

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT

BERKSHIRE COUNTY, ss.

THOMAS ROCKWELL, JARVIS
ROCKWELL, PETER ROCKWELL, TOM
PATTI, TOM PATTI DESIGN LLC, JAMES
LAMME, DONALD MACGILLIS, JONAS
DOVYDENAS, and JEAN ROUSSEAU,

Plaintiffs,

v.

TRUSTEES OF THE BERKSHIRE MUSEUM
and MAURA HEALEY, in her capacity as
Attorney General of the Commonwealth of
Massachusetts.

Defendant.

CASE NO.: _____

COMPLAINT

INTRODUCTION

1. Plaintiffs bring this action against the Trustees of the Berkshire Museum (“the Museum”) to halt the Museum’s unnecessary and unlawful plan to sell forty of the most significant works of art in the Museum’s collection.

2. The works earmarked for sale include pieces by Norman Rockwell, Alexander Calder, Frederic Church, George Henry Durrie, Albert Bierstadt and others. Many of these works have been central fixtures of the Museum’s permanent collection since it was separated from the Berkshire Athenaeum in 1932. These works of art are iconic and represent the best of American Art in the nineteenth and twentieth centuries. As such, they are part of the legacy of

Berkshire County, beloved by its community and held in trust to benefit the public, not only in Berkshire County but throughout the Commonwealth of Massachusetts.

3. Beginning in November, the Museum will sell the works one-by-one to the highest bidder through Sotheby's auction house. Sotheby's customers include persons and corporations from all over the world. Once sold, it is highly unlikely that any of the pieces will remain in Berkshire County or in a public institution where they can be seen and enjoyed. Indeed, it appears that at least some of the works have already been removed from the Commonwealth to Texas.

4. The Massachusetts Cultural Council, a state agency charged with promoting the arts and humanities, including the Museum, strongly opposes this plan "as a violation of the Museum's public trust." After careful study, including two independent analyses and a review of the Museum's financial statements, the Council concluded that planned sale disregards "widely accepted museum standards" and that "the Museum could put itself in a healthy operating position without deaccessioning art."¹

5. Moreover, the Museum's planned deaccession runs directly contrary to the Massachusetts statute which established the Museum, which requires the Museum to maintain any gifts it receives "for the people of Berkshire County and the general public." The wholesale monetization of the centerpieces of the Museum's collection would be an extraordinary transaction that would strip the Museum of its very essence as a public repository of fine art.

6. While the Museum's trustees claim deaccession of the art is necessary for financial reasons, multiple independent examinations of the Museum's finances show that these

¹ Mass. Cultural Council Statement on the Berkshire Museum (Sept. 20, 2017), available at <http://www.massculturalcouncil.org/news/StatementBerkshireMuseum.asp>.

claims are grossly exaggerated. Moreover, the Museum has published its financial information in a way to conceal its true financial condition from its Trustees and from the public.

7. The planned sale is a breach of the Museum's duties under several Massachusetts state statutes, the trustees' duties as fiduciaries, and the terms under which the works were donated. Accordingly, Plaintiffs request that the Court enter an injunction restraining the Museum from going forward with the planned sale of these works.

8. For at least the past several weeks, the Attorney General's office has been reviewing the proposed sale, and Plaintiffs have been working diligently with the Attorney General's representatives to explain their concerns. On information and belief, the Attorney General's review of this matter remains ongoing. The Attorney General is named as a necessary party to this action pursuant to G.L. Ch. 12, § 8G.

PARTIES

9. Plaintiffs Thomas Rockwell, Jarvis Rockwell, and Peter Rockwell are the three children of renowned artist Norman Rockwell, who is now deceased. Thomas Rockwell was an executor of Norman Rockwell's estate. Thomas, Jarvis, and Peter Rockwell were principal beneficiaries of the estate through testamentary trusts. The residue of the estate passed to trusts of which they are the beneficiaries. Thomas Rockwell resides in Poughkeepsie, New York. Jarvis Rockwell resides in North Adams, Massachusetts. Peter Rockwell resides in Beverley, Massachusetts.

10. Plaintiff Tom Patti is an artist working in Pittsfield, Massachusetts. He and his wife, Marilyn Holtz Patti, are the owners of Plaintiff Tom Patti Design LLC, a Massachusetts limited liability company with its principal place of business in Pittsfield, Massachusetts.

11. Plaintiff James Lamme is a resident of Egremont, Massachusetts. He is a member of the Museum.

12. Plaintiff Donald MacGillis is a resident of Pittsfield, Massachusetts. He is a member of the Museum.

13. Plaintiff Jonas Dovydenas is a resident of Lenox, Massachusetts. He is a member of the Museum and has made substantial donations to the Museum.

14. Plaintiff Jean Rousseau is a resident of Stockbridge, Massachusetts. He is a member of the Museum and has made substantial donations to the Museum.

15. The Museum is a museum and charitable organization located at 39 South Street, Pittsfield, MA 01201, and established by an act of the Legislature. The Museum is the successor to the Berkshire Athenaeum, established by statute in 1871. That statute provided that no part of the personal property of or gifts to the Athenaeum “shall ever be removed from the Town of Pittsfield.”

16. Maura Healey is the duly elected and qualified Attorney General of the Commonwealth of Massachusetts, whose office is at One Ashburton Place, Boston, Massachusetts. The Attorney General is charged with the oversight of the Museum and other charitable/not-for-profit organizations in the Commonwealth and is named as a necessary party pursuant to G.L. Ch. 12, § 8G.

JURISDICTION AND VENUE

17. The Court has personal jurisdiction over all parties under G. L. Ch. 223A, § 3.

18. Venue and jurisdiction are proper pursuant to G.L. Ch. 214, §§ 1 & 5, and G.L. Ch. 231A, § 1.

FACTS

Creation of the Berkshire Museum

19. The Museum's predecessor, the Trustees of the Berkshire Athenaeum (the "Athenaeum"), was incorporated by statute in 1871.² That statute provided that the Athenaeum's purpose was "establishing and maintaining in the town of Pittsfield an institution to aid in promoting education, culture and refinement, and diffusing knowledge by means of a library, reading-rooms, lectures, museums, and cabinets of art and historical and natural curiosities."³ It further authorized the Athenaeum to "hold real and personal property for the purposes aforesaid" and that "all gifts, devises and bequests [to the Athenaeum] shall be devoted to such purposes exclusively."⁴ The statute expressly ordered that "no part of such real and personal property, or such gifts, devises or bequests, shall ever be removed from the town of Pittsfield."⁵

20. By 1873, "[n]umerous gifts of books, minerals, pictures and natural and historical curiosities" had been given to the Athenaeum "by both residents and non-residents" and were "arranged in the Athenaeum building," where they were "open to the inspection and use of the public."

21. In 1903, Mr. Zenas Crane, a resident of Dalton in Berkshire County, gave to the public a museum building adjoining at the rear of the Athenaeum public library. That property was transferred to the management of the Athenaeum. That same year, the citizens of Pittsfield

² See An Act to Incorporate the Trustees of the Berkshire Athenaeum, 1871 Mass. Acts & Resolves Ch. 129.

³ *Id.* § 1.

⁴ *Id.* § 2 (emphasis added).

⁵ *Id.* (emphasis added).

successfully petitioned the Legislature to change the name of the Athenaeum to the Trustees of the Berkshire Athenaeum and Museum.⁶

22. In 1932, the citizens of Pittsfield again petitioned the Legislature, this time “to separate the library and the museum, both of which are now held under one title by the Trustees of the Berkshire Athenaeum and Museum.” The petition explained that “[d]uring the past year, Mrs. Zenas Crane and her son, Mr. Zenas Marshall Crane, have donated additional funds to the museum, enabling it to engage an enlarged working staff, and they plan to provide funds to amplify the work of the museum and toward this end it has been thought advisable that the museum have a separate charter and function as a separate organization.”

23. Later in 1932, the Legislature accepted the citizens’ petition and enacted a statute to separate the Museum from the Athenaeum as different corporate entities (the “Museum Incorporating Act”).⁷

24. The Museum Incorporating Act authorized the Athenaeum to transfer to the Museum “the museum building and the land used in connection therewith,” as well as “the Zenas Crane endowment fund and all objects donated by the said late Zenas Crane and such other objects of or illustrating natural science, culture history or art” as the Athenaeum deemed proper. However, it did not reverse or revise the existing prohibition on removing these works from Pittsfield.⁸

⁶ See An Act Relative to the Trustees of the Berkshire Athenaeum, 1903 Mass. Acts & Resolves Ch. 131.

⁷ See An Act Changing The Name Of The Trustees Of The Berkshire Athenaeum And Museum To Trustees Of The Berkshire Athenaeum, And Incorporating The Trustees Of The Berkshire Museum And Authorizing The Transfer To It Of Museum Property, 1932 Mass. Acts & Revolves Ch. 134.

⁸ *Id.* § 2.

25. As a result, the Museum received much of its collection from the Athenaeum, including some of the artworks it intends to sell (such as Benjamin West's "Daniel Interpreting to Belshazzar the Handwriting on the Wall," which was donated by Zenas Crane in or around 1910).

26. The Museum Incorporating Act specified that the Museum was incorporated "for the purpose of establishing and maintaining in the city of Pittsfield an institution to aid in promoting for the people of Berkshire County and the general public the study of art, natural science, the culture history of mankind and kindred subjects by means of museums and collections."⁹

27. The Museum Incorporating Act further mandates that the Museum "may hold real and personal property for the purposes aforesaid; and all gifts, devises and bequests thereto shall be devoted to such purposes exclusively and used in conformity with the conditions made by any donor and expressed in writing; provided, that such conditions are not inconsistent with the provisions of this act."¹⁰

The Berkshire Museum's Collection

28. The Museum, over time and through the generosity and public spirit of its donors, most of whom were residents of Berkshire County, has accumulated one of the premier public art collections in the United States.

29. Amongst other premier works of art, the Museum's collection includes two paintings personally donated by Norman Rockwell, "Shuffleton's Barbershop" and "Shaftsbury

⁹ *Id.* § 3.

¹⁰ *Id.* § 4 (emphasis added).

Blacksmith Shop.” “Shuffleton’s Barbershop” is widely considered by art historians to be Rockwell’s finest work. All of Rockwell’s living descendants oppose the Museum’s plan to sell these Rockwell paintings.

30. Rockwell was a long-time resident of Berkshire County. Many of the subjects of his iconic paintings were residents of Berkshire County. Rockwell was also a personal friend of the Museum’s then-director, Stuart Henry. Their friendship spanned twenty-five years, lasting until Rockwell’s death in 1978.

31. Rockwell donated the two paintings in 1958 and 1966, during Henry’s tenure as director. Per the terms of the Museum Incorporating Act, these gifts “shall be devoted . . . exclusively” to the benefit of the people of Pittsfield, Berkshire County, and the general public.

32. Further, after donating “Shuffleton’s Barbershop,” Rockwell received a letter from Henry on September 23, 1958 thanking him for the gift and expressing in writing their mutual agreement that the painting was donated to the Museum’s “permanent collection.” A copy of the letter is attached hereto as Exhibit A.

33. This agreement was consistent with Rockwell’s intent that his paintings would be preserved and displayed in Berkshire County. For example, in 1973, Rockwell donated a large collection of paintings via irrevocable trust to The Old Corner House, a historical society in Stockbridge, Massachusetts.¹¹ The trust instrument specifically provided that if the Old Corner House were to disband, or otherwise be unable or unwilling to continue to display Rockwell’s paintings, the entire collection would be given to the Berkshire Museum.

¹¹ The Old Corner House later became what is now the Norman Rockwell Museum.

34. The Museum is also the home of two works created by Plaintiff Tom Patti, ECHOES IN SPACE and VELOCITY ECHO. These works are large, site-specific glass installations located in the Museum's vestibule entrance area, admission reception area, and the natural science room. The works were completed in 2012. The Museum purchased the works through contract with Plaintiff Tom Patti Design. The contract promised that, while the Museum was free to "remov[e] or ceas[e] to display" the work, the Museum "would not intentionally destroy, damage, or, except as provided [therein], intentionally alter, modify or otherwise change the Work at any time within the first 20 years after the Work is installed in the Museum, without the express permission of the Artist, which may be withheld by the Artist in the Artist's sole discretion." The contract expressly preserved all rights to enforce this provision through "all available remedies at law and equity."

The Museum Announces Its Deaccession

35. On July 24, 2017, the Berkshire Museum announced its plans to deaccession forty works of art in partnership with Sotheby's. Attached hereto as Exhibit B is the list of art to be sold by Sotheby's.

36. At the time, the Museum asserted that selling this artwork was necessary so that the proceeds could be used to pay for implementation of its "New Vision" that will radically transform the function of the museum, including planned twenty million dollars in capital expenditures, as well as for the creation of a forty-million-dollar endowment. The "New Vision" will include a fundamental redesign of the Museum's exhibitions, including, on information and belief, modifications and/or changes to the site-specific ECHOES IN SPACE and VELOCITY ECHO installations through alterations to their orientation, to the ambient

light, to their locations within the museum, and to their positions relative to each other. Neither Tom Patti nor Tom Patti Design have consented to such modifications and/or changes.

37. On information and belief, this announcement was the culmination of months of secret planning by the Museum's Board to divest the Museum of its very essence as a collection of fine art for the benefit of the people of Pittsfield and Berkshire County. In all prior public discussion of future plans by the Museum, including the "New Vision," it was not disclosed that the Museum, as part of these plans, intended to auction these renowned paintings that form the bedrock of its collection. Indeed, before it announced its plans to the public, the Museum had already contracted with Sotheby's to conduct the public auction.

38. The Museum's announcement was immediately met with widespread criticism from the residents of Berkshire County and the art community, both locally and nationally, where deaccession for any purpose besides acquiring new works is proscribed.

39. As described above, the Massachusetts Cultural Council, which partially funds the Museum, concluded after extensive investigation that the Museum's plan represents a violation of the public trust, and urged the Museum to take all steps necessary to halt the sale. The Council further stated that it would withdraw all future funding for the Museum if the Museum followed through with this plan.

40. The American Alliance of Museums and the Association of Art Museum Directors also condemned the plan, noting that "one of the most fundamental and long-standing principles of the museum field is that a collection is held in the public trust and must not be treated as a disposable financial asset."

41. Most recently, the Peabody Essex Museum denounced the proposed sale, saying: "The Berkshire Museum's art treasures do not belong to the Museum's Board of Trustees. The

Trustees are stewards. These treasures belong to the American public.” The Peabody Essex stated publicly that “The Board’s present plan of action represents a fundamental and egregious violation of public trust and fiduciary duty and responsibility.”

42. The Museum has attempted to defend itself by claiming that it faces an “existential crisis” due to an ongoing average operating deficit of \$1.15 million per year, and that the deaccession is necessary to prevent it from closing its doors.

43. However, independent analyses of the Museum’s finances indicate that these claims are greatly exaggerated and that financial figures published by the Museum do not accurately reflect the Museum’s true financial condition. Conservative estimates place the Museum’s average annual deficit at just \$667,000 per annum, meaning that, if it increased its endowment by \$13-14 million, it would eliminate the annual deficit. Moreover, the Museum has been offered, on two occasions, gifts of \$1 million to overcome the present deficit without depletion of the Museum’s collection. The Museum has rejected these offers. The Museum has also failed to pursue other options to stabilize its finances, such as featuring its exceptional American art as a primary attraction and source of programming. On information and belief, the Museum did not consider any options to finance its “New Vision” other than the planned sale, nor has it ever prepared a business plan which would explain, among other things, the anticipated costs of construction and future maintenance of the new facilities, all in further breach of its Trustees’ fiduciary obligations.

44. The planned sale is massive overkill given the Museum’s modest annual deficit. Exhibit B contains an estimate of the sales price for each of the forty works of art prepared by the Museum and/or Sotheby’s. The cumulative low estimate is \$46,545,000; the cumulative high estimate is \$68,080,000. The estimates appear to be far lower than the income that will

actually be realized from the sale, however, given that the last Rockwell painting to be sold fetched a price of approximately \$46,000,000 *by itself*, which was more than double its previously estimated value.

45. Given that the Museum's net valuation of its property and equipment outside of its collection is less than \$10 million, and that the sale includes many of the Museum's best-known and revered works of art, it appears that the Museum is disposing of substantially all of its assets. Moreover, the contemplated sale is clearly antithetical to the Museum's statutorily mandated mission to receive, hold, and display works of fine art for the benefit of the people of Pittsfield, Berkshire County, and the general public.

COUNT I

(Breach of Fiduciary Duty, Breach of Trust, and Absence of Authority)

46. Plaintiffs repeat and reassert the allegations in paragraphs 1-45, and incorporate them by reference.

47. The Museum, through its officers and Board of Trustees, has adopted and is implementing a planned deaccession that violates the Museum's establishing statute and promises made to donors, is antithetical to its stated charitable purpose, and is financially unnecessary.

48. Further, the sale of the heart of the Museum's collection of paintings worth tens of millions of dollars to fund the Museum's radically transformative "New Vision" is an extraordinary transaction that would divest the Museum of its very essence and would be antithetical to its statutory purpose, and is therefore beyond the power of the Museum.

49. Additionally, Norman Rockwell and Stuart Henry agreed that "Shuffleton Barbershop" would remain in the Museum's permanent collection. This condition was expressed in writing.

50. Further, Norman Rockwell donated “Shuffleton’s Barbershop” and “Shaftsbury Blacksmith Shop” to the Museum with the intent that they be permanently displayed to the public in Pittsfield, and on the understanding that the Museum would do so pursuant to its mandate.

51. By planning and approving the sale described herein, the Museum, including its officers and Trustees, are acting in breach of fiduciary duty, in breach of trust, and without legal authority.

COUNT II
(Specific Performance of Contract)

52. Plaintiffs repeat and reassert the allegations in paragraphs 1-51, and incorporate them by reference.

53. The Museum is contractually obligated not to modify or otherwise alter the site-specific works ECHOES IN SPACE and VELOCITY ECHO without the permission of Tom Patti Design.

54. Tom Patti Design has not given any such permission.

55. The Museum has announced that it will nevertheless modify or otherwise alter these works through its “New Vision,” resulting in their display in alternate and fundamentally different locations, and the destruction of the spaces in which they are currently displayed, all as a result of and funded by the planned sale of forty works described herein.

PRAYER FOR RELIEF

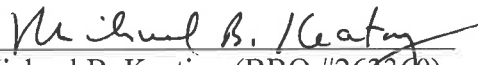
WHEREFORE, Plaintiffs respectfully pray that this Court:

- a. Enter judgment in favor of Plaintiffs and against Defendants on all counts of the Complaint;
- b. Issue a temporary restraining order, and preliminary and permanent injunctions, preventing the Museum from deaccessioning the forty works earmarked for sale;
- c. Declare that any contract for the sale of the forty works is void;
- d. Issue an injunction preventing the Museum from modifying or otherwise altering ECHOES IN SPACE and VELOCITY ECHO without the permission of Tom Patti Design;
- e. Award such other and further relief as the Court may deem just and proper.

Respectfully submitted,

THOMAS ROCKWELL, JARVIS
ROCKWELL, PETER ROCKWELL, TOM
PATTI, TOM PATTI DESIGN LLC,
JAMES LAMME, DONALD MACGILLIS,
JONAS DOVYDENAS, and JEAN
ROUSSEAU,

By their attorneys,


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Date: October 20, 2017

Exhibit

A

THE BERKSHIRE MUSEUM
PITTSFIELD, MASSACHUSETTS
FOUNDED BY ZENAS CRANE
1903

STUART C. HENRY, DIRECTOR

September 23, 1958

Mr. Norman Rockwell
Stockbridge
Massachusetts

Dear Norman:

I send to you the thanks of all of our Trustees for your generous gift of the painting, "Shuffleton's Barber Shop". We are delighted to have it for our permanent collection.

I drove down to Provincetown and met Mr. Walter Chrysler, Jr. and was shown the new Museum there. The Show, in which our new picture will be exhibited, will be a large one.

I send my personal thanks and my very best regards to you and to Mrs. Rockwell.

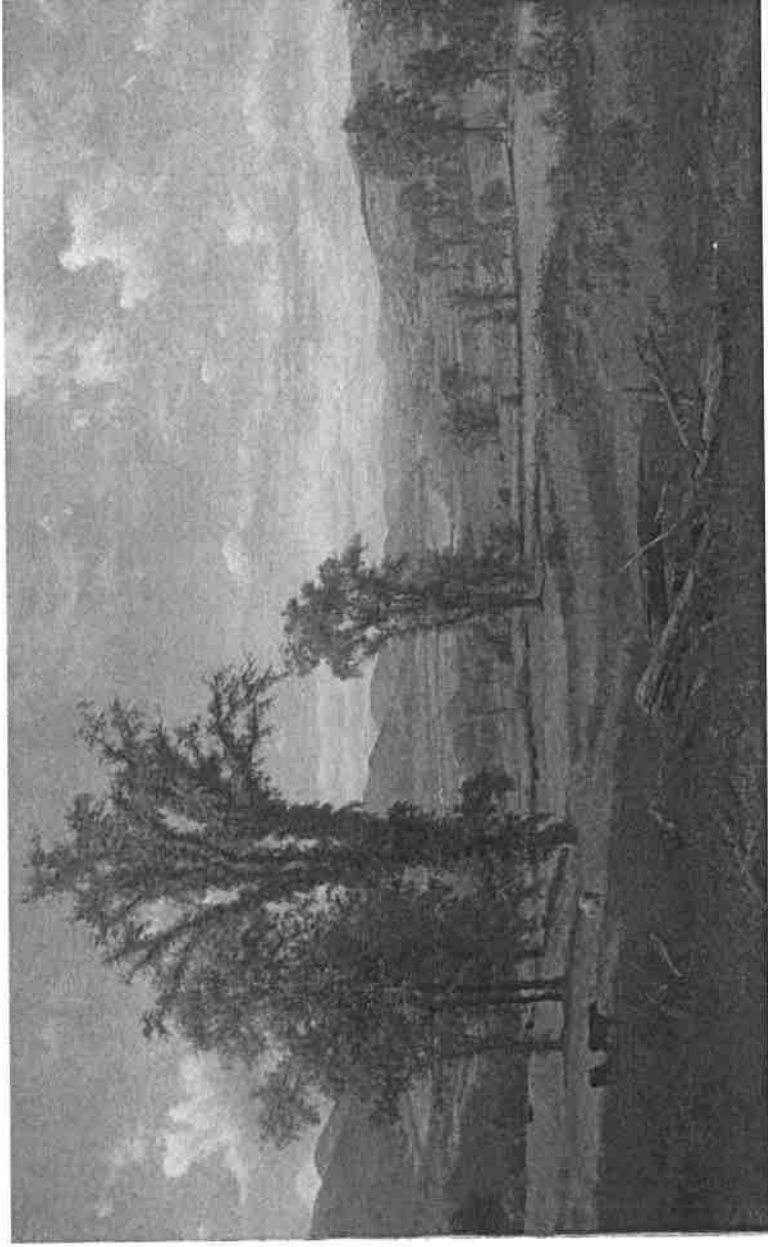
Very sincerely yours,



Stuart C. Henry, Director

Exhibit

B



"Connecticut River Valley, Claremont, New Hampshire"

By Albert Bierstadt

1868, oil on canvas

Gift of the estate of Z. Marshall Crane, 1936

Auction estimate: \$600,000-\$800,000

Auction date: Nov. 13, 2017

Photo Courtesy of Sotheby's

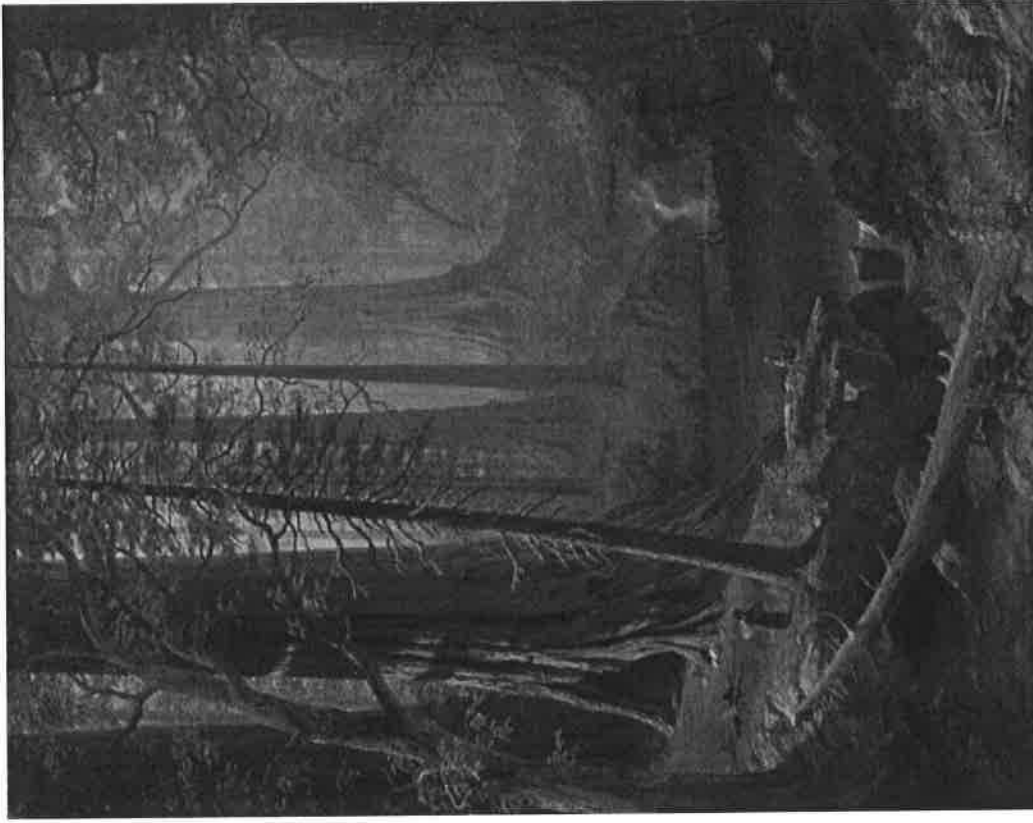


Photo Courtesy of Sotheby's

"Giant Redwood Trees of California" (King's River, Big Tree Grove, California)

By Albert Bierstadt

Circa 1874, oil on canvas

Gift of Zenas Crane

Auction estimate: \$1.5 million-\$2.5 million

Auction date: Nov. 13, 2017

When the Berkshire Museum opened its doors in 1903, Bierstadt's "Giant Redwood Trees of California" was listed among the works hanging on the walls in an article published in *The Evening Star* (Washington D.C.) that October.

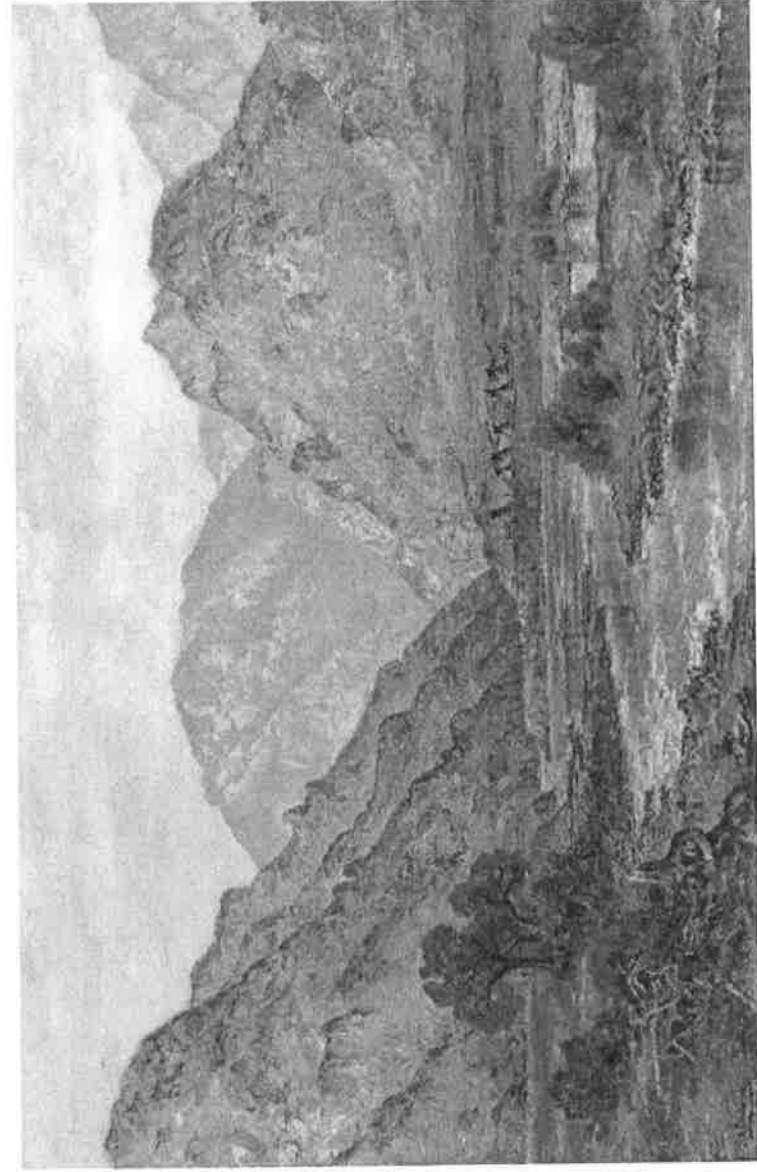


Photo Courtesy of Sotheby's

"Rocky Mountains"

By Ralph Albert Blakelock

Oil on canvas

Gift of Zenas Crane, July 1915.

Auction estimate: \$150,000-\$250,000

Auction date: Nov. 13, 2017

According the the Annual Report of the Berkshire Athenaeum and Museum of 1916, this painting was among several gifted by Crane.

"In the collection is one of Blakelock's works, the artist who has been insane for about 17 years, and who this spring was freed from the asylum and returned to his family, at the age of 70 years. His paintings are deemed by experts to be representative of the finest of American Art," wrote curator Annie Crossman.



Photo Courtesy of Sotheby's

"L'Agneau Nouveau-ne" (The Newborn Lamb)

By William Adolphe Bouguereau

1873, oil on canvas

Gift of Mrs. William S. Ginn, 1964.

Auction estimate: \$2 million-\$2.5 million

Auction date: Nov. 21, 2017

At time of its donation in 1964, the painting was known as "The Shepherdess". Bouguereau named several paintings The Shepherdess, but this was not one of them.

The painting was first displayed at the Berkshire Museum in March 1966, according to an article published by The Eagle in on March 21, 1966.



Photo Courtesy of Sotheby's

"Les deux soeurs" (La Bourrique)

By William Adolphe Bouguereau

1884, oil on canvas

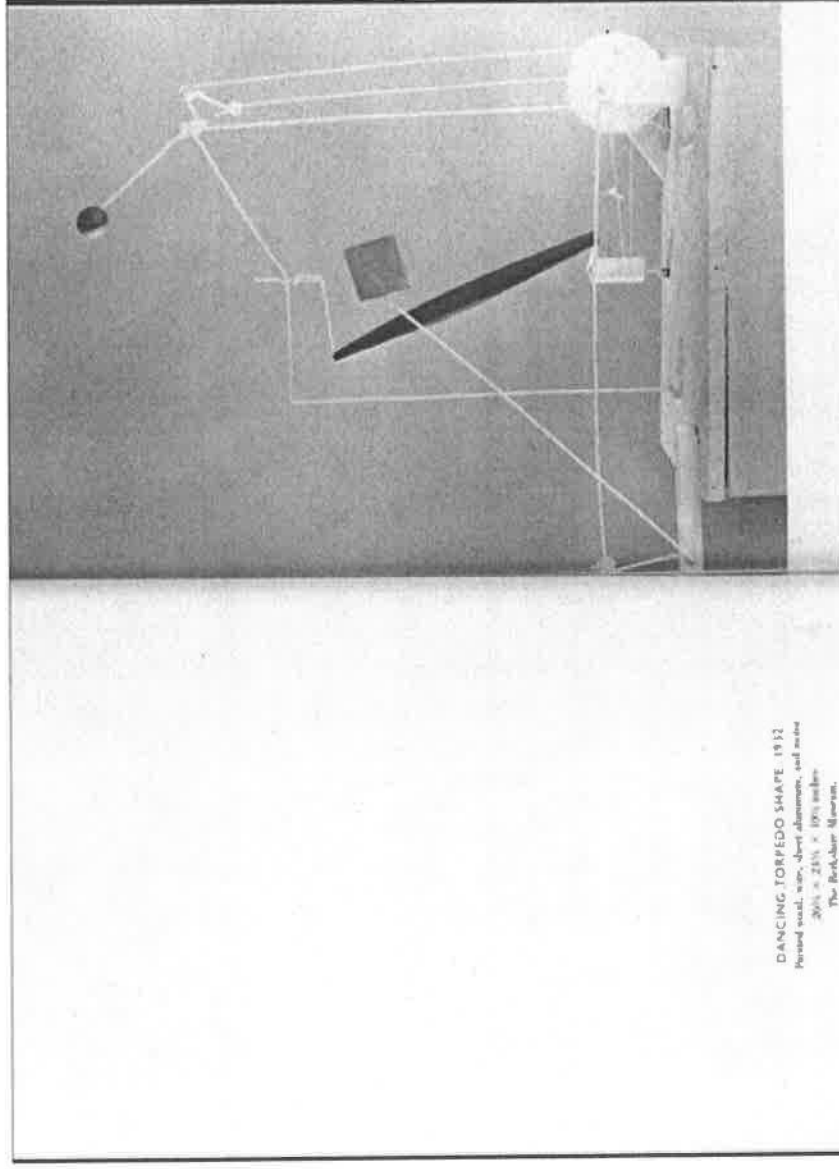
Gift of Winthrop Murray Crane, 1903

Auction estimate: \$2.5 million-\$3.5 million

Auction date: Nov. 21, 2017

Commonly known as "The Horseback Ride" or "The Pony-Back Ride," the painting was rumored to have been sold at auction in 1935.

Bouguereau also painted "The Birth of Venus" (his most famous), which can be viewed at the Musée d'Orsay in Paris. He also painted the "Nymphs and the Satyr," which is owned by the Sterling and Francine Clark Art Institute.



DANCING TORPEDO SHAPE 1932
Pinned wood, wire, sheet aluminum, and metal
20 1/2 x 24 1/2 x 19 1/2 inches
The Berkshire Museum

"Dancing Torpedo Shape"

By Alexander Calder

1932, wood, wire and aluminum

Museum Purchase

Auction estimate: To be determined

Museum Director Laura Bragg purchased two of Alexander Calder's pieces in 1933. The pieces were the first of the artist's work to be purchased by a museum.

Calder, who spent the summers in Richmond as a child, was a third generation sculptor. This piece was seldom at the museum as it was featured in numerous exhibits around the world.

Calder's work was part of an exhibit at the museum in 1933, which included other Berkshire-based artists such as a young George L.K. Morris.

[Screenshot of catalog on Archive.org](#)

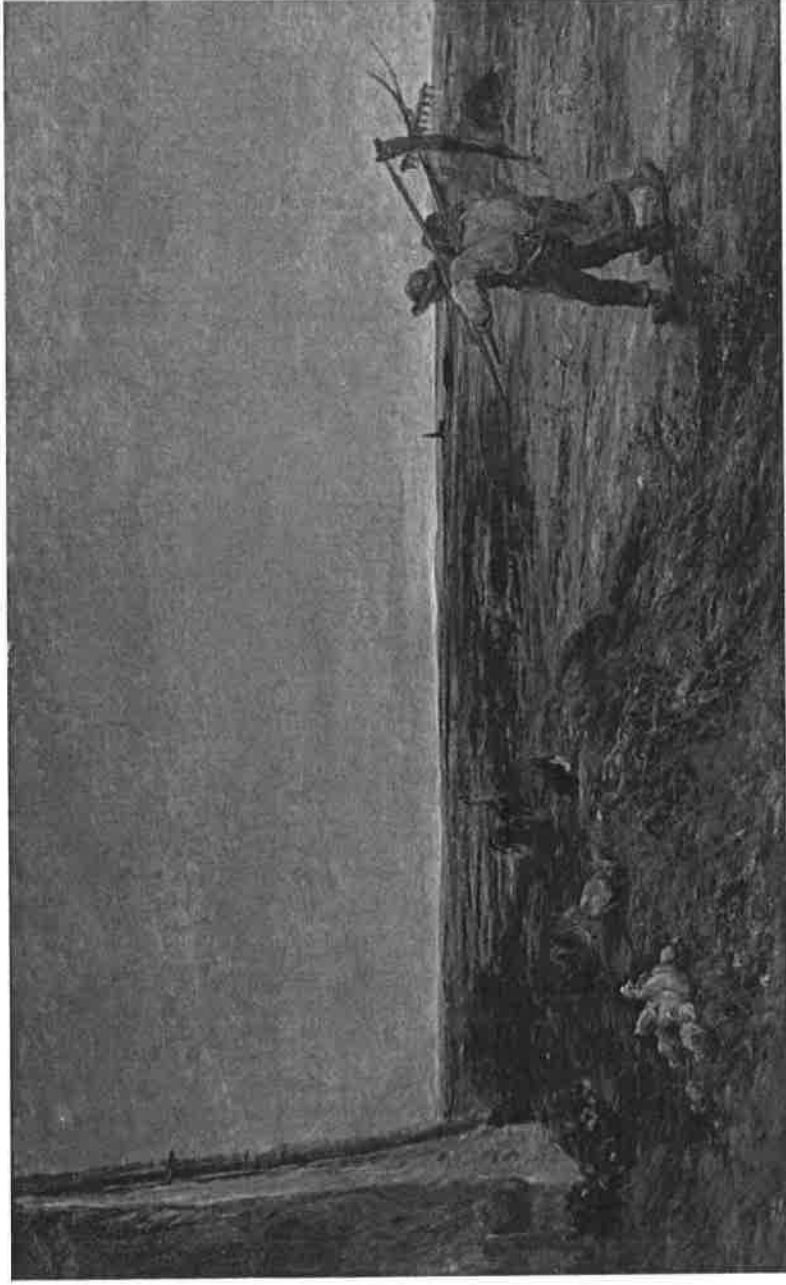


Photo Courtesy of Sotheby's

“Paysans allant aux champs (Le matin)”

By Charles François Daubigny

Oil on canvas

Gift of Zenas Crane, 1915

Auction estimate: \$70,000-\$100,000

Auction date: Nov. 21, 2017

This was one of two paintings by Daubigny donated to the museum by Zenas Crane. Prior to donating this painting he donated “Early Morning” in 1914.



Photo Courtesy of Sotheby's

"An interior scene with a musical party and a young boy dancing"

By Pieter de Hooch (signed P.d. Hooghe)

Oil on canvas

Gift of Zenas Crane, 1916

Auction estimate: \$100,000-\$150,000

Auction date: February 2018

In the July 1916 edition of the Annual Report of the Berkshire Athenaeum and Museum curator Annie F. Crossman wrote that "The Music Party," as it was known at the time of its donation, was considered by some visitors, to be "the gem of the collection."

"The beautiful coloring and light and shade effects combine to make the most attractive picture, and it is a source of enjoyment to a great many of our visitors," Crossman wrote.

"Hunter in Winter Wood"

By George Henry Durrie

1860, oil on canvas

Gift of Mrs. W. Murray Crane, October
1947

Auction estimate: \$400,000-\$600,000

Auction date: Nov. 13, 2017

According to an article in the November
1982 edition of Antiques magazine, this
is the largest of Durrie's paintings.

This painting is atypical of his winter
scenes, as he does not put equal
emphasis on the landscape and human
activity as seen in his other works.



Photo Courtesy of Sotheby's



"The Flight into Egypt"

By Adriaen Isenbrant

Oil on Panel

Gift of Robert Talcott Francis, 1950

Auction estimate: \$150,000-\$200,000

Auction date: February 2018

Originally attributed to Joachim Patnir, it was willed to the museum by Robert Talcott Francis, artist and longtime designer and sales executive at the Pontoosuc Woolen Co. At the time of his death at the age of 76 in 1950, the painting was on loan to the Philadelphia Museum. An empty frame hung in its place until it returned from Philadelphia.

Photo Courtesy of Sotheby's

In 1957, the painting was given a full-color, full-page reproduction in Time magazine.



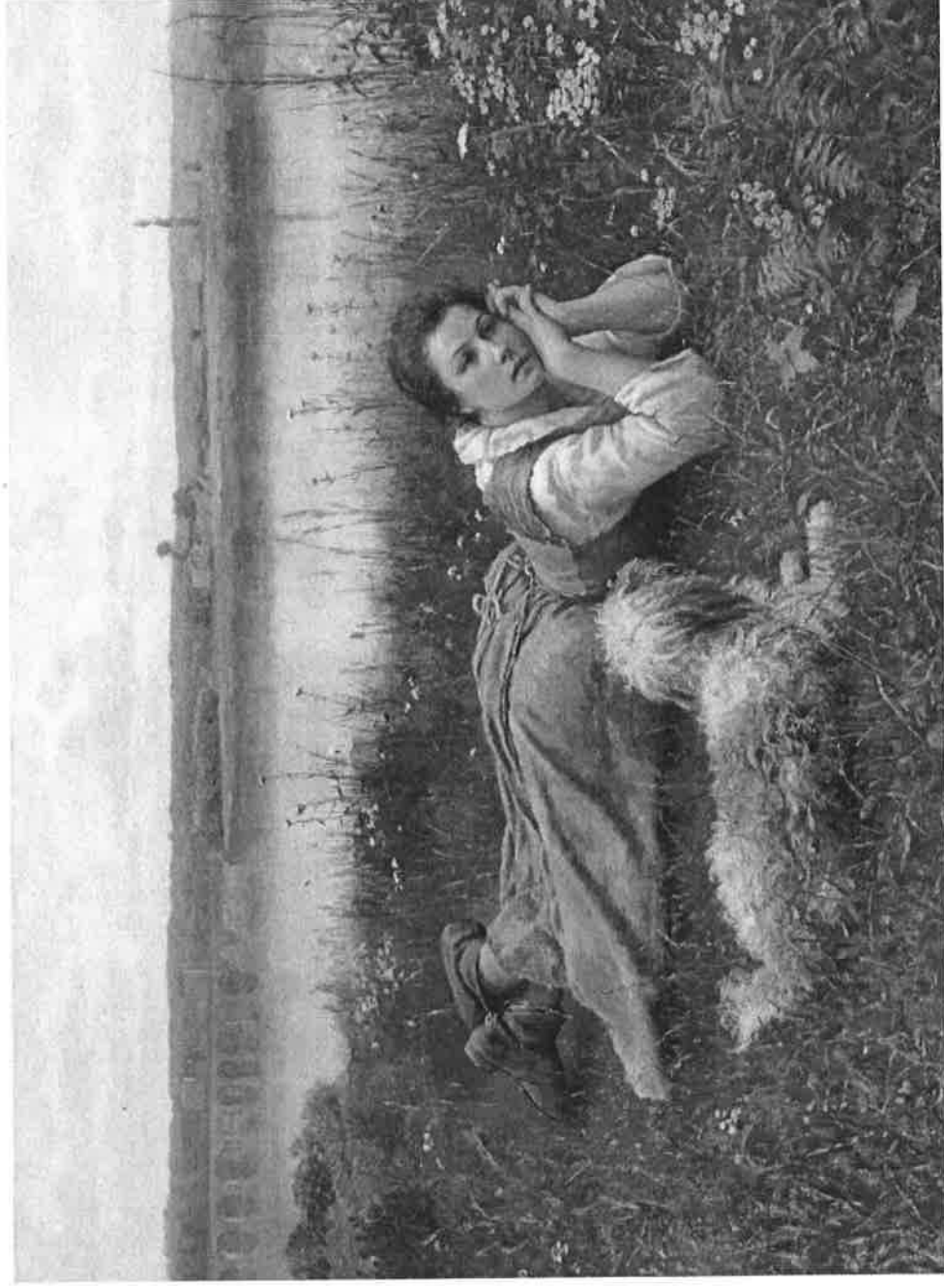
A six-panel folding screen featuring a scene from the "Tale of Genji"

Japan, Late 17th Century

Auction estimate: \$15,000-\$25,000

Auction date: March 2018

Photo Courtesy of Sotheby's



"Reverie" (Leisure Moments)

By Daniel Ridgway Knight

1886, oil on Panel

Auction estimate: \$400,000-\$600,000

Auction date: Nov. 21, 2017

Photo Courtesy of Sotheby's



Photo Courtesy of Sotheby's

"Magnolia"

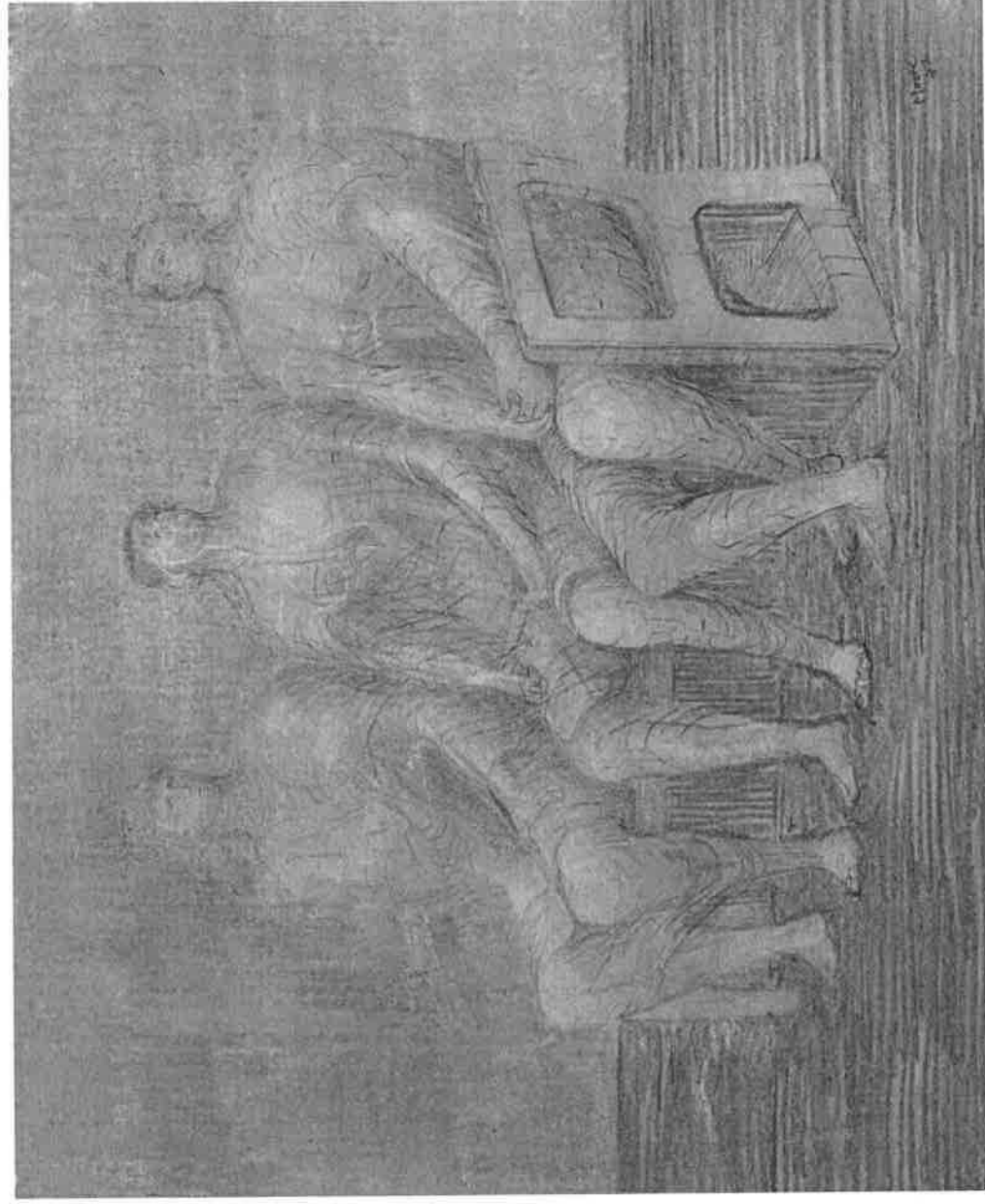
By John La Farge

1859-60, oil on panel

Gift of Mrs. Ruth I. Derby, Mrs. William
B. Long, and Mrs. S. Higginson Nash

Auction estimate: \$200,000-\$300,000

Auction date: Nov. 13, 2017



"Three Seated Women"

By Henry Moore

1942, pencil, crayon, charcoal, ink wash
and pen and ink on paper

Auction estimate: \$400,000-\$600,000

Auction date: Nov. 14, 2017

Photo Courtesy of Sotheby's



Photo Courtesy of Sotheby's

"The Last Arrow"

By Thomas Moran

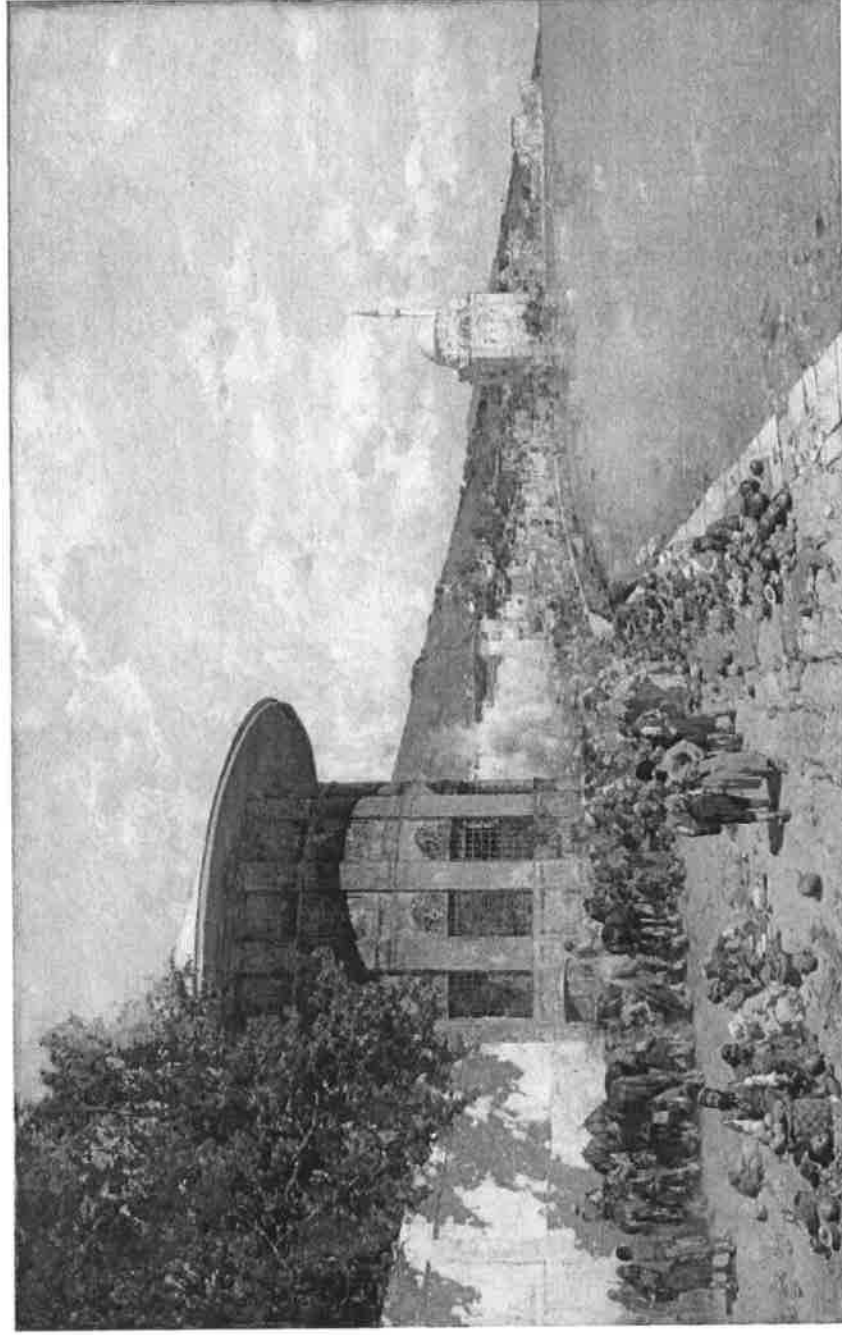
1867, oil on canvas

Gift from Zenas Crane, 1915

Auction estimate: \$2 million-\$3 million

Auction date: Nov. 13, 2017

One of 22 paintings hanging in the gallery in 1916, according to that year's annual report of the Berkshire Athenaeum and Museum.



"Market Day in Constantinople"

By Alberto Pasini

1877, oil on canvas

Auction Estimate: \$700,000-\$1 million

Auction Date: Nov. 21, 2017

This painting came to the Berkshire Museum in 1919, as reported in the the 1920 Annual Report of the Berkshire Athenaeum and Museum. It was not clear who donated the painting.

Photo Courtesy of Sotheby's

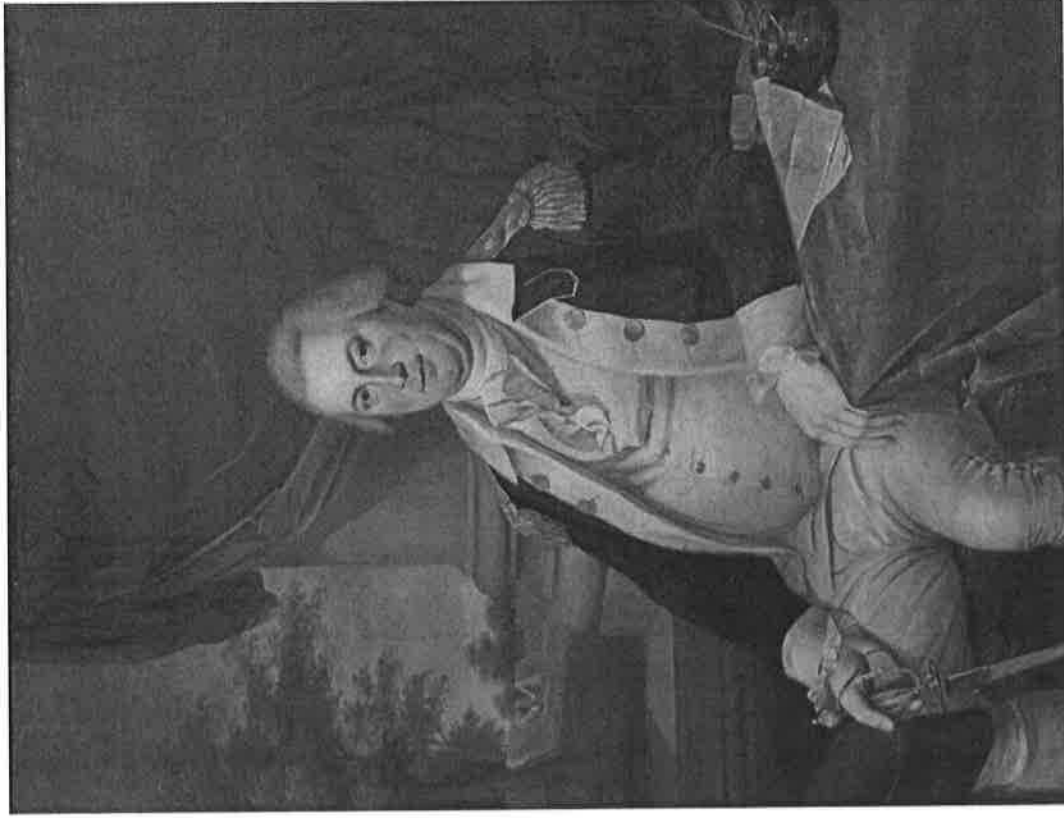


Photo Courtesy of Sotheby's

"Portrait of General David Forman"

By Charles Willson Peale

Circa 1784, oil on canvas

Donated by Zenas Crane

Auction estimate: \$200,000-\$300,000

Auction date: Nov. 13, 2017

Portrait of Gen. David Forman, known to loyalists as "Devil David" during the Revolutionary War.

According to an article in the November 1982 edition of Antiques magazine, the letter under Forman's elbow is an order from Gen. George Washington to keep surveillance over British vessels near the coast. That order, the article states, is also in the Berkshire Museum's collection.

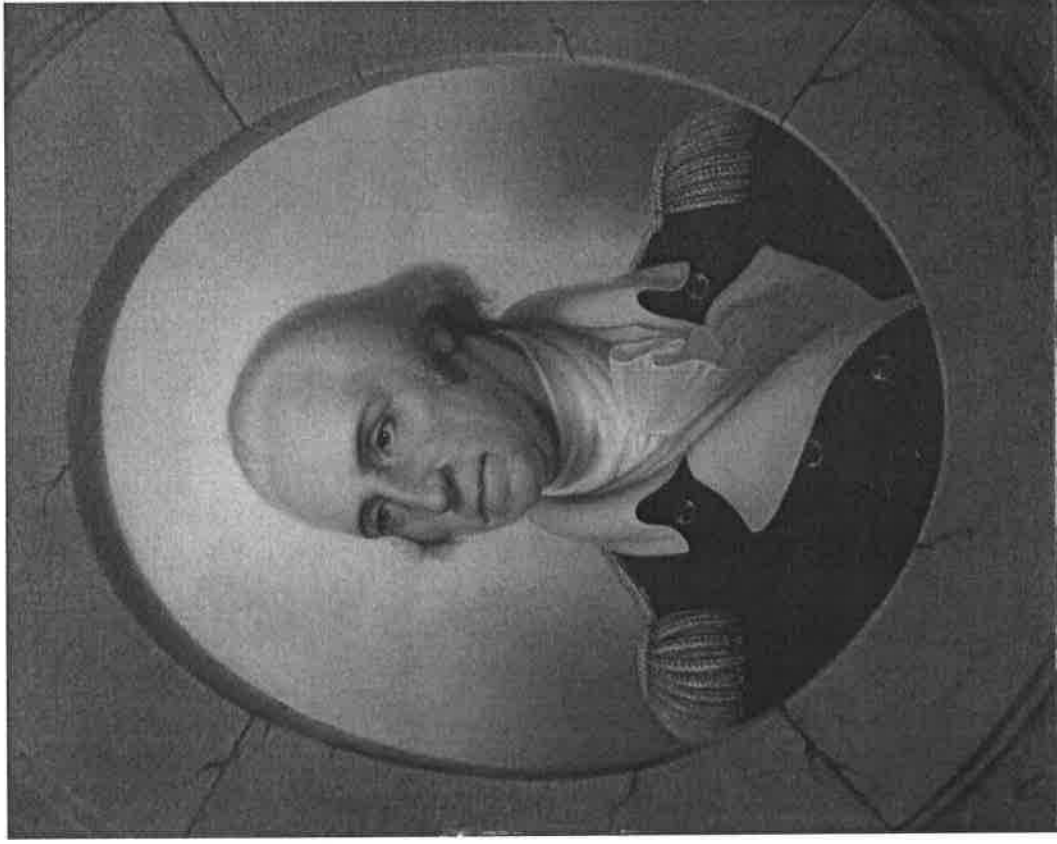


Photo Courtesy of Sotheby's

"George Washington"

By Rembrandt Peale

Oil on canvas

Gift of Zenas Crane

Auction estimate: \$200,000-\$300,000

Auction date: Nov. 13, 2017

This portrait of George Washington was one of three portraits of the country's first president purchased for the collection by Zenas Crane.



"Force Comique"

By Francis Picabia

1914, watercolor on paper

Auction estimate: \$800,000-\$1.2 million

Auction date: Nov. 14, 2017

Photo Courtesy of Sotheby's

A Ten-Panel Coromandel "Birthday"
Screen

Qing Dynasty, Kangxi Period, Dated Jisi
Year, corresponding to 1689

China, 17th century

Auction estimate: \$80,000-120,000

Auction date: March 2018

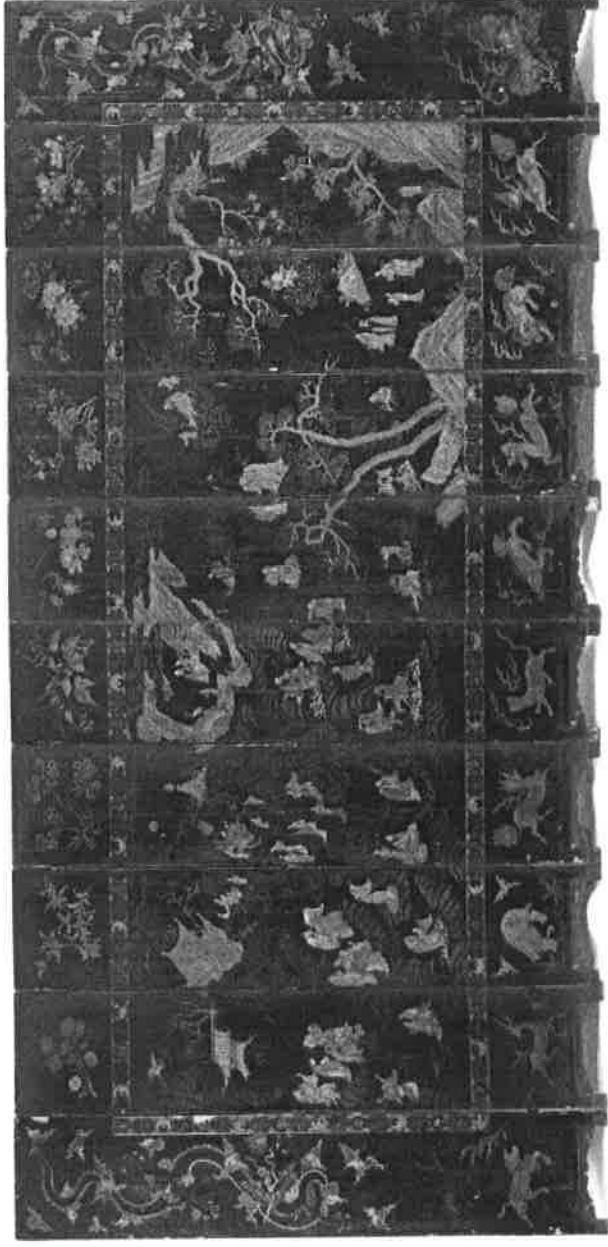


Photo Courtesy of Sotheby's

A large gilt-bronze figure of Guanyin
Qing Dynasty, Late 19th century
Auction estimate: \$10,000-\$15,000
Auction date: March 2018



Photo Courtesy of Sotheby's



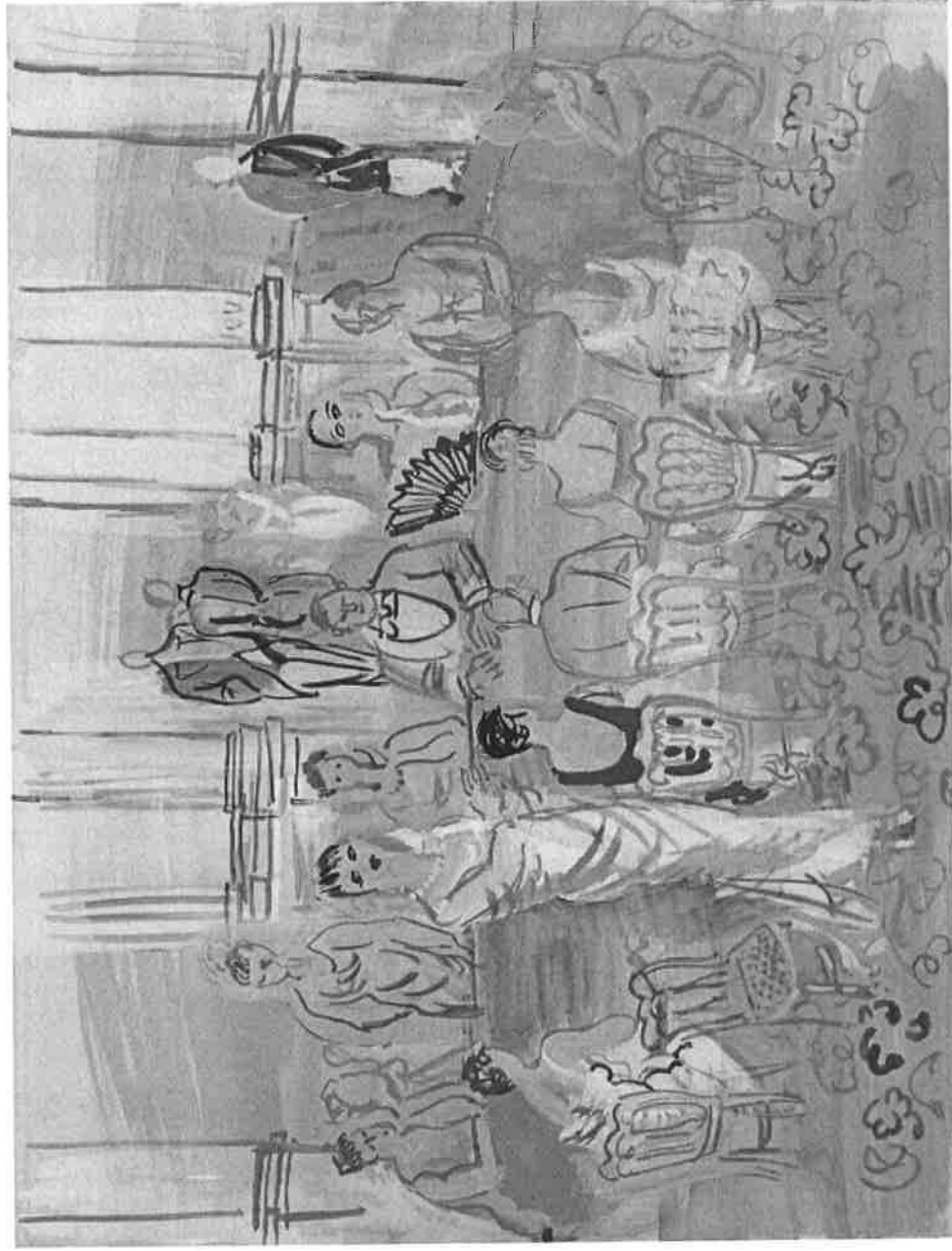
Photo Courtesy of Sotheby's

A large blue and white 'dragon' vase

Qing Dynasty, 18th/Early-19th century

Auction estimate: \$30,000-\$50,000

Auction date: March 2018



"Le Fête"

By Raoul Dufy

Circa 1935, watercolor and gouache on paper

Auction estimate: \$50,000-\$70,000

Auction date: Nov. 15, 2017

Photo Courtesy of Sotheby's



Photo Courtesy of Sotheby's

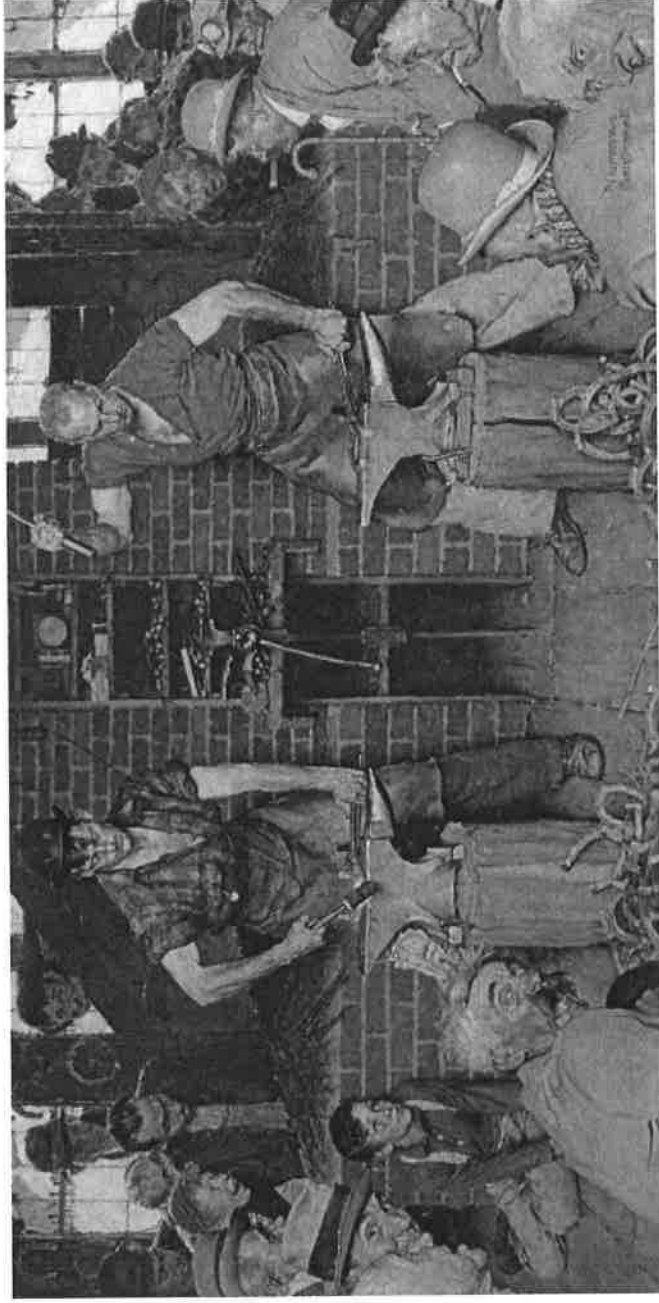
"Portrait of a gentleman, said to be Mr. W. Cave"

Attributed to Sir Joshua Reynolds, R.R.A.

Oil on Canvas

Auction estimate: \$20,000-\$30,000

Auction date: February 2018



"Blacksmith's Boy — Heel and Toe"
(Shaftsbury Blacksmith Shop)

By Norman Rockwell

1940, oil on Canvas

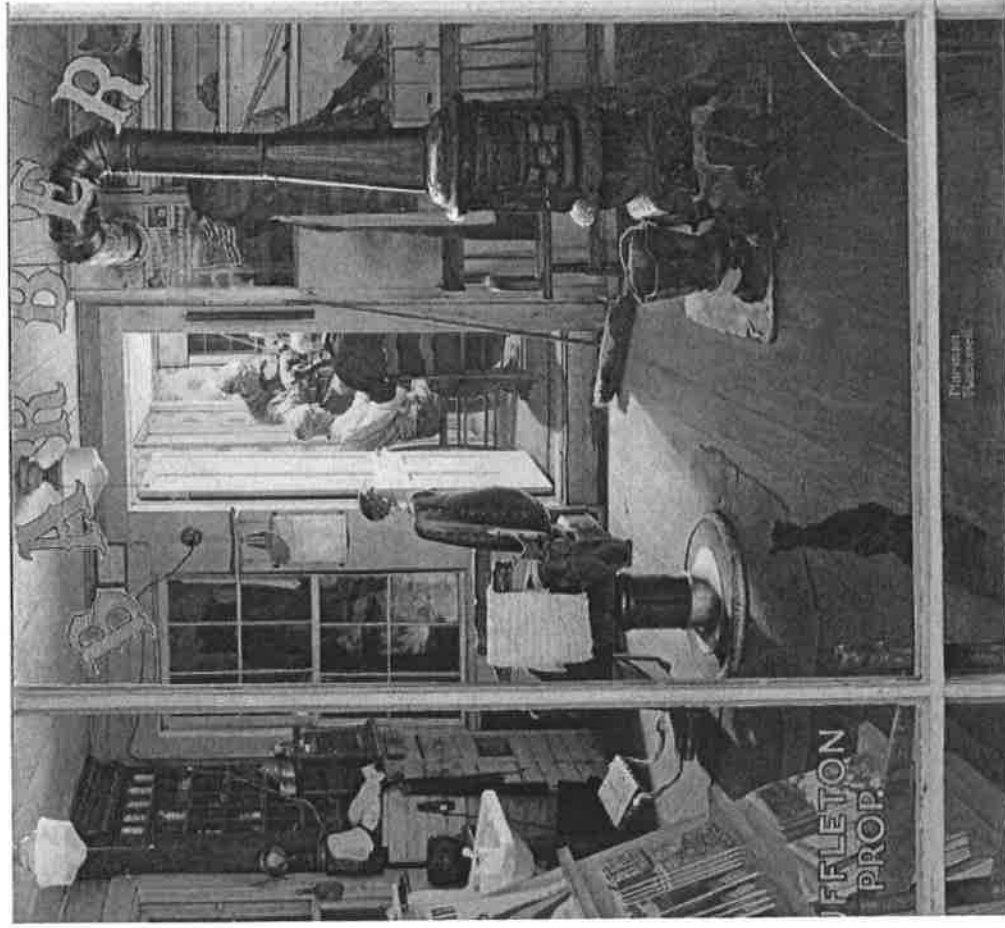
Gift of Norman Rockwell, 1966

Auction estimate: \$7 million-\$10 million

Auction date: Nov. 13, 2017

"Blacksmith's Boy" was originally painted in 1940 to accompany a fictional story by Edward W. O'Brien. The painting and story appeared in The Saturday Evening Post on Nov. 2, 1940.

Rockwell donated the painting to the Berkshire Museum in 1966.



"Shuffleton's Barbershop"

By Norman Rockwell

1950, oil on Canvas

Gift of Norman Rockwell

Auction estimate: \$20 million-\$30 million

Auction date: Nov. 13, 2017

"Shuffleton's Barbershop" first appeared on the cover of The Saturday Evening Post on April 29, 1950. The painting was donated to the Berkshire Museum by Norman Rockwell in 1959.

"Diana of the Tower"

By Augustus Saint-Gaudens

1899, bronze

Donated by Louise Crane Conservatorship, 1994.

Auction estimate: \$250,000- \$350,000

Auction date: Nov. 13, 2017

The original version of "Diana," was commissioned by architect Stanford White (who designed many Berkshire Cottages), for the tower of the original Madison Square Garden in 1891. Deemed too large, at 18 feet tall, and too heavy, it was removed and replaced in 1893, with a more elegant model. The first statue was displayed at the 1893 World's Fair and was destroyed in a warehouse fire months after the fair ended. The second version was donated to the Philadelphia Museum of Art when Madison Square Garden was demolished in 1925.

Statuettes were made of the second version, with the first bronze castings created in 1899. Other castings of this model can be found at the Williams College Museum of Art (WCMA), The Smithsonian, the Metropolitan Museum of Art, the Cleveland Museum of Art, the Brooklyn Museum and the New York Historical Society.

Photo Courtesy of Sotheby's

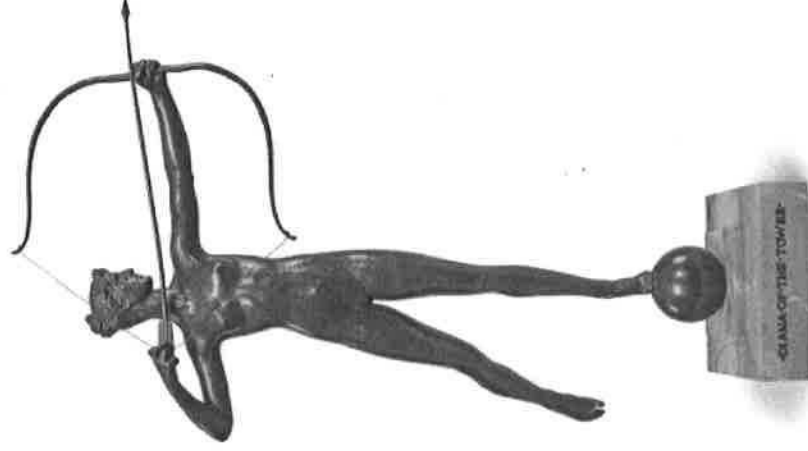




Photo provided by Mark Estes

"Penelope"

By Franklin Simmons

1884, marble

Gift of Mrs. Elizabeth Sprague Coolidge, 1917

Auction estimate: To be determined

Auction date: To be determined

A November 2016 Sotheby's catalog description for a 1907 version of "Penelope," notes that one of Franklin Simmons' most well-known and revered subjects was Penelope, the wife of Odysseus in Homer's *Odyssey*. Other versions of "Penelope" can be found in the collections of the de Young Museum, San Francisco and the Portland Museum of Art, Maine.

The version of "Penelope," listed by Sotheby's in 2016, was sold at auction for \$37,500.



Photo provided by Mark Estes

"Judith"

By Giulio Tadolini

1881, marble

Gift of Miss Agnes Lathers, 1906

Auction estimate: To be determined

Auction date: To be determined

"Judith" was one of two marble statues donated by the Lathers family. "Judith" and the "Lost Pleiad" were donated by Agnes Lathers and the bequest of Abbie Caroline Lathers. The donation of the statues is noted in the 1906 Quarterly Bulletin of the Berkshire Athenaeum and Museum.

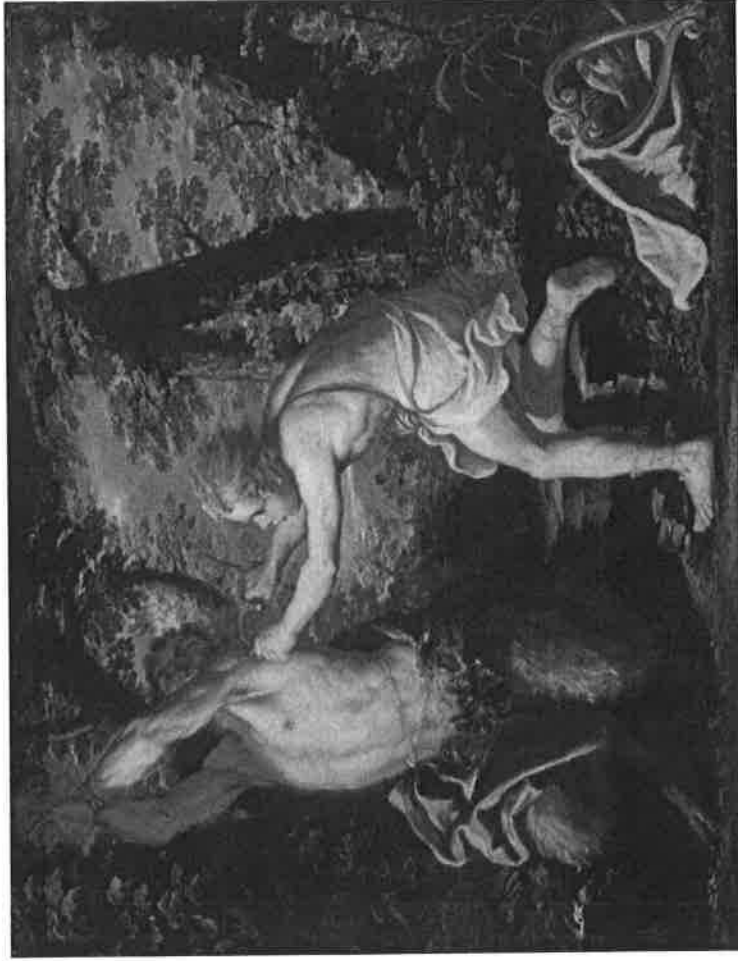


Photo Courtesy of Sotheby's

"Apollo Flaying Marsyas"

By Girolamo Troppa

Oil on canvas

Gift of Mrs. W. Murray Crane, 1977

Auction estimate: \$60,000-\$80,000

Auction date: February 2018

In a July 12, 1977 article in The Berkshire Eagle, Museum Director Stuart Henry announced that it had been willed "Apollo and Marsyas" by Annibale Carracci. Henry spoke of the importance of the work, which was purchased by Mrs. W. Murray Crane in 1941 from the collection of Hugh Owen of Rodrie House, Cheltenham, England.

However, in 1979, the museum learned from Carracci expert Donald Posner, author of a definitive monograph on the artist, that it was not his work. According to Sotheby's Vice President Darrell Rocha, the auction house consulted with Dr. Eric Schleier, the world's leading expert on Girolamo Troppa and Professor Giancarlo Sestieri, a leading Italian paintings expert, both of whom independently confirmed the work is by Troppa.



Photo Courtesy of Sotheby's

"Valley of Santa Ysabel, New Granada"

By Frederic Edwin Church

1875, oil on canvas

Gift of Henry W. and Clifford H. Buckingham

Auction estimate: \$5 million-\$7 million

Auction date: Nov. 13, 2017

According to a 1982 article in Antiques magazine, the painting was derived from sketches made during an 1853 trip to Columbia,

The article stated, "...this dramatic view of the Andes dates from the end of the luminist movement. Shortly after its completion, light, which the luminists had seen as a manifestation of the spiritual and the ideal, became less important in American painting."



"Benjamin taking leave of Jacob before his departure to Egypt"

By Jan Victors

Oil on canvas

Auction estimate: \$80,000-\$120,000

Auction date: February 2018

Photo Courtesy of Sotheby's



“Deux femmes dans un intérieur”

Edouard Vuillard

Watercolor and pencil on paper

Auction estimate: \$50,000-\$70,000

Auction date: Nov. 15, 2017

Photo Courtesy of Sotheby's

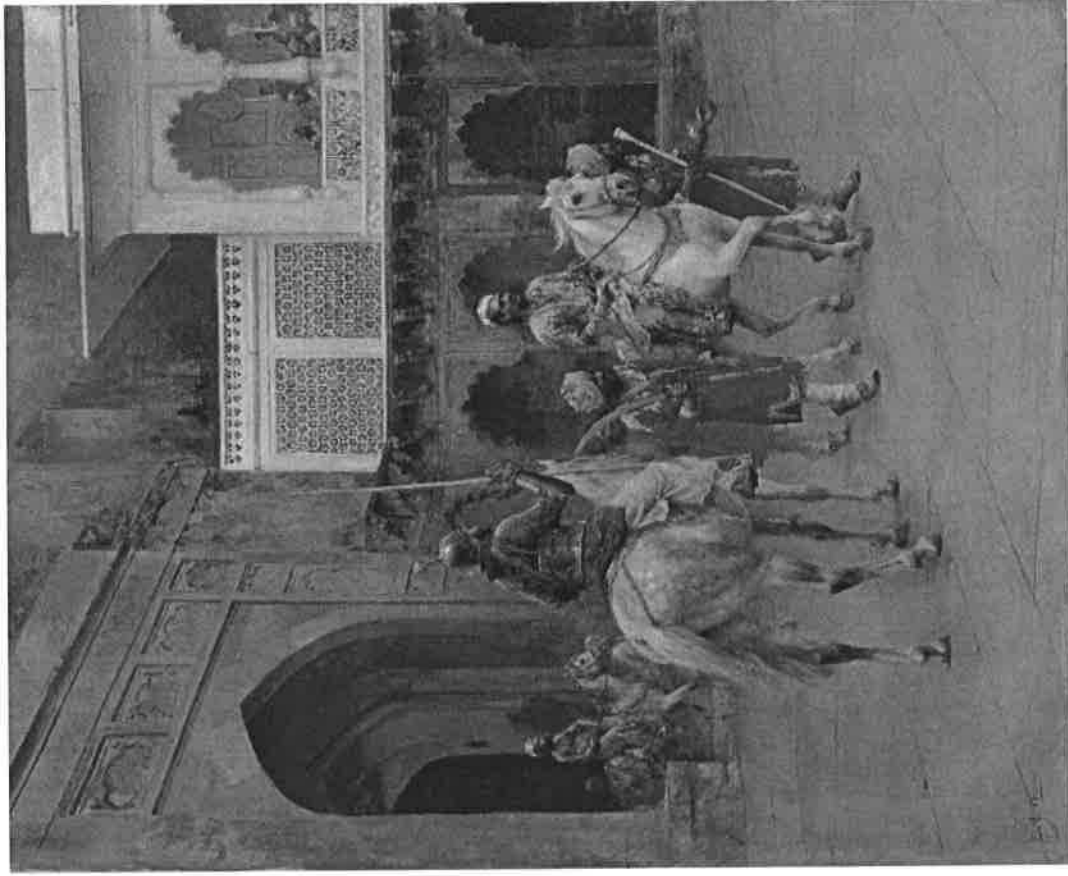


Photo Courtesy of Sotheby's

“Indian Prince, Palace of Agra”

By Edwin Lord Weeks

Oil on canvas

Auction estimate: \$200,000-\$300,000

Auction date: Nov. 21, 2017

Edwin Lord Weeks was one of the more important painters during the American Orientalist period. Unlike his counterparts, he painted scenes from his travels

According to information provided in a Sotheby's catalog description for another of his works, Weeks traveled overland from Turkey to India by way of Persia in 1892. His travel account was published in serial format by Harper's Bazaar.



"Daniel Interpreting to Belshazzar the Handwriting on the Wall"

By Benjamin West, P.R.A

1775, Oil on canvas

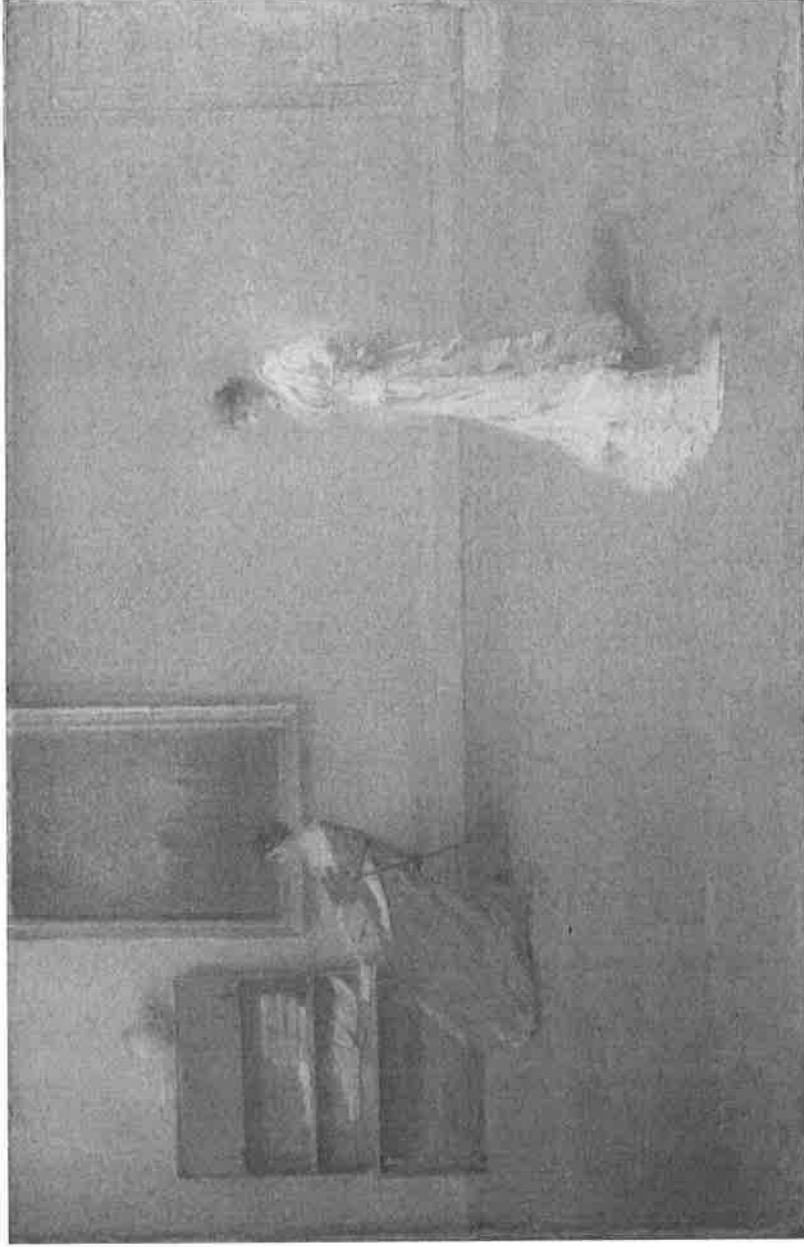
Gift of Zenas Crane

Auction estimate: \$200,000-\$300,000

Auction date: February 2018

According to an article about the Berkshire Museum's art collection which ran in the November 1982 edition of Antiques magazine, the painting "departs from the strict neoclassical style of West's earlier works."

Photo Courtesy of Sotheby's



"The White Dress"

By Thomas Wilmer Dewing

1921, oil on canvas

Gift of Louise Crane

Auction estimate: \$600,000-\$800,000

Auction date: Nov. 13, 2017

Photo Courtesy of Sotheby's

