The Antiquaries Journal, **86**, 2006, pp 390–401

BIBLIOGRAPHY

Abbreviations

BL British Library, London
SRO Suffolk Record Office

Primary Sources

BL, Harleian 1411
BL, Harleian 1542
BL, Stowe MS 676
College of Arms MS Hare's Ordinary R 33/81
College of Arms MS 2C15/13b, Visitation of Suffolk
SRO, FL 506/11/8

Secondary Sources

Anon 1882. *Visitation of Suffolk, 1561, 1577 and 1612*, Exeter, privately published
Bendall, S 2005. 'The seal of Sir William Wroughton (1509–1559) of Broad Hinton, Wiltshire', *Wiltshire Archaeol Natur Hist Mag*, **98**, 342–7
Bird, A B 1992. *Groton, Suffolk: A Short Illustrated Guide*, 5th edn, Groton Parochial Church Council
DNB 2004. *Dictionary of National Biography*, LIX, Oxford
Fairbairn, J 1905. *Fairbairn's Book of Crests of the Families of Great Britain and Ireland*, London
Godfrey, W H, Wagner, A R and London, H Stanford 1963. *The College of Arms, Queen Victoria Street*, London Survey Committee Monogr, 16, London
Jewers, A J (ed) 1913. *Grants and Certificates of Arms*, Exeter, reprinted from *The Genealogist*
Muskett, J J 1894–6. *Evidences of the Winthrops of Groton*, privately printed (reprinted in 1900 as first part of vol I of *Suffolk Manorial Families*)
Ryland, W H 1915. *Grants of Arms named in Docquets and Patents to the end of the Seventeenth Century preserved in the British Museum, Bodleian Library, Oxford, Gonville and Caius College, Cambridge, and elsewhere*, London
Society of Antiquaries 1999. 'Proceedings', *Annual Report*, 18
Winthrop, J 1853. *The History of New England from 1630 to 1649*, Boston
Winthrop, R C 1864. *The Life and Letters of John Winthrop*, I, Boston
Woodcock, T and Robinson, J M 1990. *The Oxford Guide to Heraldry*, Oxford

THE BURLINGTON HOUSE CASE, 2004–5

Bernard Nurse, FSA*

The legal basis by which the learned societies occupy Burlington House was the subject of a hearing before the High Court in 2004. No verdict was given because terms of occupation were eventually agreed by all parties in 2005. This paper contains transcriptions, with background notes, of some of the more important and previously unpublished documents presented in evidence on behalf of the societies as part of their case.

BACKGROUND

The case of the Office of the Deputy Prime Minister v The Society of Antiquaries of London and Others was presented in the High Court of Chancery in January/February

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2004 and concluded in June 2005. It arose out of an attempt by the Government to obtain a ruling on the terms by which the learned societies occupied Burlington House. The Government believed that its interest in the property could not be valued without a judgement, and neither could it reach an informed policy towards the societies who occupy it. Furthermore, the Land Registry required ownership to be determined before the property could be registered.

The Society of Antiquaries of London was named as the first defendant because it is the oldest of the Burlington House societies, but the Royal Astronomical Society, the Linnean Society, the Geological Society of London and the Royal Society of Chemistry were involved as joint defendants. All had moved into the new Burlington House courtyard buildings in the period 1873–4, three of them moving from Somerset House at the Government's request. The Royal Academy, which shares the same courtyard, was not a party to the action; its premises are held on a 999-year lease at a peppercorn rent and it has been responsible for maintenance since moving to old Burlington House and paying to extend its premises there. The 'Burlington Five', as the defendants were described by *The Times*,[1] enjoyed the use of their premises on better terms than the Royal Academy, because they paid no rent and were not responsible for external maintenance.

The status quo was first challenged in 1994 as a result of the Government Efficiency Unit report on the management of the Government Civil Estate. The report recommended devolving all government buildings to the occupying departments, and this was accepted as policy. In the case of Burlington House, the Department of the Environment decided that, as the premises were not occupied by civil servants, it would be best to dispose of the freehold interest to the occupiers. In 1995 several options were considered internally by the Department and set out in a minute, which was disclosed to the court, but had not been revealed to the societies at the time.[2] The options included the transfer of the freehold – to the Royal Academy, to an independent trust, to a third party, or to the individual occupants – or sale on the open market. The latter was considered a last resort option that would only be possible if leases were previously agreed with all existing occupants. In 1996 Sir Paul Beresford, then the Minister for Housing and Local Government, arranged a series of meetings to discuss the possibility of the societies acquiring the freehold interest.

In the event, no negotiations took place on the transfer of the freehold because of the difficulty of establishing a valuation when the legal rights of the occupiers were unclear. Both sides sought legal advice from solicitors, and eventually from counsel. The failure of the lawyers to agree led the Land Registry to recommend that the Government should obtain a verdict from the High Court. By 2003 Burlington House was among the last of the properties held by the Government though not used for government purposes and for which terms of occupation had yet to be agreed. The Office of the Deputy Prime Minister, which had inherited the issue as successor to the Department of the Environment, therefore initiated the action against the societies, which was eventually scheduled to be heard in January 2004.

THE LEGAL ACTION

The question of whether the learned societies had any legal rights governing the terms of their occupation of Burlington House was argued before the High Court but not then resolved, as the judge reserved judgement, pending mediation. The Government argued

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that the existing arrangement was anomalous, not enjoyed by other independent bodies and relied on past policy not on legal status. Burlington House had been built with public funds and the societies had gained sufficient benefit from the free use of their premises over the previous 130 years to meet their expectations and any of their own expenses on internal improvements. The societies were no more than tenants-at-will or, at best, licensees, and their occupation could be terminated at reasonable notice (suggested at two years), although the Government gave no indication that it wanted the societies to leave.

Against these arguments, the societies claimed that Burlington House was purpose-built for them and their continued occupation was the best use that could be made of the buildings. Those societies previously based in Somerset House did not have to leave but agreed to do so to suit government purposes; they understood that the move was permanent and acted accordingly in spending their own money on improving the premises. They were chartered learned societies who used income from their members for the public benefit and any additional costs would affect their charitable work. During the hearing, the societies accepted that it would be reasonable for them to pay for any external maintenance required to the buildings. They still maintained that their legal right to occupy the buildings or any agreed substitute should be recognized by the court and therefore by the Land Registry.

The judge, The Hon Mr Justice Peter Smith, questioned the extreme nature of the claims by both parties. He described the societies' position as 'better than freehold' and asked the Government why serious negotiations had not taken place before proceeding with litigation. He said that whatever verdict was reached it was probable that the unsuccessful party would appeal against it. He made it clear that it would be better for both sides to agree on the future basis of occupation rather than trying to arrive at a legal view of past beliefs when property law was very different. Despite the objections of government counsel, who wanted a legal judgement, the judge directed mediation to take place. So that discussions could take place on equal terms, he was careful to be balanced in his comments, without indicating what his verdict might have been if mediation had failed. The judge's direction for mediation to take place within four weeks put considerable pressure on the Government to propose terms for a settlement quickly.

THE SETTLEMENT

Before mediation took place, it was thought that the position of the parties was so far apart that it would be impossible to reach agreement, but these fears proved unfounded. Acceptance was reached after a close analysis of the terms offered and an assessment of the risks involved in rejecting them. In the event, no options for the transfer of the freehold or a long lease or the establishment of a trust were discussed, although such terms were negotiated in the case of other government buildings under review.[3] The offer put by the Government for acceptance or rejection was that of a ten-year lease at a discounted rent. Final terms were agreed one year after the court hearing as a result of post-mediation discussion. Compromise was involved on both sides: the societies accepted that the Government owned the freehold and they held no gratuitous rights or rights in perpetuity. Both parties agreed:

- a lease for an initial term of ten years at a non-profit rent (subject to future rent reviews but with an initial two-year rent-free period), with options to renew every ten years, subject to an overall maximum term of eighty years;

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- assumptions for valuation purposes that serve to depress the capital charges levied on the building, which will consequently keep the rent payable at a low level for as long as possible;
- that the societies will be responsible for their own internal repairs and will pay a service charge (with an initial two-year free period) to include a proportion of the costs of external repairs;
- that the Government would carry out an extensive programme of works on the external fabric at public expense (completed 2005–6);
- that the societies will pay buildings insurance from the date the leases are exchanged;
- that there will be an absolute bar against alienation, and that the societies will have an option to end the tenancy granted by the lease at any time upon six months' notice.

The leases were signed by all societies on 16 March 2005, and exchanged on 8 July. The Charity Commissioners gave their agreement and the Consent Order to stay proceedings was sealed in the High Court on 21 June, thus ending the legal action. The supplemental charters for each society, which have been approved by the Privy Council to allow them to take on the leases, were signed on 19 July.

The final settlement takes into account the special position held by the societies and establishes what are probably unique terms of occupation for government property. The difficulties both parties would have faced in public if a settlement had not been reached are illustrated by two reactions to the news that were published within three weeks of the matter being settled and therefore no longer *sub judice*. Extreme and opposite points of view were set out in *Current Archaeology* – whose editorial on the subject was headlined 'The Society of Antiquaries has been shafted by government' – and in the *Independent* – which reported that 'Prezza's legal action forces Academy "squatters" to pay up'.[4]

THE HISTORICAL EVIDENCE

Extensive evidence was presented to the court to show how the societies had arrived at their previously favourable position in Burlington House. In the absence of specific legislation or any written agreements in any legal form establishing the period of tenure and terms, inferences had to be made from documents not intended for the purpose. About 1,700 pages were presented to the High Court as supporting evidence. They were selected mostly from the archives of the Society of Antiquaries, the Royal Society and The National Archives. The potential number of records with relevant references was huge, and so a proportionate, but not exhaustive, search was carried out. It is therefore possible that other relevant documents might come to light, especially for the period 1775 to 1785.[5]

The Society of Antiquaries was the only one of the parties to the case to have occupied Somerset House from the beginning. The Royal Society, though present from the same time and previously having taken the lead in negotiating with the Government over premises, had moved to Carlton House Terrace in 1964 and was not involved directly in this legal action. The National Archives holds the records of the Treasury, which dealt with general matters of tenure, and also those of the predecessors of the Office of the Deputy Prime Minister, which dealt with day-to-day administration.

Most documents cited provided background information or examples of dealings between the parties; very few related specifically to the terms of occupation as such. Transcripts of some that did, and that were presented in court by the societies, are given

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here (the transcripts were made by staff of Bristows, the societies' solicitors, and the Treasury Solicitors). Varying interpretations were placed on them by counsel; their legal arguments were given in writing to the court, and copies are in the Society of Antiquaries' archives. However, no verdict was given on the evidence and neither have any previous claims by either party been tested in the courts. The documents are quoted here to explain what the various parties believed at the time, and because they have not been published before. The terms of occupation are now governed by leases that are settled for the immediate future, but the basis for valuation and rent and the issue of the renewal of the leases could become contentious in the long term.

1775–81: The Move to Somerset House

The Royal Academy, Royal Society and Society of Antiquaries of London moved into the Strand frontage of Somerset House (now occupied by the Courtauld Institute) between 1780 and 1781. The Royal Academy had occupied rooms in the demolished old palace of Somerset House and was the first to be offered new accommodation because of the interest of their active patron, George III. A contemporary described the Strand block in a guide to the Royal Academy as 'that part of the design which Royal Munificence has appropriated to the reception of polite Arts, ancient knowledge and modern philosophy'.[6] 'Modern philosophy', or science, took the form of the Royal Society, the oldest learned society with a royal charter, which sold its freehold premises to move into the new block in 1780. Representing 'ancient knowledge', the Society of Antiquaries of London, the only other metropolitan learned society at the time with a royal charter, gave up its leasehold premises in Chancery Lane and moved in 1781. George III was the patron of all three societies and his architect, Sir William Chambers, designed the new block in a grand style to emulate continental examples of princely patronage in the period of the Enlightenment. He also tried to meet the requirements of the societies for meeting rooms, libraries and accommodation, although compromises had to be made to fit everyone in.

Somerset House was paid for out of public funds, and the Treasury was responsible for the arrangements. In 1780 the Treasury made an order concerning the Royal Academy. A distinction was made between public rooms and private rooms (which were held at the pleasure of the Crown), which was not made in the orders relating to the other societies. The Royal Academy's Treasurer was then appointed by the King (whereas the other societies' officers were elected by members).

1. Letter from John Robinson on behalf of the Lords Commissioners of the Treasury to Sir William Chambers: 11 April 1780 (PRO, T1/560/64–5)

Copy of a letter from John Robinson Esq to Sir W'm Chambers dated 11th April 1780 with Directions concerning the Delivery of the Apartments of the Royal Academy at Somerset House, to the Treasurer of that Academy.

Sir,

The Lords Commissioners of His Majesty's Treasury having taken into consideration your Letter of 29th of March last stating that the apartments

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allotted to the Royal Academy in the new Building at Somerset House, are now compleatly finished and that His Majesty has directed this Year's Exhibition of Pictures to be there, and desiring to have an Order for delivering up the same, either to the President and Council, or to the Treasurer of the Academy, who is by Virtue of His Office, to have the Inspection and Care, both of the Buildings, and all other His Majesty's Effects, employed in that Institution; and your Opinion, and Information on this Subject. I am commanded by their Lordships to direct you to deliver up into the Hands of the Treasurer of the Royal Academy, all the Appartments allotted to His Majesty's said Academy, in the New Buildings at Somerset House, which are to be appropriated to the Uses specified in the several Plans of the same, heretofore settled. And you are to signify to the Officers of the Academy, that they, their Families, Servants, Tradesmen and Visitors, are to Use for their Apartments the Stair of Communication only and not to use the great Stair for any common Purposes. And as the Residence of the Secretary in the Academy is an indulgence lately proposed, which upon Trial may be found inconvenient, or the Rooms he occupies be hereafter wanted for other Purposes, you are to signify to Him, that He holds the same merely at Pleasure, to be resumed whenever it shall be thought proper, and to the end that all the Parts of the new Building may be preserved in good Repair, clean, undamaged, and undisfigured, you are strictly to direct, and order, that no Tubs, or Pots of Earth, either with or without Flowers, or Trees, Creepers or other Shrubs, be placed in the Gutters of the said Buildings, or upon the Roofs, and Parapets, or in the Courts, Areas, Windows, Niches, or any other Apertures of the same; and also that no Plaister, Paper, or other thing be put up, plaistered, or pasted against any of the walls thereof, under any Pretence whatever. And you are further to direct, and Order, that on no account whatever, any Change shall be made in the Destination of the Appartments appropriated to the Public Use, nor any Alteration either in these; or in any others, that are, or shall be inhabited by any of the Officers, or Servants, without the Approbation of this Board, and that no Person be permitted to let, or lend, their Apartments, under any Pretext whatever.

I am Sir,
Your most humble servant,
Signed, John Robinson

Treasury Chambers
11th April 1780

2. Receipt of apartments in Somerset House by the Society of Antiquaries, signed and witnessed, with plans: 15 February 1781 (SAL, MS 760)

We whose names are hereunto subscribed, being the President & Council of the Society of Antiquaries for the time being; & sufficient to constitute a regular Council; acknowledge to have received, by order of the Lords Commissioners of his Majestys Treasury, from Sir William Chambers, to whom the said order is directed, all the apartments allotted to the Antiquary Society, in the new building at Somerset House; as well for carrying on the public business, as for the

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accommodation of our Secretary and Servants with proper dwellings: the whole being well conditioned and compleatly finished & filled up with fixtures, fastnings & other requisites; as is particularly delineated & described upon the seven annexed sheets of plans all signed by us, & in obedience to the commands of the Lords of the Treasury, now signified to us by Sir William Chambers, we do as acting members & representatives of the whole Society for the time being, receive & accept, in the name of the said Society, the above mentioned apartments, on the express condition & promise, that we shall employ our utmost care & vigilence to preserve the same, & the building in which they are contained from all injury or damage & furthermore that no change shall be made in the destination of the appartments appropriated to the public use nor any in those to be inhabited by our officers or servants nor any addition, alteration, or repair without having first shown the absolute necessity & obtained in writing the leave of the Board of Treasury for so doing; directed to the Surveyor of the Building for the time being, under whose inspection & by whose workmen alone, such addition, alteration, or repair, shall be executed, neither shall we ever on any pretence suffer the whole or any part of the said appartments to be let, lent, or be occupied but for the uses specified in the annexed plans.

And to the end that all the parts of the new building may be preserved in good repair, clean, undamaged and undisfigured; we promise in obedience to the commands of the Lords Commissioners of his Majestys Treasury not to suffer any boxes, tubs or pots of earth, either with or without Trees, Creepers, Shrubs, Flowers & c: to be placed in any of the Gutters; or upon the roofs & parapets, or in the courts, areas, passages, windows, niches or any other appertures of that part of the said building allotted to our Society; neither shall any papers or other things be put up, plaistered or pasted, against the walls thereof, under any pretence whatever, in witness of all which we have hereunto set our hands this Fifteenth Day of February, in the year of our Lord one thousand seven hundred and eighty one

Witness
W Chambers
John Yenn
Jer: Milles President
Jos:Ayloffe Vice President
M: Lort V: President
Edward Bridgen
Will Norris Secretary

1856–74: The Move to New Burlington House

Several changes in the arrangements at Somerset House took place after 1781. The Geological Society arrived in 1828 and was given use of rooms by the Royal Society, to be joined in 1836 by the Royal Astronomical Society. The Government provided the Royal Society with more space to accommodate them. The Royal Academy joined the National Gallery in the new building on the north side of Trafalgar Square in 1837 and moved to its present site in 1866. The Royal Society moved to old Burlington House in 1856 and was joined by the Linnean Society and the Chemical Society. Then

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the Society of Antiquaries exchanged its Meeting Room in Somerset House for the slightly larger room previously used by the Royal Society. The Government wanted to provide more space for civil servants in Somerset House and the Royal Society wanted to join the scientific societies 'in juxtaposition' in new buildings at Burlington House. The Government had purchased the Burlington House estate fronting on to Piccadilly in 1855 and, after various schemes had been proposed, commissioned the architects Banks and Barry to draw up designs for the five scientific societies and the Society of Antiquaries in 1866. Detailed specifications of requirements were provided by the societies to the architects at the Government's request. The largest gains of space were in the libraries. The societies moved into their new apartments between 1873 and 1874.

Negotiations with the Royal Society resulted in James Wilson (Treasury Minister) writing to them on 22 May 1856 and addressing Parliament on the subject the following year during the debate on the supply estimates. The debate concerned the costs arising from the move of the Royal Society, the Linnean Society and the Chemical Society to old Burlington House as a temporary measure.

3. Parliamentary Debates, *House of Commons*: *19 June 1857*

> Mr.WILSON observed that the government had, some time since, been charged with neglect for not having provided a sufficient staff of clerks for the purpose of collecting the succession duty, and that, the matter, having early last autumn been brought under the notice of the Treasury, they had made a proposal to these learned societies to the effect that, if they were prepared to give up the apartments in Somerset House, which had been allotted to them by Royal grant, the government would place at their disposal rooms in Burlington House. Now, if the government had taken a contrary course, it was quite clear that they would have been obliged to pay a considerable rent for rooms in which to accommodate the staff of clerks, to which he had just alluded. The Government never contemplated that, by putting Burlington House to this purpose they infringed the right of these public societies to permanent accommodation. The societies were good enough to go out of rooms in Somerset House which they were perfectly entitled to retain, in order to accommodate the government, and it was only reasonable that, in the event of leaving Burlington House, when it was wanted for other purposes, they should be furnished with a new building. He quite agreed in the proposition that the Government were bound to furnish other rooms in the event of these societies not being able to retain the rooms they now used in Burlington House, and he thought that great blame would have attached to the Government if they had neglected to make this arrangement.

Just before the societies moved into Burlington House the Government asked them to pay for building insurance. The societies refused as they had not paid this in Somerset House and in 1874 the Royal Society asked for clarification of the terms of occupation of the new premises. The Government's internal memorandum recorded the view of one of its civil servants. This was not divulged to the societies at the time and the Royal Society was merely told that the terms were the same as those for Somerset House. The request to pay for building insurance was dropped.

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4. Treasury memorandum: 24 September 1874 (PRO, T1/7393B/15292)

24 September 1874

The Royal Society President

Accommodation
Requesting a statement defining the conditions
of the Society's tenure and as to its claim to
permanent accommodation

MEMORANDA AND MINUTE

8568156 is the Minute referred to.
This is a remonstrance from the R. Society against the Condition which was made by the Minute on 4,624/74 agreeing to the concession as to Insurance against Fire – i.e., that if the premises in the occupation of the Society were burnt the Govt could not undertake to provide other accommodation within any definite period.

The Society quote & quote correctly the terms of a Treasury letter of May/56 promising that the transfer of the Society from Somerset House to Burlington House should not in any respect be held to weaken the claim of the R. Society to permanent accommodation.

The Society think the condition recently made incompatible with the understanding on wh. they hold their premises & ask for some satisfactory statement defining the conditions of their Tenure & recognizing their claim to permanent accommodation.

I think the right to permanent accommodation was admitted in 1856 – by the terms of Mr Wilson's letter – it wd. be incorrect to talk of weakening a claim the existence of which was not admitted, and this Minute was carefully worded, & signed by Mr Wilson after a conference with the representatives of the Learned Societies – but – there may be a question as to the meaning of the words 'permanent accommodation'. Wd. the Government be bound to begin to rebuild the premises immediately after a fire supposing a fire to take place? Or wd. they be justified in waiting until Parlt had voted the money? In the latter case wd. it be incumbent upon the Treasury to propose the necessary Vote at the first opportunity or might such Vote be postponed for one or two sessions?

I think the Govt need not go into what they wd. be bound to do in the first case, because supposing Burlington House or part of it to be burnt down a discussion wd. arise as to what architect shd be employed to rebuild it & as to what kind of design he shd follow in doing so. Such a discussion would last some time, & the design wd. probably stand in the Library of the H. of Commons for some weeks or months before it was approved by the House.

I shd then answer that the Govt admitted the claim to permanent accommodation so far as to promise that in the case of the destruction or damage by fire of the Building, they wd propose a Vote to Parlt at the first opportunity to provide the necessary funds for rebuilding or repair, & that if such Vote were carried the work shd be proceeded with without unnecessary delay, and I think

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such a promise could safely be made because if the Govt did not propose the necessary Vote, some Members. of Parlt would be sure to come forward on behalf of the R. Society & force the Treasury to agree to such a course, probably after making a flourishing speech alluding to supineness and ill judged parsimony.

I think further that even had the terms of Mr Wilson's Minute been less binding than they appear to be, it would be impossible for any Govt having once provided the necessary accommodation for these Learned Societies, in these days of Scientific pursuit, to resist a claim for a Grant of Public Money to rebuild their houses, if they happened to be accidentally destroyed. It becomes then a matter of little importance whether such an undertaking be given or no & it would be unwise to discuss a question which we as the controlling financial Dept have no object in carrying.

[initialled] 6110

[Response]

In that there is no intention on the part of the Treasury to alter the terms on which the Royal Society hold their apartments under the Crown, the conditions of the Society's tenure will therefore be the same as those on which they occupied rooms in Somerset House and were subsequently transferred to Burlington House.

It must however be remembered that the Treasury possess no funds which they could devote to the rebuilding of Burlington House in the event of its destruction by fire; – that such funds could only be provided by a Vote of Parliament, and as all experience shows that the re-erection of any great public building is attended with great delay, the Treasury is only drawing attention to that wh. must be obvious to the Council of the R. S. in stating that no assurance could be given that the rooms occupied by the Society would if destroyed by fire be rebuilt within any definite period.

[initialled] 23/10

In 1879, the Science and Art Department requested a copy of the terms of occupation of Burlington House from the Treasury as the department wished to apply the same terms to the Royal Dublin Society. The Treasury reported that no further steps had been taken by the Board towards concluding a definite arrangement with the societies since corresponding with the Royal Society, but that the Board had, in practice, observed the rules (with the modifications shown) in the accompanying note.

5. Treasury note: 16 April 1879 (PRO, T1/16045/05012)

RULES for the maintenance of buildings at Burlington House, occupied by the learned societies

1. The Office of Works repairs the whole of the structure externally, including broken glass in skylights and sash lines, and keeps in proper working order all drains, sewers and water and gas services outside the building.

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2. The Office of Works also maintains, lights, cleanses and waters the carriage and footways of the quadrangle, the principal and western side entrances, and the western roadway, and cleanses the foot pavement next Piccadilly.
3. The Office of Works pays all charges for water.
4. The [blank] Society keeps the building in tenantable repair, and keeps in proper working order all internal service pipes and fittings connected with the gas supply and the heating apparatus, and performs all internal repairs except renewals of any portion of the fabric from decay.
5. The Surveyor or other officer of the Office of Works, shall at all times have free access to the building, and all such internal repairs as would fall on the occupiers, under the above clause, which he may from time to time consider necessary for the preservation or maintenance of the structure, shall be executed by the Society within three months of time of notice being given to execute such repairs.
6. The [blank] Society shall make no structural alteration whatever without the consent in writing of the First Commissioner of Works.
7. The [blank] Society shall pay the Gas companies' charges, and all other charges except for water incidental to the occupation of the building.

NOTES

1. *The Times* 2003, 29.
2. A R Edwards (memorandum, 4 April 1995) noted that the Efficiency Scrutiny recommended that a new owner be found for Burlington House, and that provisional legal advice was that the societies probably had no more than a licence to occupy parts of the building, which could be revoked on reasonable notice. Despite the strict legal position, policy had been and remained that the learned societies should be provided with government accommodation on favourable and subsidized terms. The options were then set out and the Minister asked for guidance on how to proceed.
3. For example, in London: the Museum of Mankind, the south wing of Somerset House, Greenwich Naval College, Commonwealth Institute.
4. *Current Archaeology* 2005, 296; *Independent* 2005, 14.
5. The task was only made possible because of the considerable assistance provided by the librarians of the other societies and archivists of the Royal Society and the National Archives. A detailed description of the Society of Antiquaries' moves to Somerset House and Burlington House is given in Evans 1956, chs 11 and 16.
6. Baretti 1781, 4–5.

BIBLIOGRAPHY

Abbreviations

PRO Public Record Office, since 2003 part of The National Archives (TNA)
SAL Society of Antiquaries of London

Primary Sources

Edwards, A R, memorandum to Sir Paul Beresford, 4 April 1995, Court bundle 6, 1611–15
146 *Parliamentary Debates*, 3rd ser, 80–1, 19 June 1857
PRO, T1/560/64–5, Letter from John Robinson on behalf of the Lords Commissioners of the Treasury to Sir William Chambers: 11 April 1780
PRO, T1/7393B/15292, Treasury memorandum: 24 September 1874
PRO, T1/16045/05012, Treasury note 16 April 1879
SAL, MS 760, Receipt of apartments in Somerset House by the Society of Antiquaries, signed and witnessed, with plans: 15 February 1781

https://doi.org/10.1017/S0003581500000238 Published online by Cambridge University Press

Secondary Sources

Baretti, G 1781. *Guide through the Royal Academy*, London

Current Archaeology 2005. 'Diary', **198**, July/August 2005

Evans, J 1956. *A History of the Society of Antiquaries of London*, Oxford

Independent 2005. 'Pandora', 12 July 2005

The Times 2003. 'The Burlington Five', 28 February 2003

https://doi.org/10.1017/S0003581500000238 Published online by Cambridge University Press