of this date on wooden panels.

It would be a misfortune if this set were to leave the UK as they are the earliest surviving set of sixteenth-century English family portraits, comprise the largest body of work attributed to Ketel to survive in England, and represent sitters crucial to the story England's global expansion in the Elizabethan period. As a private sale, there has also been no opportunity for UK institutions to consider the significance of these paintings for their own collections.



