The triumph of Delisle: A sequel to "The earl and the thief"

The Triumph of Delisle; A Sequel to "The Earl and the Thief"

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In my previous article, "The Earl and the Thief," my narrative ended with the death of Bertram, 4th Earl of Ashburnham, on 22 June 1878. He bequeathed to his heir one of the finest collections of manuscripts ever assembled. Unfortunately, however, it had been proved by Léopold Delisle and Paul Meyer that a number of its finest components had been stolen from French public libraries, and this regrettable fact, accepted as true by the world of learning at large, had finally been conceded reluctantly by Lord Ashburnham himself. Nevertheless he had turned a deaf ear to any proposals for restitution, even by purchase; and in this sequel I shall trace the complex negotiations with his son, the 5th Earl, through which Delisle finally recovered the stolen property for France.

I have so far been concerned only with that portion of the Ashburnham manuscripts which were bought in 1847 from Count Libri. For the better understanding, however, of the involved transactions which follow, I ought perhaps to remind readers briefly that the Ashburnham Library contained three other large groups. These comprised the seven hundred and two manuscripts bought for £6,000 in 1849 from Joseph Barrois of Lille (1784–1855), including thirty-three stolen from the Bibliothèque Nationale; the nine hundred and ninety-six Stowe manuscripts, bought for £8,000 from the Duke of Buckingham's trustees also in 1849; and the two hundred and fifty-one miscellaneous individual purchases, many of high importance, grouped under the title of the "Appendix." The superb library of printed books, including two copies of the 42-line Bible, hardly comes into our story.

In 1878 Léopold Delisle was at the height of his career. Four years previously he had graduated from the Keepership of the Department of Manuscripts to the position of Administrateur Général of the Bibliothèque Nationale. Already his prodigious industry and erudition were causing his name to be coupled with the giants of the past,

such as Mabillon and Du Cange, and with these qualities were allied tireless energy and dogged tenacity. Both were needed in the Thirty Years' War which he waged to recover for France part of her national heritage.

The 5th Earl of Ashburnham (1840–1913) was a very different man from his father. It was my good fortune to have known his nephew, the late Mr. J. R. Bickersteth, from whom most of my information about him is derived. Mr. Bickersteth's uncle, I was told, did not get on well with his father, the 4th Earl, whom he succeeded in his thirty-ninth year; he was resentful of the library and the art-collections, in the interest of which, so he felt, he had been kept short of money for years. He certainly inherited none of his father's enthusiasm for the arts, nor his pride in the orderly management of his estates. He was, in fact, no countryman and lived a good deal in Paris.

Let me quote a few sentences from the late Mr. Bickersteth's appraisal of his uncle, the 5th Earl:

> As soon as he found that the library was valuable his entire preoccupation was to sell it, taking the best advice he could. His only reason for not selling anything was that he felt he was not being offered enough. He once told me that no sensible man would keep £20,000 hanging over his chimneypiece.
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> So the books and MSS came into the market. The proceeds went partly on ill-advised speculation and very largely on what may loosely be called fun. The 5th Earl spent some of his time and a very little of his money on the causes of various royal pretenders, particularly Don Carlos of Spain. I suppose this came into the fun category.

The son, however, did not lack some share of his father's autocratic temperament, well exemplified in an exchange with the Historical Manuscripts Commission in 1881. The 5th Earl had initially appeared eager to promote the Commissioners' aims, and had lent them a set of the catalogues of his father's collection. One of the Commission's inspectors, Mr. Knowles, was set to work preparing a preface and revising the descriptions for a reprint in one of the Commission's *Reports*. This was put into type and proofs sent as an act of courtesy to Lord Ashburnham, who electrified the Commissioners by refusing to let the reprint go forward. On 4 February 1881 they addressed six folio pages of expostulation to the owner pointing out that all Knowles's work on the catalogue would be thrown away. In his reply Ashburnham dismissed Knowles's labors as mere mechanical copy-work and stood by his refusal to allow a reprint. On 28 February the Commis-

sioners wrote regretting that, under the terms of the Commission and the wording of the circular they had sent to owners of manuscripts, they would have to be bound by Ashburnham's decision. They would print, however, they added, Mr. Knowles's introduction "omitting of course any reference in it to the Catalogue intended to have been attached thereto — and [we] assume," they continued, "that no further examination of the Manuscripts for the benefit and information of the Public would be desired by your Lordship." It is probable that the tone of this letter would have strengthened opposition in the 4th Earl, but at this stage his son capitulated and gave his consent to the reprint's appearance, which was duly attached as Part II of the Appendix to the *Eighth Report* of the Commissioners, published in 1881.

Some of Ashburnham's reluctance to cooperate was probably due to the fact that negotiations were already on foot for the sale of at least part of the collection. On 23 November 1879 the owner had formally offered all the manuscripts and printed books to the British Museum for the sum of £160,000. Pessimistic of the success of an approach to the Treasury for such a sum the Trustees asked whether Lord Ashburnham would omit the printed books from the transaction and treat with them for the sale of the manuscripts alone. The owner's reply of 27 January 1880 must have come as a rude shock to them. Certainly, he wrote, the manuscripts might be bought separately, but the price would be exactly the same, since he had ascertained that £160,000 for the entire collection was an undervaluation. Moreover, he reported, a competitor to the Museum was also in the field, for the French authorities had made overtures. In his answer of 28 January the Principal Librarian asked whether the Stowe manuscripts might be purchased separately, but this was refused by the owner, who proposed that the British and French authorities might buy the whole manuscript collection jointly and divide it between them. After consultations with Delisle the Trustees decided on 22 May that they would not negotiate for the whole collection, but would be prepared to buy a part, and at this stage Ashburnham agreed to the proposal and on 10 June named a price of £50,000 for the Stowe manuscripts and a similar figure for the Appendix. Both these figures seemed to the Trustees to be too inflated to justify appealing to the Treasury, and negotiations therefore were temporarily suspended.

Delisle had been very active. When the plan for joint purchase with the British Museum was mooted he had staked a claim for the

Bibliothèque Nationale to the Libri and Barrois collections, and for these he offered Ashburnham double the price which the 4th Earl had given for them in 1847 and 1849, that is to say 700,000 francs. Moreover he would waive any claim for the restoration at preferential rates of the stolen manuscripts but would let them form part of the larger transaction. Ashburnham replied that such a proposal hardly gave more than the normal rate of compound interest on the money laid out by his father, a phrase which Delisle repeated in print with some bitterness, going so far as to compare the 5th Earl with Libri. Moreover in a letter of 14 February 1880 he gave a clear warning to the Earl that if he were to sell the Libri and Barrois collections by auction the French Government would publicly announce its intention to prosecute any French purchaser of the manuscripts to which Delisle laid claim and to invoke the resources of the law of France to compel their restoration; and such an announcement, he pointed out, could not fail to depreciate the market value of the collection. He was indeed at some pains to demonstrate that the value of some of the most ancient manuscripts was already lowered because of their fragmentary condition and maltreatment by Libri in falsifying their true provenance. In particular he pointed out that Libri ms. No. 7, which the 4th Earl had published in 1868 under the title *Levitici et Numerorum versio antiqua e codice perantiquo in bibliotheca Ashburnhamiense conservato*, was in fact a group of quires ripped from a Pentateuch at Lyons. The 5th Earl was unwise enough to challenge the findings of the great palaeographer, expressing the view that Libri would certainly have stolen the whole manuscript rather than mutilating it and that in any case it was impossible to demonstrate at what date the quires were stolen, if this was in fact the case. In a masterly reply Delisle stated that he could show from a work published in 1837 that the Lyons Pentateuch was complete at that date; but insofar as he was an interested party he would wish the owner to accept the independent arbitration of four British librarians on this point, Sir Edward Bond and Maunde Thompson of the British Museum, Coxe of the Bodleian, and Bradshaw of Cambridge. Ashburnham very handsomely offered to accept Delisle's evidence without arbitration, and when a copy of the text was supplied he handed the disputed fragment to the French ambassador in London, stating that although English law allowed him to retain it, he wished nevertheless to present it to France. "The congratulations which showered from all sides upon the author of this

act of liberality," commented Delisle drily, "did not persuade him to repeat the experience with other manuscripts in his library." Fearing conversion to Delisle's views, so the Frenchman asserted, he was content to bide his time and await a favorable opportunity to sell the collection in its entirety.

The above episode took place in 1880. Two years later fresh impetus was given to the affair by the public outcry in England which attended the sale of the Duke of Hamilton's famous collection of manuscripts to the Prussian Government for £82,000. The press was active in condemning the loss to Britain of so important a group of material, and in this climate of opinion it seemed auspicious to the authorities of the British Museum to reopen negotiations. On 30 November 1882 Lord Ashburnham reiterated his willingness to sell the whole collection of manuscripts to the nation for £160,000. On this occasion we can observe a change in tactics by the British Museum. The transaction was not to be undertaken behind a veil of secrecy but in the midst of a propaganda campaign designed to put pressure upon the Government to vote the necessary funds. Accordingly in January 1883 nine hundred of the choicest manuscripts were sent to the Museum from Ashburnham Place, so that they could be examined in detail, laid before the Trustees and, if occasion demanded, exhibited to the public. On 10 February 1883 the Museum authorities recommended to the Trustees the purchase of the entire collection for the vendor's figure of £160,000, but at this meeting the Trustees deferred taking any decision.

When this delay was communicated to Lord Ashburnham he lost no time in telling Thompson that yet another party, American this time, was interested in the purchase of the whole library. An auctioneer, not of works of art but of land, Henry Lumley of St. James's, Picadilly, in the previous November had approached Ashburnham on behalf of the Trustees of the Newberry Bequest. The owner and the agent were not in agreement about the scale of commission, Lumley asking ten percent and Ashburnham pointing out that he sold land for one and a half, but the peer conceded that Lumley's services as *entrepreneur* had been valuable and that he had a fair claim to be entrusted with the management of the affair. Nothing, however, came of it because, so Lumley reported, the Newberry Bequest was subject to the life-interest of the widow, and the Trustees had no power of anticipating her death in the expenditure of capital. If the timing

of events had been rather different the whole Ashburnham collection might well be at Chicago today.

On 12 February 1883 Bond and Thompson opened their campaign for public support. *The Times* of that date contained a long article on the Ashburnham collection and the desirability of its acquisition by the nation. A fortnight later Thompson reported progress to Ashburnham — support from the *Daily Telegraph*, *St. James's Gazette*, *Daily News*, and *The Times* (to the annoyance of the Treasury), opposition from the *Standard* and *Morning Post*. Of the weeklies, the *Saturday Review*, *Athenaeum*, and *Academy* were firmly in favor, but the *Spectator* had so far made no sign. The affair had begun to assume a party-political aspect, but Thompson's faith was pinned on the support of Gladstone, and the Museum was lobbying Members of Parliament. On 21 February the Principal Librarian drew up a paper on the subject for transmission to the Chancellor of the Exchequer warmly urging the purchase and pointing out that no special grant for the acquisition of manuscripts had been made since 1847. In this paper Bond reported that the French Government would lay claim to some of the Libri and Barrois manuscripts and printed in full a letter to him from Delisle on this subject.

Other public bodies began to petition and exhort the Government, among them the Mayor and Corporation of Birmingham and the University of Cambridge. At the latter place one hundred and seventy-seven members of the Senate signed a document urging, in the interests of Literature and Art, that the Government should provide funds to secure a treasure which would otherwise be certainly lost to the nation. The purchase would, the framers of the document cogently argued, "at once enrich and complete the already valuable accumulations of the British Museum to a far greater extent than the isolated purchases of many generations." The signatories included almost every Cambridge scholar of eminence, librarians and bibliographers such as Bradshaw, Jenkinson, J. E. B. Mayor, and John Willis Clark, theologians of the caliber of Hort, Welldon, and Westcott, classical scholars such as Heitland, Postgate, and Sandys, and among other well-known names, those of Sidney Colvin, Henry Jackson, Adam Sedgwick, Walter Skeat and Aldis Wright.

Delisle's claim to a share of the manuscripts for France seems first to have been made public on 26 February when *The Times* carried a long account of an address by him at a meeting of the Acad-

émie des Inscriptions et Belles-Lettres with a resounding peroration. Such mutilations and embezzlements as these, said Delisle, though the faulty state of international law ensured them impunity, nevertheless ought to arouse public indignation. Enlightened men of all nations should agree to ostracize library pirates who clandestinely carry abroad the fruits of their rapine and should combine to prevent any traffic in such articles. *The Times* leader-writer, in the same issue, was unsympathetic to these French claims which must, he said, be closely scrutinized. Their revival, just when the "British Museum was preparing to enter into peaceable possession of the great international prize, will rouse suspicion in some minds that international jealousy has had its share in determining the course which France has thus tardily resolved on taking." For Delisle, who had already struggled to recover the manuscripts for a quarter of a century, the word "tardily" must have had a bitter taste. On 27 February he printed in *The Times* a long, dignified statement of the reasons for his claim, with the matter of which we are already familiar, and *The Times* leader-writer executed a *volte-face*, back-pedalled on the question of immediate purchase, and urged that the authorities of the British Museum should sift the whole question before recommending the purchase for the nation. Delisle's statement contained several points to which Lord Ashburnham took exception, particularly a reference to the restoration of the fragmentary Pentateuch to Lyons, on the grounds, said Delisle, "that Lord Ashburnham felt himself morally bound to repair the mutilation." This statement, said the peer in a letter to *The Times* of 2 March "is false and M. Delisle knows it to be false." It had specifically been agreed between them that the restoration was a free gift and implied no obligation whatever, legal or moral. Delisle replied at length on 5 March and Ashburnham returned to the attack two days later. In his final letter he made a statement which is symptomatic of his own and his father's views. "My father," he wrote, "was made acquainted with the 'claims of France' very soon after he had purchased Professor Libri's manuscripts and the knowledge of those claims never up to the day of his death, 30 years afterwards, interfered with his conviction that those manuscripts were his lawful property."

The tartness of this exchange and the division of public opinion obviously alarmed Thompson, who sought to make light of this aspect of the matter with the vendor. "These Frenchmen are too absurd," he wrote. "They are always screaming," and on 3 March he

returned again to the subject. "I really hope you will not worry yourself about the Libri affair. Nobody in his senses would call in question your rights and your father's undoubted good faith." On the following day, however, he was forced to report that the Trustees met and considered Delisle's claim to about two hundred of the manuscripts and decided not to present a case to the Treasury until the matter of ownership had been sorted out. This, however, took a surprisingly short time. Delisle and Meyer came to London; they convinced the Museum authorities of the correctness of their claim to one hundred and sixty-six manuscripts, which they offered to buy for £24,000 in the event of the British Museum acquiring the whole, having received immediate authorization from the Minister of Public Instruction to incur this expenditure. On 17 March the Trustees met, were convinced that this solution did justice to all parties, and recommended the purchase to the Government. All now depended on the Treasury, and the Treasury, not for the first — nor for the last — time, failed to rise to the occasion. On 19 April Thompson sadly reported to Lord Ashburnham the Government's refusal to buy the whole collection. Would the vendor, he asked, detach the Stowe and Appendix portions? Ashburnham agreed, naming £100,000 as the price for the two, a figure which Thompson sought to have reduced or to have made more attractive by the inclusion of the Dante collection as a make-weight. The vendor was persuaded to reduce the price to £90,000, a figure recommended by the Museum to the Treasury: but some civil servant knew better. On 30 April Thompson wrote to say that the Treasury had fixed the sum of £70,000 as their upper limit. Ashburnham was not disposed to sacrifice £20,000, nor did the Museum authorities consider it reasonable that he should. The Trustees proposed that they should buy the collection for £90,000, receiving £70,000 from the Government as a special grant and paying the £20,000 balance by means of reduction in the Museum's annual grant. But even this solution failed to receive blessing from the Treasury and on 11 June Thompson wrote to the vendor referring to "our funeral shot in *The Times* today," a bleak announcement that negotiations had broken down, but placing the responsibility for the failure squarely on the shoulders of the Government. Would, however, Ashburnham, he asked, consider parting with an even smaller portion, the Stowe manuscripts? And this was duly brought about, though not without further hard bargaining. On

8 July Thompson was able to announce that the Government would pay the vendor's final figure of £45,000 for them, and mindful of Delisle's disappointment he added: "I wish that now the Stowe is off your hands you would let the French have the Mss they claim and so purge your collection of that blot. The price would be a very satisfactory addition to the £45,000 — and you would set yourself right with the world." This course, however, did not commend itself to the owner. Back in Paris Delisle had been drawing up his masterly report on the whole matter to the Minister of Public Instruction. In it he collected and enlarged his scattered writings on various aspects of the affair, he traced the long course of negotiations to their inconclusive end, and so that in the future would-be purchasers might know exactly which stolen manuscripts were in the Ashburnham collection, he set out at length the evidence of the thefts and the descriptions of the manuscripts involved. Delisle's report of 1883 was in a sense a justification for the failure of his mission to London, but through it all one can read his unshakable confidence that all was not lost and that France would in good time recover her heritage; in the meantime temporary possessors of her stolen treasures must be embarrassed by unwelcome publicity.

For Delisle's campaign and the abortive negotiations with the British Museum had been widely reported in the European and American press. Scholars and librarians had almost universally condemned any idea of trafficking in the stolen manuscripts, and public opinion in many countries had been stirred to protest at the idea of negotiating for them. This was especially true in America where Harrison Wright had been very active in this cause. The situation was beginning to arise in which Lord Ashburnham could either sell the disputed manuscripts to France or not sell them at all. An attempt indeed was made immediately after the British Museum's purchase of the Stowe collection to secure the whole of the residue for France. Henri Vaugneux, an art critic, produced a scheme whereby a group of shareholders should buy the Libri, Barrois and Appendix sections for £140,000, should cede the stolen items to the French Government, and defray its expenses by the resale of the rest. But the capitalists to whom he addressed his prospectus, Delisle tells us, remained deaf to his appeal.

In 1884 and 1885 two booksellers, Henri de la Mairie of Paris and Karl Trübner of Strasbourg tried their hands at negotiating, the

former on behalf of the Russian Government, or failing that the King of Bavaria, the latter for the German Government and also the French Government — in the last case for the stolen manuscripts only. It was, however, the Italian Government which contrived to break through the *impasse*. Professor Pasquale Villari was authorized to treat with Ashburnham for the Libri section only, and Villari offered to cede to France the manuscripts under dispute, but to Delisle's bitter chagrin the new Minister of Public Instruction failed to honor his predecessor's promise to ask the Chamber to vote the necessary funds. Under these circumstances the Italians, to their credit, told Ashburnham that unless the collection could be divided they would not buy it at all, for they would never be a party to buying the French manuscripts unless the way was clear to their restoration. On 15 May 1884 Ashburnham agreed to retain those manuscripts and to sell to Italy the great bulk of the Libri collection, together with ten Dante manuscripts from the Appendix, for £23,000. These passed into the Laurentian Library, where, when they were properly examined for the preparation of a printed catalogue, about thirty more manuscripts stolen from French libraries came to light, but these were acknowledged by Delisle to have been innocently acquired and any French claim to them was waived.

On the major issue of the hundred and sixty-six manuscripts it might have been thought that Delisle, denied funds for their recovery by his Government, would have thrown in his hand; but this would be underrating the persistence and ingenuity of that remarkable man. He enlisted the aid of Trübner, the Strasbourg bookseller already in touch with Lord Ashburnham, and arranged with him an elaborate tripartite agreement. If Trübner could buy the stolen manuscripts for £24,000, Delisle engaged to exchange for them £6,000 in cash together with the celebrated fourteenth-century manuscript of German verse, the Codex Manasseh, once in the Palatine Library at Heidelberg, but for over two hundred years in the Bibliothèque Nationale. The German Government on its part expressed strong interest in acquiring the Codex Manasseh if it fell into Trübner's hands. Delisle felt keenly the necessity of sacrificing so important a manuscript, but its interest for the Germans was obviously greater and it had far less attraction for the French than the lost treasures which by that time, one suspects, had acquired an emotional as well as an intrinsic appeal. This complicated operation was smoothly carried out.

Lord Ashburnham received £24,000 from Trübner, who on 17 November 1887 signed a formal agreement with Delisle to hand the manuscripts over on the terms set out above. The Bibliothèque Nationale found the £6,000 required in cash by foregoing the income of a gift from the Duke of Otranto and the German Government paid Trübner £18,000 for the Codex Manasseh, which at the Emperor's command, was restored to Heidelberg.

So finally in 1888 the group of one hundred and sixty-six stolen manuscripts found their way back to France, where, far from promoting universal joy and amity, their arrival touched off a series of bitter quarrels between the Bibliothèque Nationale and the provincial libraries of Tours, Orléans, and Lyons. The latter had not unnaturally assumed that their missing treasures would be restored to them, but Delisle thought otherwise. It was he alone who had borne the brunt of years of hard bargaining and it was the Bibliothèque Nationale which had sacrificed the Codex Manasseh. The local administrators, Delisle argued, had rejected any idea that they should *pay* to recover manuscripts lost through their own lack of proper precautions; let them therefore remain in Paris. In vain the mayors of the three cities protested that Libri had not been invited to their libraries, but had been foisted on them by the central government, which owed them reparation. Delisle won his last battle and by ministerial decision some of the choicest treasures of the provinces found their permanent home in the Bibliothèque Nationale.

My main sources have been: —

The very extensive series of manuscripts and correspondence relating to the Ashburnham Library, among the family archives deposited in 1954 in the East Sussex County Record Office, Lewes, Sussex, and described in *The Ashburnham Archives: a Catalogue edited by Francis W. Steer*, Lewes, 1958, particularly the Library Papers listed on pp. 51–54 of this *Catalogue*. I am much indebted to Mr. Richard F. Dell and to the late Mr. J. R. Bickersteth for their help in making this archive available to me.

Léopold Delisle, *Observations sur l'Origine de plusieurs Manuscrits de la Collection de M. Barrois*, Paris, 1866.

Léopold Delisle, *Copie du Rapport addressé à M. le Ministre de l'Instruction publique et des Beaux-Arts*, 4 pp., December 1882.

Léopold Delisle, *Les Manuscrits de Comte d'Ashburnham. Rapport au Ministre de l'Instruction publique et des Beaux-Arts suivi d'observations sur les*

plus anciens Manuscrits de Fonds Libri et sur plusieurs Manuscrits de Fonds Barrois, Paris, 1883.

House of Commons Papers, 27 July 1883. *Copy of Papers relating to the Purchase of the Stowe Collection by her Majesty's Government*, London, 1883.

Bibliothèque Nationale. *Catalogue des Manuscrits des Fonds Libri et Barrois par Léopold Delisle*, Paris, 1888.

Harrison Wright. *The Manuscripts of the Earl of Ashburnham. Remarks of American Newspapers*, Wilkes-Barre, Pa., 1884.

Giuseppe Fumigalli. *Guglielmo Libri, a cura di B. Maracchi Biagiarelli*, Firenze, 1963.

I have read a great deal, but not all, of the vast pamphlet literature to which *l'affaire Libri* gave rise. I follow the view, generally accepted today, that Libri himself stole books and manuscripts. It would be unfair, however, not to point out that many of his friends, of unimpeachable sincerity and honesty, argued passionately that he was innocent. I am grateful to Mrs. C. Pasinetti for her help in assessing the position which Fumigalli takes up on the question of the thefts in his life of Libri. In addition to the French thefts he documents certain additional depredations from Italian libraries. On Libri's guilt or innocence however he follows a line of neutrality. He sets out the evidence *pro* and *con*, but is content to leave the verdict, he says, to History. One would have hoped that Libri's biographer might have felt able to give History a lead in this matter. Mr. Siegfried Feller, of the University of Minnesota Library, has in recent years been examining the evidence afresh in the belief that Libri may have been culpable of something less than outright theft, and one hopes that the results of his investigations will be published. It is not, however, in dispute that Libri owned and sold many manuscripts stolen from French public libraries which he visited; and that in many cases their marks of provenance had been erased. Could Libri, his defenders' argument runs, have himself been the innocent dupe of the real thief, and merely an unwitting purveyor of stolen goods? The evidence which I have read and weighed makes me disinclined, on balance, to strain probability to the extent of giving him the benefit of the doubt.