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common practice according to numerous nineteenth-century sources that indicate the use of crooks on the valved horn, which was not necessarily treated as a fixed-pitch instrument in F). I must also disagree with his statement that the middle section of the work is "virtually unplayable" on the natural horn, since several modern hand-horn artists have shown that *Auf dem Strom* can, in fact, be played on the natural horn, although an instrument and mouthpiece of authentic, period design must be used to obtain the necessary flexibility of pitch.²

One additional concern is worth noting. Several definitions in the glossary will seem, at the least, obscure to the reader in the United States. For example, German silver is defined as "white bronze," whereas in the United States it would be called "nickel silver" and would not be thought of as being a bronze, since the alloy normally has no tin content.

Minor problems aside, *The Cambridge Companion to Brass Instruments* is a strong volume and would be a valuable addition to any library on instruments.

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Brian W. Harvey and Carla J. Shapreau. *Violin Fraud: Deception, Forgery, and Lawsuits in England and America*. Second edition. Oxford: Oxford University Press, 1997. xxi, 212 pp.: 5 facsim. ISBN: 0-19-816655-9. \$35.00 (cloth).

Many of us have at one time or another had an experience with musical instrument fraud, and some of us experience it far too often. While the violin family has been the most targeted of musical instrument groups because of the extravagant value attached to many of its finer examples, fraudulent practices have affected all types of instruments. Various kinds of violin fraud have occurred since the dawn of violin making, but until now we collectors, connoisseurs, appraisers, and makers of violins have had few references to use in dealing with these practices. With this book, Brian Harvey (a law professor in Birmingham, England, and a violin connoisseur) and Carla Shapreau (an art law and intellectual property lit-

2. I had the privilege of hearing a stunning performance of *Auf dem Strom* on the natural horn by Richard Seraphinoff at the Early Brass Festival in 1997.

igator and a professional violin maker) have given us much needed information pertaining to fraud—information applicable to all musical instruments, not just the violin family.

Professor Harvey made his first attempts to expose forms of violin fraud with three articles published in *The Strad* (June–August 1982). A first edition of *Violin Fraud* was published in 1992. In this second edition, Harvey expands upon the former volume and adds an immensely important section by Ms. Shapreau covering violin fraud in America, along with such related topics as breach of contract and warranties, criminal liability, ethics, and intellectual property rights.

This volume should have something of interest for everyone. As a director in a major auction house, I was of course drawn immediately to the sections dealing with auctions, where Harvey cites laws and describes civil cases pertaining to the sale of goods in an open market (auction). In essence, auctions appear to be somewhat protected from several of the more common laws of malpractice and fault since, by definition, an auctioneer acts merely as an agent on behalf of each party—seller and buyer. Thus many disputes are resolved between seller and buyer, not between either party and the auction house. Also discussed are “Conditions of Sale,” which auction houses must clearly disclose to customers. Although designed to protect the auction house as thoroughly as possible, conditions of sale and exclusion clauses cannot be used to put the consumer at an unfair disadvantage. The descriptions of various civil cases arising from auction sales makes for enlightening and sometimes cautionary reading, both for buyers and for those of us who catalogue instruments and make representations about them.

Harvey also addresses the matter of honesty in evaluation of a private party’s instrument, explaining that appraisers are held only by their own ethics, not by law, to assure that their customers receive fair market valuations and are not offered sums known by the appraiser to be far less than the value. In addition, according to English law it is illegal to “disguise” business sales—to lead someone to believe that you are an unknowledgeable private party when in fact you are a member of the trade and legally considered an expert.

The history of false labeling (perhaps the most prevalent form of violin fraud) has been documented as far back as the seventeenth century, when Matthias Albani’s instruments were copied, with false labels, during his lifetime. In some cases fraudulent instruments were near-perfect copies of the originals. The account of one particularly famous fraud,

the “Balfour” Stradivari, illustrates some of the difficulties in suppressing fraudulent instruments. This violin was offered in 1901 by Balfour & Co. (shippers and former jewelry dealers—why the public considered them violin experts we cannot know) as an instrument made by the master himself in 1692. It was sold as a genuine Stradivari and, despite publicity questioning its authenticity, changed hands several times after that. Many experts of the time were outraged by this instrument that they had long considered an imitation; finally, in 1964, the firm of W. E. Hill and Sons purchased it to take it off the market entirely, thus ending its saga of deceit.

In other chapters Harvey presents information on forgeries and related problems of attribution, and discusses violin theft, mentioning several case histories and describing the legal ramifications of selling, representing, or buying stolen property.

In the second half of the book, subtitled “The American Scene,” Ms. Shapreau opens with an account of the case of the lost or stolen “Duke of Alcantara” Stradivari violin, with which she was associated as a member of the legal team working for the University of California, Los Angeles, in its successful effort to repossess the instrument after it was found in someone else’s hands some twenty-six years later. The case illustrates legal points of possession, including the requirement that the finder of lost property must attempt to locate the true owner, and that reclaiming lost or stolen property after a long period of time may depend on how diligent the theft or loss victim has been in pursuing the missing property and notifying the world of its loss.

On the subject of misdescription, Shapreau focuses on the representations made by experts. I was surprised to discover that even a verbal misrepresentation during a transaction can constitute liability if it is proven that the buying party relied on the seller’s expert knowledge for the purchase. A stickier situation occurs with negligent misrepresentation, where the dealer gives professional *opinions*, believing them to be factual, that later turn out to be false; this also can constitute fraud due to negligent misrepresentation.

A brief chapter on tax issues will be of special interest to those who perform professionally and would like to be able to depreciate their often expensive instruments. A 1995 decision appears to set a highly useful precedent: Richard and Fiona Simon, both first violinists with the New York Philharmonic, won their court case in the Second Circuit against the Internal Revenue Service with regard to the depreciation of two François Xavier Tourte violin bows. They convinced the court that their

bows should not be considered art objects but “tools of the trade,” subject to wear and tear and thus depreciable, even though a “played out” bow could retain value as a collector’s item.

A worrisome issue is the all too common practice of “secret commissions” between teachers and dealers in sales of instruments to students. As Shapreau explains, concealing a commission may constitute fraud under the common law if the teacher’s relationship with the student gives rise to a duty to disclose this commission. In part to address issues such as this, the American Federation of Violin and Bow Makers has outlined a Code of Ethics (listed in Appendix 3) for all its members; violations can result in disciplinary action such as expulsion or suspension.

Although the detailed accounts of specific trials and laws in this book are highly informative, the section of most ready use is Appendix 1, which outlines practical guidelines for members of the trade, dealers, auctioneers, and others, such as collectors and teachers. These concisely and directly-stated points (presented as guidelines for those involved in the British violin trade, but applicable to America as well) summarize the legalities detailed in the previous chapters. The entire book should prove invaluable as a guide to legal and ethical practices in our field.

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Robert L. Barclay, editor. *The Care of Historic Musical Instruments*. Edinburgh: Museums & Galleries Commission and Canadian Conservation Institute [in cooperation with the International Committee of Musical Instrument Museums and Collections of the International Council of Museums, with financial assistance from the John S. Cohen Foundation], 1997. vi, 145 pp.: 18 black-and-white figures. ISBN: 0-660-17116-3. Can\$36.00 (paper).

Every collector should be concerned about the safekeeping of valuable instruments, but professional guidance is not always easy to find; published sources of specific technical information are scarce and sometimes contradictory, and reasoned approaches toward conservation can differ widely. This handbook goes a long way toward addressing the concerns of non-specialists. Its advice especially about handling and cleaning instruments will help private owners and restorers as well as