



Legal News
Stuart
v.
Locke
Rowde
1843

Two Pictures

SHERIFF's COURT – Tuesday, June 27
(Before C. R. Kennerdy, esq., and s Common Jury.)
STUART v. LOCKE

Mr. Pearson appeared as counsel for the plaintiff, a picture dealer, residing in University Street, Tottenham Court Road; and Mr Thomas for the defendant, a gentleman living at Rowdeford House, near Devizes.

The action was brought to recover £12, for touching up and cleaning two paintings and 10s. For repairing some frames, and the defendant pleaded a tender of £5, and paid that sum into Court.

Mr. Pearson stated that in cleaning pictures it was necessary to be very careful, and it required a skilful hand in laying on the preparation for removing the dirt, copal varnish, and various oils, and the operations of it upon on old colours, required constant watching. Nothing had been said by the defendant as to the price he was to pay the plaintiff for his services, and therefore the question to be decided by the Jury would be whether the £5 tendered and subsequently paid into Court, was not an insufficient sum for the plaintiff's services.

Henry Blore, a picture dealer, stated that in the month of January last he accompanied the plaintiff to Devizes, and they put up at the Bear Inn. While they were staying there Mr. Locke, the defendant, came to them and stated that he wanted two pictures cleaned in the very best manner. He said that one of them was a marine painting, by Swayne, and had belonged to his father, and the other was the "Judgment of Paris"; by Coypell, and he set great value on it; adding that he would not take any money for it. He also said that some of the lines of the rigging in the marine painting was obliterated, and he had given it to an artist at Bath to clean, but he had rubbed some of the water out. The paintings were in a very bad state, and both of them were very much injured when the plaintiff received them. The marine painting could be hardly seen at all, and it took seven days to clean the pictures. The defendant expressed himself satisfied when Mr. Stuart took home the paintings.

Cross-examined. He (witness) lived in Clarence Grove, Kentish Town, in a house for three months, but could not tell the number of rooms, as he had never counted them. He would give £50 for the marine

picture – that is, if any customer had offered him £60 previously (a laugh) that is the way of the trade. If he stood in the witness box 7.000 years he would tell them that no man could tell the value of a picture “unless he saw it painted”. It was all fancy, and a man would sometimes give £500 for a painting that was not worth £20 (laughter). The plaintiff had cleaned pictures for Colonel Olivier and other gentlemen residing in the neighbourhood of Devizes. Witness would not swear that the painting of the “Judgment of Paris” was one of Coypell,'s – it might have been Van Daub's, or some other modern painter.

Mr. Clark, a picture dealer, said that he had been paid from 5s. To £20 for cleaning a picture, and he thought £7 or £8 was a fair price for the “Judgment of Paris”, and £4 or £5 for the marine painting.

Mr. Thomas for the defendant, said his client was a man of respectability and large fortune, and would not have resisted this claim, but from a determination not to be imposed upon. The fact was, the plaintiff was an itinerant picture dealer, and had prevailed upon the defendant to give him a job, and now wished to extort an unreasonable sum from him. He (Mr. Thomas) could prove that the money paid into Court was more than amply sufficient to cover any demand of the plaintiff.

Mr. Edward Hillier, solicitor, of Gray's Inn, proved the tender of £5 before the action was brought.

Mr. I. Ward, decorative painter, of Devizes, and a cleaner of pictures, stated that 15s. For cleaning the marine painting, and 25s. For restoring the “Judgment of Paris”, would be liberal payment. There were some daubs on the face of the latter which were to vivid, bright, and vulgar. The colours were not “happy” and did not “harmonise”. There was too much varnish.

Mr. Wm. Smith Rickman, of Duke Street, St James's, inspected the pictures which were produced, and said it was an infamous attempt to impose upon a gentleman to do work in the manner the plaintiff had done. He (witness) would have rather paid him £1 each to have left them alone (laughter).

A Juror (looking at the sea piece). The clouds are most horrible.

Another Juror. Nothing could be worse very well.

The witness continued. The horizon and sky of a sea place was everything, and just over the horizon of the marine painting the Jury would see a part of the original painting of a pure tone, but the rest was mere mud and muddle, mess, and muck (much laughter).

Mr. Radcliffe, of High Holborn, said he had been a picture dealer for 35 years, and could not say which of the paintings had been done the worst. The “touching up” of the clouds was as opaque as if the paint had been put on with a trowel (laughter). It was an insult to any man connected with the arts to ask his opinion upon such scandalous work.

Mr. Hickman declared any person with half as eye could discover the bungling “scrubbing in” of the plaintiff (renewed laughter).

The Jury here stopped the case, and returned a verdict for the defendant.

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