



The
GOLDSMITHS'
Company

ASSAY OFFICE



Antique Silver and the Law

A guide for the Antiques Trade



The **GOLDSMITHS'** *Company*

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Antique Silver and the Law

This guide is issued by the Goldsmiths' Company Assay Office. It is designed to help dealers, auction houses and those with an interest in antique silver identify spurious articles. The guide will also introduce the Antique Plate Committee (APC), run by the Goldsmiths' Company, as a source of expert guidance in this field.

Acknowledgement

The Goldsmiths' Company Assay Office would like to thank all those members of the Antique Plate Committee who contributed to the information in this publication, particularly Mr Alastair Dickenson.

Alastair, who sits on the Antique Plate Committee and is a Liveryman of the Goldsmiths' Company, is an internationally renowned expert in the silver and antiques trade. He is a leading antique silver dealer and a regular expert on the BBC's Antiques Roadshow.

Foreword

The Goldsmiths' Company

The Worshipful Company of Goldsmiths, more commonly known as the Goldsmiths' Company, received its first Royal Charter in 1327 and is one of the Twelve Great Livery Companies of the City of London. Its purpose is to contribute to British national life by supporting its related crafts, industry, and trade as well as through wider charitable and educational activities.

The Goldsmiths' Company Assay Office and the APC

The Goldsmiths' Company Assay Office, also widely known as the London Assay Office, is based in Goldsmiths' Hall and part of the Goldsmiths' Company. It is one of the four UK assay offices responsible for carrying out hallmarking and is the oldest hallmarking authority in the world, dating back some 700 years. Indeed, the term 'hallmark' derives from the requirement to bring goods to Goldsmiths' Hall to have them marked.

Current hallmarking legislation requires assay offices to have reasonable cause to correct any spurious silver articles that they receive.

The APC dates from 1939 and has two main purposes:

- 1 To provide the Assay Office with the requisite reasonable cause.
- 2 To provide advice on spurious articles to the antiques trade so that articles are not misdescribed or sold illegally.

The APC comprises industry experts (academics, dealers, auctioneers, and museum curators) and considers potentially spurious articles using a combination of connoisseurship, scientific testing, and comparative hallmark examination.

ANTIQU SILVER AND THE LAW

There is a historical connection between hallmarked gold & silverwares and the coinage of the realm, in that the Goldsmiths' Company is responsible for verifying the metallurgical correctness of both. As a result, it has a responsibility to protect the public from pieces that fail to comply with the law.

WHAT IS A SPURIOUS ARTICLE?

Quite simply, any piece that contravenes the Hallmarking Act 1973, which is the most recent legislation and replaces all previous laws relating to silver.

WHAT TYPES OF SPURIOUS ARTICLES ARE THERE?

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A coffee pot circa 1720 with marks of 1700 set in the base. Now cancelled to bring the pot within the law.

Duty Dodgers

Between 1720 and 1758 a tax of sixpence per ounce was levied on all newly made silver sent to an assay office for testing and marking. Silversmiths soon realised it was a simple matter to cut out the hallmarks from a previously marked piece and insert them into a newly made object that was usually heavier, thereby giving it the appearance of being hallmarked while evading the tax. It was and still is an offence to transpose marks from one piece to another and despite the fact that the offence may have been committed over 250 years ago, such pieces remain illegal.

Detection

- Spotting a duty dodger is partly a matter of knowing where a given type of object tended to be marked. For example, the marks on 18th-century salvers or trays were generally struck in a straight line or a gentle curve. Coffee pots and mugs, by contrast, were either marked in a straight line to the right of the handle or in a cluster under the base. Soldering the marks cut from a small salver into the base of a newly made coffee pot would give it the appearance of being marked but not in the correct configuration.
- Look for distortions in the marks and the surface surrounding them. For example, if a disc containing a group of marks is cut out from the underside of a cup and applied onto the same area of a new cup, its edges will not be visible because they are under the junction of the foot and body but the marks might be misshapen and the surface of the disc somewhat distorted.
- Duty dodgers with covers (like cups or coffee pots) often have no marks or just the maker's mark on the cover.
- Look for excessive solder around the marks. If solder spreads very close to the marks, it may be concealing a let-in (transposed) marks plate from another object.
- Look for discrepancies in the size of the marks in relation to the object. A small piece with large marks can be as suspicious as a large piece with small marks.

Duty Dodgers (continued)

- Make sure the marks are compatible with the apparent date of the object. Duty dodgers often have 17th-century marks, resulting in anomalies between appearance and date.
- Check that the marks are not too close together or too far apart for the size of the object.
- Be wary of a maker's mark struck twice alongside hallmarks that are arranged in a straight line. This is trying to give a false impression of a clustered arrangement.
- Know which types of objects tend to be duty dodgers. In addition to cups and tea and coffee wares, these include casters, bowls, mugs, and tankards.



Solder lines either side of the mark.

Other Transposed Marks

These are similar to duty dodgers but are generally found outside the 1720–1758 period. They also feature genuine marks cut from one piece and inserted into another but whereas duty dodgers were made to evade tax, other pieces with transposed marks were made to deceive the buyer. The fraud tended to be perpetuated much more recently.

Detection

- Transposed marks are not restricted to inserted discs where the edge of the disc is concealed by the foot. Such marks can be found on other parts of the article and are given away by solder lines around the marks.
- Transposed marks can give themselves away by their position. For example, a Georgian punch bowl with marks halfway up the side should arouse suspicion. In such cases, always examine the surrounding area for solder lines, although electroplating may have concealed these. Plating usually produces a different colour and patination and, if done on a chased surface, leaves tell-tale signs of matting, frosting or minute beads. Clever fraudsters chase along a solder line to try to disguise the inserted piece.
- Transposed marks are sometimes added to reproduction wares in order to make them appear old. Check if the impressions of the marks on the inside of an object match those on the outside. If not, it is possible that the marks are on a small patch of silver that has been applied to the object.
- Scientific testing for transposed marks carried out by the APC includes the use of radiography. This makes the presence of let-in patches clearly visible.

Illegal Alterations – either with or without additions

This is the most common type of illegal silver on the market. The law states that a piece should not be altered from the original purpose for which it was hallmarked, in other words, there cannot be a change of use. If there has been an addition constituting a change of use, it can be legalised by testing the extra part and, if of sterling standard or higher, additions marks are struck for the current year.

Apostle spoons frequently appear on the market made from 18th-century table or dessert spoons. These are illegal as the figure is a later addition. As a general guide, be very suspicious of all 18th-century apostle spoons as most are illegal alterations. Features to look out for include poor proportions, ill-fitting finials and badly shaped bowls, the latter often having little patination.

Detection

- The marks usually appear in the wrong place. Look for distortions in the shape and alignment of the punches. If something has been radically reshaped the marks will probably be stretched or distorted.
- Later additions often look clumsy and out of proportion.
- Subtractions are not illegal unless there is a change of use.
- Look at the decoration. Is it the correct style for the date of the marks? In the late 19th-century, bowls were made with 18th or early 19th-century marks but with coarse Victorian embossed ornament imitating the neoclassical style of 100 years earlier.
- Look at the shape and form, is it correct for the period?
- Scientific testing by the APC involves spectroanalysis to date the silver. If the alloy of a component is later than the hallmarks suggest, then it is likely that it was added illegally.



Later decoration is not illegal but the added spout constitutes a change of use.

Fake Marks

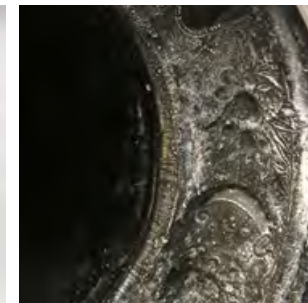
This is the hardest category to identify. Sometimes the difference between real and counterfeit marks is minute.

Hallmarks reproduced by electroforming

Electroforming is a method of copying an object by depositing plate into a mould taken from the original. By building up multiple layers, a perfect copy (known as an electrotype) can be made. Often the copy is formed of copper with a final covering of silver but it is also possible to electroform in solid silver. This process is only illegal if the original marks are also copied.

Detection

- While an electrotype can perfectly reproduce the outer surface of the original, the reverse side tends to have a distinctive granular finish with tiny pellets or beads. Sometimes these are polished back but leave a problem with patination and colour.



Electroformed copy of the Mostyn Salt, complete with Elizabethan hallmarks and its telltale granular appearance on the interior.



Identical positioning of marks.

Hallmarks reproduced by casting

Copies can also be made by taking a mould from the original and making a cast. Again, this is not illegal unless the original marks are copied too. Generally, the detail required is not refined enough so the copy has to be finished off by hand chasing, burnishing, and polishing. Advances in casting techniques, particularly centrifugal casting, have made this method of fraud much harder to detect.

Detection

- The one part of an illegally cast object that is very difficult to 'clean up' is the marks. The size and detail of the punch are very small and precise and attempts to improve the mark are generally easy to spot. Cast marks are usually poorly defined and have a granular appearance: they do not look as if a steel punch has been struck into the silver.
- If more than one copy is taken from an original (for example, an 18th-century fork or candlestick) the marks on each copy will appear in exactly the same place. This would not be the case on an original set as the marks were struck individually by hand. Check for an irregular surface and particularly signs of pitting or a granularity within the punch.



Soft punches for 1733 with a distorted Edward Feline maker's mark (possibly done deliberately to hide his identity).

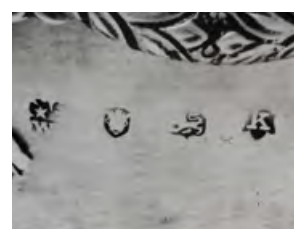
Hallmarks struck with soft punches

So-called soft punches were used to strike fake marks around 1730-1750. These were made by heating a metal with a lower melting point than silver, until soft and pressing it into a genuine set of marks. Once cooled, the impressions could be stamped into a newly made piece.

Many wares with soft punches have been identified by the 18th-century maker Edward Feline. His maker's mark will be much sharper than the other marks as it was legal for the silversmith to have possession of their own maker's punch.

Detection

- As the metal is softer than a normal steel punch, the results are often shallow and blurred.



Examples of fake 18th century marks made from steel punches.

Hallmarks struck with fake steel punches

Cutting a steel punch is an exacting process but this has not stopped fraudsters. In the second half of the 20th century, a number of sophisticated fakes with marks struck by steel punches appeared on the market and sold for tens of thousands of pounds. In the case of early spoons, some were so hard to detect that they significantly affected the whole spoon market.

Detection

- As with all fakes, do not just look at the marks. Falsifying hundreds of years of wear and tear is extremely hard so look at the decoration, colour, and patination.
- Look at engraved crests, armorials or initials. If they look new, they probably are. These are not illegal but may warn you about the authenticity of a piece.
- Compare the marks on the piece in question with those in a reliable publication or on the original 'marks plates' held by the Goldsmiths' Company.
- A faker's motivation is usually financial gain and there will come a point where the cost of making a fake will not be viable. Consequently, shortcuts are made in either the method of manufacture, the patination process or engraving and decoration. Very occasionally there are exceptions. In these cases and with any intended purchase be sure to check the provenance.
- Certain famous makers' marks have been targeted by fakers over many decades particularly those of Paul de Lamerie, Hester Bateman, and Paul Storr. Silver by these makers should only be bought from reputable sources and should have a known provenance.



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Finally,
a few
points to
bear in
mind:

Later decoration is not illegal. Bogus coats of arms are not against the law.

Unmarked and foreign silver is outside the scope of the Act.

Silver stamped with only a maker's mark is also outside the Act.

If in doubt, speak to an assay office, a reputable dealer or an expert source.

Frequently asked questions

Is it legal for an auctioneer to catalogue an item of British silver as wrong or a fake?

No, if it is a fake it is an offence to catalogue it or try to sell it as such. If a piece is listed as unmarked or having worn marks when they are in fact readable, this is also an offence. If you are unsure about an article, you can submit it to the APC. Please see overleaf for information.

What if I ignore a request from the Goldsmiths' Company Assay Office to withdraw a piece?

A piece is not officially deemed to be a fake until it has been considered by the APC. Members of the committee check saleroom catalogues and dealers' websites for suspect items and report their findings to the Assay Office. The office will then contact the auction house or dealer asking them to withdraw it from sale. If this request is not complied with and the article is subsequently found to contravene the law, an offence will have been committed. Very occasionally in such cases, the Assay Office may request the local Trading Standards Authority to carry out a formal investigation. However, the Assay Office and APC's primary role is to help and advise. Ultimately, if an auction room sells an item that turns out to be a fake, the buyer will be entitled to their money back but the vendor may have already been paid out, leaving the auction

room with a loss. If any doubt can be removed before an item is sold it is better for the seller, buyer, and agent.

When should I use the term 'white metal' and can I use it in respect of a fake?

An unmarked piece can be described as silver providing it is made before 1950 and is at least 800 standard or higher in fineness.

Reasonable proof is also required to establish that an object was made before this date. The term 'white metal' has been used by some retailers and auction houses to describe a piece that is below the 800 standard. This is permissible if the item does not bear British hallmarks. If it does, or purports to, it is against the law to catalogue it as 'white metal'. This also applies to the other categories of illegal wares: 'duty dodgers', items with transposed marks and illegal alterations.

A client brought in a salver with a patch in the centre, is this legal?

The law allows for patches with a maximum weight of only 5 grams. This is a very small amount (a troy ounce is approximately 31 grams). In other words, small inserts are probably acceptable, but large patches need to be tested and marked with additions marks.

The Antique Plate Committee (APC)

Where can I find help or submit articles to the APC?

If you believe that an article is a fake and want to confirm this is the case, then you can submit your article to the APC.

Steps for submitting an article to the APC can be found opposite.

The APC meets four times a year. Submission of articles for examination is free of charge but charges are applied if the article needs to be re-hallmarked with a modern mark. A Notice of Procedure can be downloaded here:

www.assayofficelondon.co.uk/other-services/antique-plate-committee

How does the APC deal with fake articles?

If an article submitted to the APC is found to be in breach of the hallmarking legislation, then it will not be returned until it is compliant with that legislation. Detailed information of the actions to be taken can be found in the Notice of Procedure but the most common outcome is cancellation of marks for articles found with counterfeit marks, transposed marks, 'duty dodgers' or illegal alterations and additions. Sometimes when an alteration is made such that the character of the object has been changed, an additions mark can be added to the addition to legalise it.

Steps for submitting an article to the APC

- 1 Download and complete the submission form, found here:
www.assayofficelondon.co.uk/other-services/antique-plate-committee
- 2 Deliver the article to Goldsmiths' Hall along with the completed submission form
- 3 The article will be logged, sampled, and photographed before being put before the APC
- 4 The submitter will in due course be sent a letter detailing the Committee's findings. This will include the options available should the item be found not to be in compliance with the law
- 5 If appropriate, action will be taken to make the article compliant with the law (upon written instruction from the submitter)
- 6 The item will be returned and an invoice issued if applicable
- 7 The item is now ready to be put to market.



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The Goldsmiths' Company

Goldsmiths' Hall
Foster Lane
London
EC2V 6BN
t 020 7606 7010
w thegoldsmiths.co.uk
e the.clerk@thegoldsmiths.co.uk

The Goldsmiths' Company

Assay Office
Goldsmiths' Hall
Gutter Lane
London
EC2V 8AQ
t 020 7606 8971
w assayofficelondon.co.uk
e info@assayofficelondon.co.uk

