Society of Antiquaries of Scotland

A Fragmented Masterpiece

Recovering the Biography of the Hilton of Cadboll Pictish Cross-Slab

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Illustration 1.1
The Hilton of Cadboll cross-slab on display with the Paolozzi figures in the National Museum of Scotland, Edinburgh
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Chapter 1

The project

DAVID V CLARKE and SALLY M FOSTER

1.1 Introduction

This project reconstructs the biography of one of the most famous early medieval sculptures in Britain, the Hilton of Cadboll Pictish slab. The massive upper portion of this 'national treasure' is displayed as a key exhibit in the Museum of Scotland in Edinburgh,[1] while the medieval chapel site on which it was found in the 18th century is cared for by Historic Scotland on behalf of Scottish Ministers.[2] The pieces of our 1200-year-old biography are the thousands of newly discovered fragments of the slab from excavations at the chapel site, particularly the lower portion, and the inter-disciplinary research that this project has generated. The Picts were among the early inhabitants of what is now Scotland, living primarily in northern and eastern Scotland.[3] They are renowned worldwide for their stone sculpture, which dates from around the sixth to the ninth centuries AD. Of these, the Hilton of Cadboll slab is one of the most important survivals, a member of the 'magic circle of Insular excellence', 'one of the most accomplished and significant displays of figural art in Pictish sculpture' (Henderson, Chapter 2.3). The content and quality of the Hilton of Cadboll slab places it in the mainstream of contemporary European art. It demonstrates that the Picts of northern Scotland were full and active participants in the artistic and intellectual developments of this time. This interest and value is considerably enhanced by its being one of a group of exceptionally high quality Pictish sculptures found on the Tarbat peninsula (at Portmahomack, Shandwick and Nigg), with an important assemblage also at Rosemarkie, in the Black Isle immediately to the south. These testify to the presence of a vigorous and wealthy early medieval church in this area.

The massive slab prominently displayed at the entrance to the Early Peoples Gallery of the Museum of Scotland is not only incomplete but also much worn due to earlier centuries of exposure to the elements and other mishaps, such as vandalism. The surviving decorative side faces the visitor at the end of an avenue of Paolozzi sculptures (illus 1.1). A series of highly ornate Pictish symbols loom above the famous scene of a high-status female and her male associates hunting deer on horseback. Below this is a panel of spiral ornament, partially restored. Animal-inhabited vine-scroll frames the whole: 'the Pictish masterpiece in the vinescroll tradition'.[4] But the lower third of the slab is missing and the Museum display reconstructs this in metal. Moreover, because the slab became a memorial to Alexander Duff and his three wives in 1676, the reverse face is totally defaced and the sides and top are slightly reworked. In other words, we were missing around one third of the body of the monument and over half of its decorated surfaces. We knew nothing about:

1 what we assumed would be the all-important, cross-bearing face
2 what the lower part of the slab looked like the monument's original proportions
3 where the sculpture originally stood, and in what setting and context.

Fortunately, archaeological investigations at the chapel site in 1998 and 2001 led to the exciting recovery of thousands of fragments from the missing sculpture, including a substantial and exceptionally well-preserved lower portion that proved to be carved on both sides. We also gained a better understanding of the monument's immediate archaeological context. This discovery enables us to rethink completely the original form and content of the monument and to re-assess its art-historical significance. More than this, these excavations and associated research illuminate the complex and controversial biography of this sculpture.

This report recounts the results and interpretations arising from the work that began in 1998. Following this brief introductory chapter, Chapter 2 describes the art-historical significance of the Hilton of Cadboll sculpture prior to the 1998 discoveries. Chapter 3 recounts the archaeological evidence from the 1998 and 2001 excavations, including the evidence for what we know about the archaeological context of the sculpture at the chapel site. Chapter 4 discusses the catalogue of

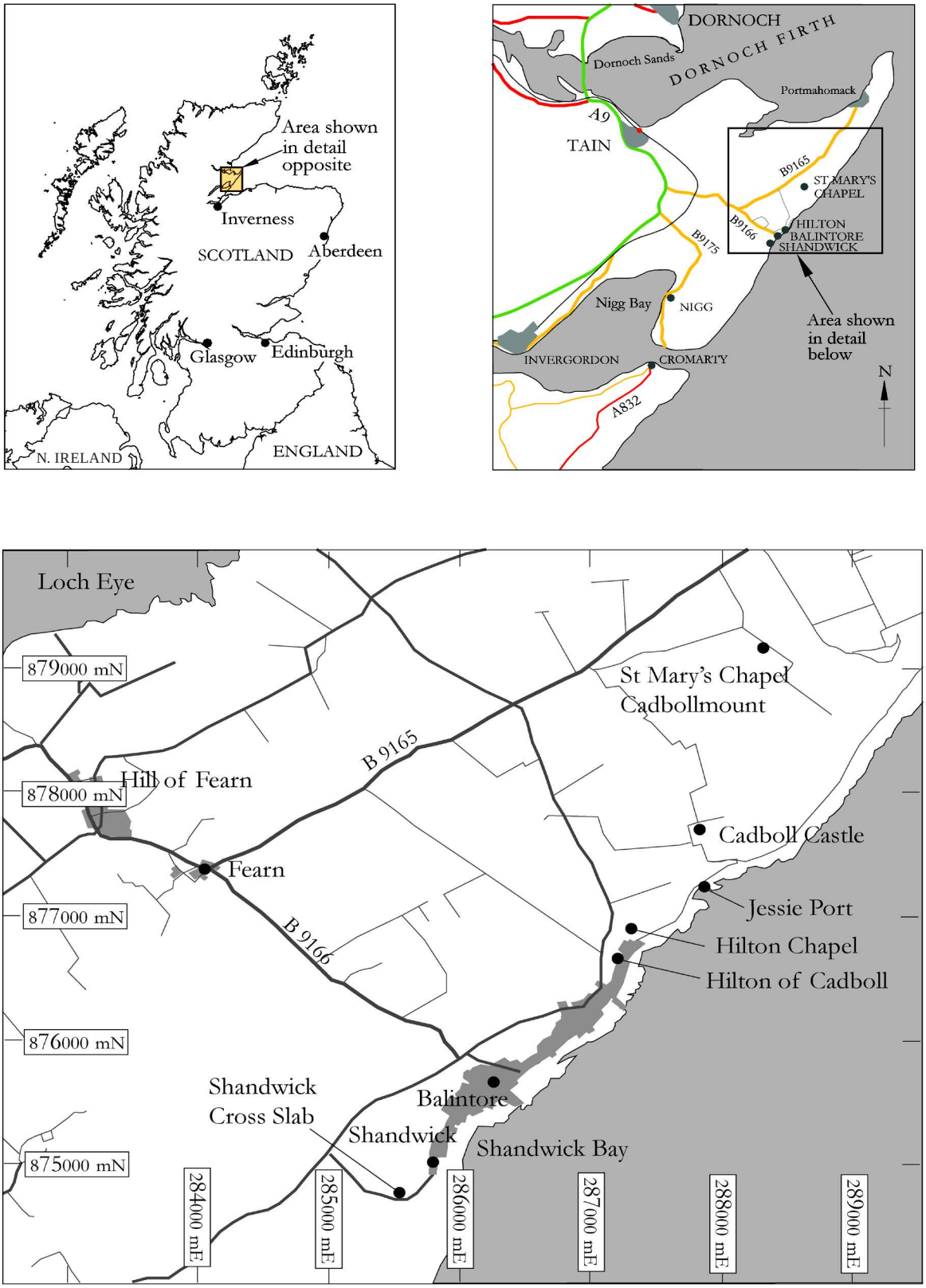

Illustration 1.2
Location of Hilton of Cadboll (drawn by GUARD in the University of Glasgow)

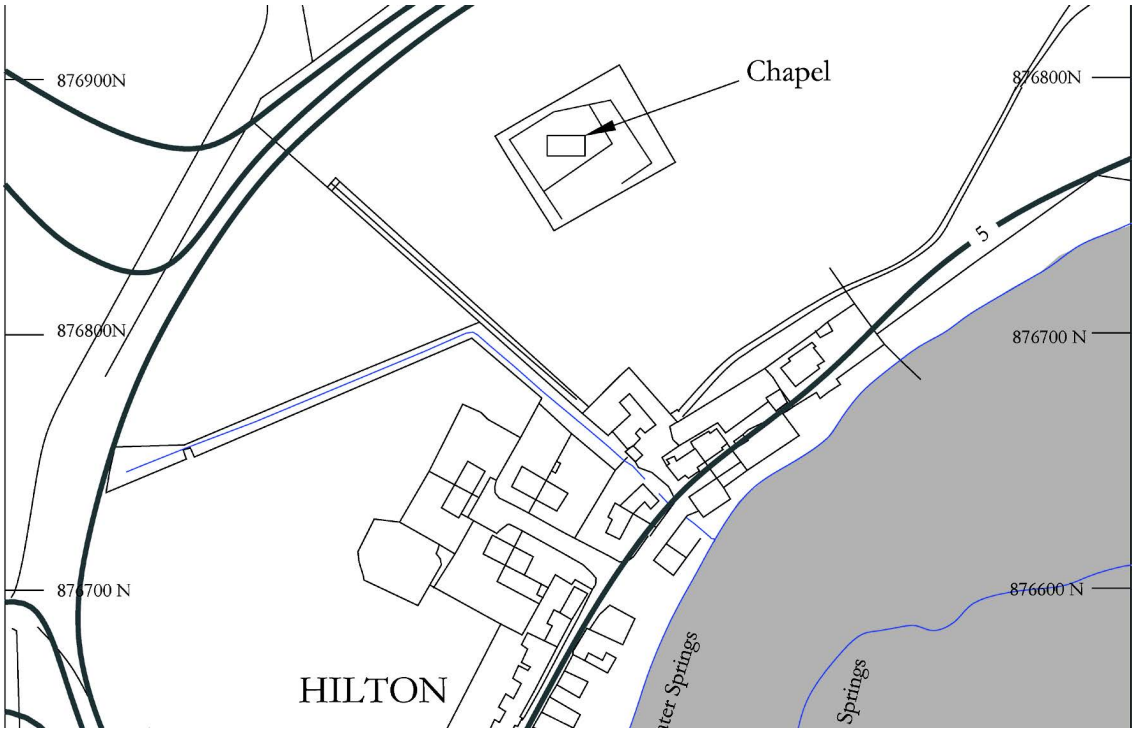

Illustration 1.3
Location of Hilton of Cadboll chapel site (drawn by GUARD in the University of Glasgow)

Illustration 1.4
View of the chapel site from the north-east

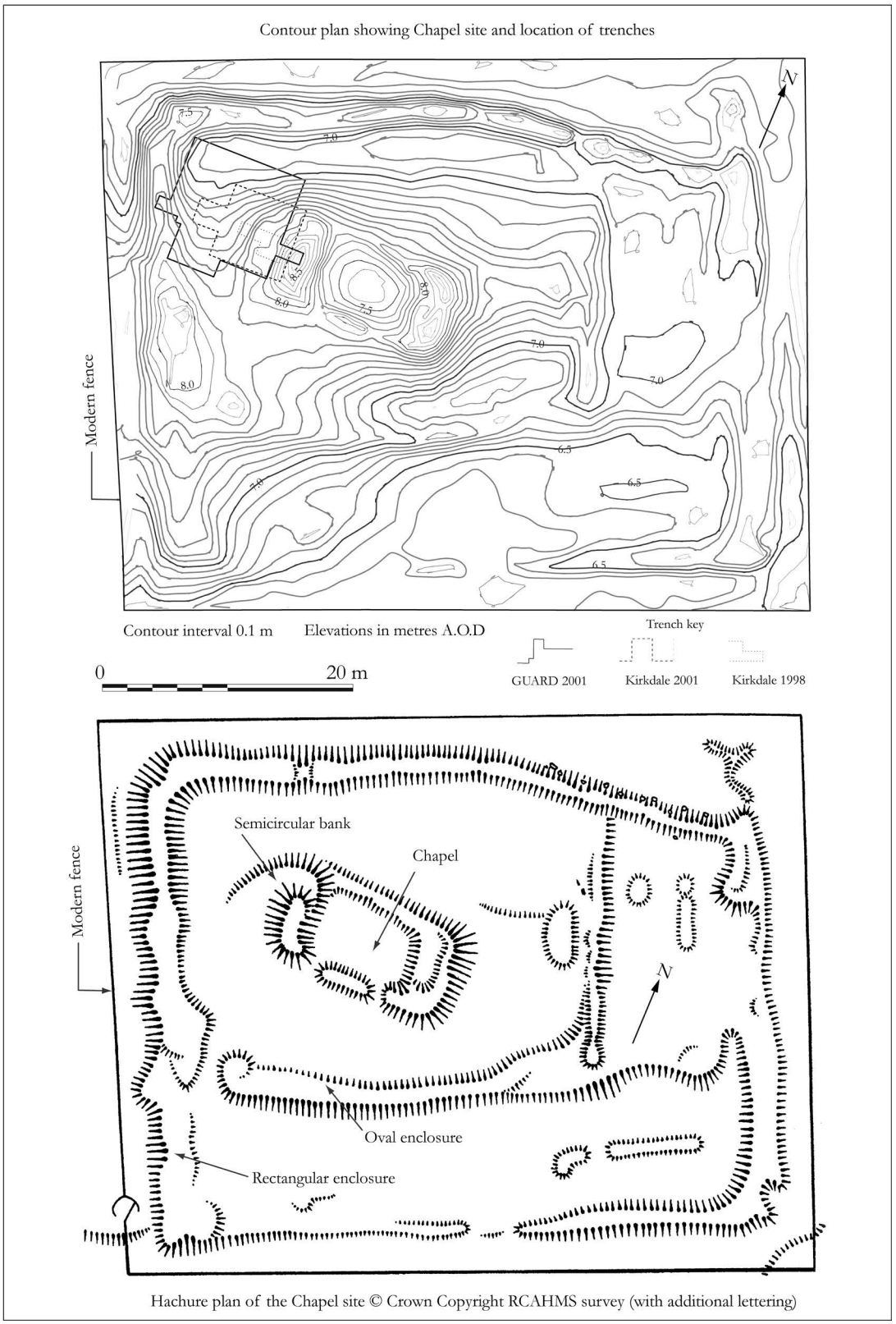

Illustration 1.5
Hachure survey of the upstanding remains within the modern fenced enclosure at Hilton of Cadboll
(GUARD in the University of Glasgow, after RCAHMS)

the upper, mid- and lower portions and the fragments. Chapter 5 draws together the new evidence from the recovered lower portion and thousands of fragments for the original form, decoration and content of the cross-slab, allowing us to revise its art-historical significance and our understanding of the monument. Chapter 6 brings together all the many strands of evidence to reconstruct a detailed biography for this most familiar, yet previously little understood, of Pictish monuments, and its many fragments. Chapter 7 comprises the specialist reports.

1.2 Hilton of Cadboll chapel site and its early history

The chapel at Hilton of Cadboll is situated on the east coast of the Tarbat peninsula in Easter Ross, Highland (NGR NH 8731 7687) (illus 1.2). Nestling at the centre of a natural amphitheatre defined by former sea cliffs (about 22m OD), the chapel lies 150m north of the village of Hilton and 220m inland from the sea in an area of wind-blown sand and dunes, at about 7m OD (illus 1.3 & 1.4). On the cliffs at Cadboll, 1km to the north-east, is the remains of a 16th-century tower-house and later mansion. The bedrock is Middle Old Red Sandstone,[5] and the soil is light, sandy and free-draining.

The surviving field remains sit on a slight mound and comprise the turf-covered footings of a medieval chapel (about 12m from east-west by 6.5m transversely) with an arc of semi-circular bank at its west end. We know that the chapel was a ruin by 1780.[6] A broken font recorded immediately north of the chapel in 1978 is since lost.[7] The chapel stands within a multi-phase, sub-rectangular enclosure that is on a slightly different alignment to the building (illus 1.5). The precise chronological relationship between the chapel and the enclosures is not apparent from the field remains although the different alignments suggest different dates. The assumption has been that these enclosures define a burial ground of unknown date, although there are no visible gravemarkers and we cannot discount the possibility that some of these were plantation banks (see below). Until around 1625, when Hilton became part of Fearn parish, the burial place for Hilton was St Colman's Tarbat. We therefore do not know what role Hilton of Cadboll chapel played in medieval burial.[8] There is a tradition of the burial of unbaptised infants until around the end of the 19th century.[9] The sources do not agree on whether, like the old burial ground at Shandwick, they used Hilton for the burial of 1832 cholera victims.[10] We cannot discount the possibility that burials might extend beyond the visible enclosures.[11]

A modern fence protects the chapel and enclosures. The enclosed area and its surrounding land are scheduled as legally protected because of the national importance of the site. Since 1978, the land has also been in the care of Scottish Ministers and managed by Historic Scotland (owned since Spring 2002 by Historic Hilton Trust).

We address the detailed documented history of the site in our later attempt to reconstruct the biography of the monument. For present purposes, it is sufficient to note that Pictish sculpture from Hilton was first noted in 1780:

> near to the ruins of a chapel, which was in an early age dedicated to the Virgin Mary. The proprietor, from a veneration for the consecrated ground, has enclosed it with some rows of trees; and it is well worthy of his care, for the obelisk is one of the most beautiful of ancient sculpture that has been discovered in Scotland. The stone is of enormous size, and has lain unnoticed on its face from time immemorial, and by that means is in the highest state of preservation.

Charles Cordiner's account led to considerable subsequent antiquarian interest in the sculpture and its recording.[12] The reference to 'rows of trees' is particularly interesting for there is no visible evidence of these today.

By 1856 the sculpture lay in a shed, 'the wall of which is believed to form part of an ancient chapel'.[13] As noted in 1978, the arc of walling at the west end of the chapel may be the remains of this shed.[14] Some time after 1856, and before 1872, the owner of the chapel site removed the slab to the gardens of his residence at Invergordon Castle. By 1872 only '(Site of) Standing Stone (Sculptured) (illus 1.6) was noted on the OS First Edition map, by implication a memory by the OS' local informant of where the stone had last lain.[15] This is the earliest known map to record the site of the chapel or the sculpture.

1.3 Recent archaeological interest in the chapel site

It is helpful to view the recent phase of archaeological work at Hilton of Cadboll in the context of the revived interest in Hilton of Cadboll in the mid-1990s. In 1994, Martin Carver of University of York developed an interest in Hilton of Cadboll as he sought to understand his discoveries at Portmahomack in the

Illustration 1.6
Extract from the first edition OS map (OS 1872 Ordnance Survey. 'Cromartyshire', surveyed 1872, scale 1:10,560)
(reproduced by permission of the National Library of Scotland)

context of the wider Tarbat peninsula. In liaison with Jane Durham, who wanted the slab returned from Edinburgh (see Chapter 1.4), he developed proposals for a non-destructive site evaluation and replica. In 1998 Carver produced an Archaeological Assessment and Project Design, commissioned by Tain and Easter Ross Civic Trust (Appendix 1). This had the following objectives:

1 to erect a replica of the Hilton of Cadboll stone at Hilton
2 to develop the site[16] in order that it can be visited by the public
3 to evaluate the site prior to any development
4 to investigate the site in the context of University of York's ongoing major programme of research into early historic Easter Ross, centred on Tarbat.[17]

The Trust hoped such an initiative would bring economic and social benefits to the Seaboard Villages (Hilton and its neighbours, Balintore and Shandwick). As part of this assessment, University of York had undertaken a topographical and geophysical (magnetometer and soil resistivity) survey of the chapel and its surroundings in 1997 (illus 1.7), and this was complemented by a 1997 topographic survey of features within the fenced area by the

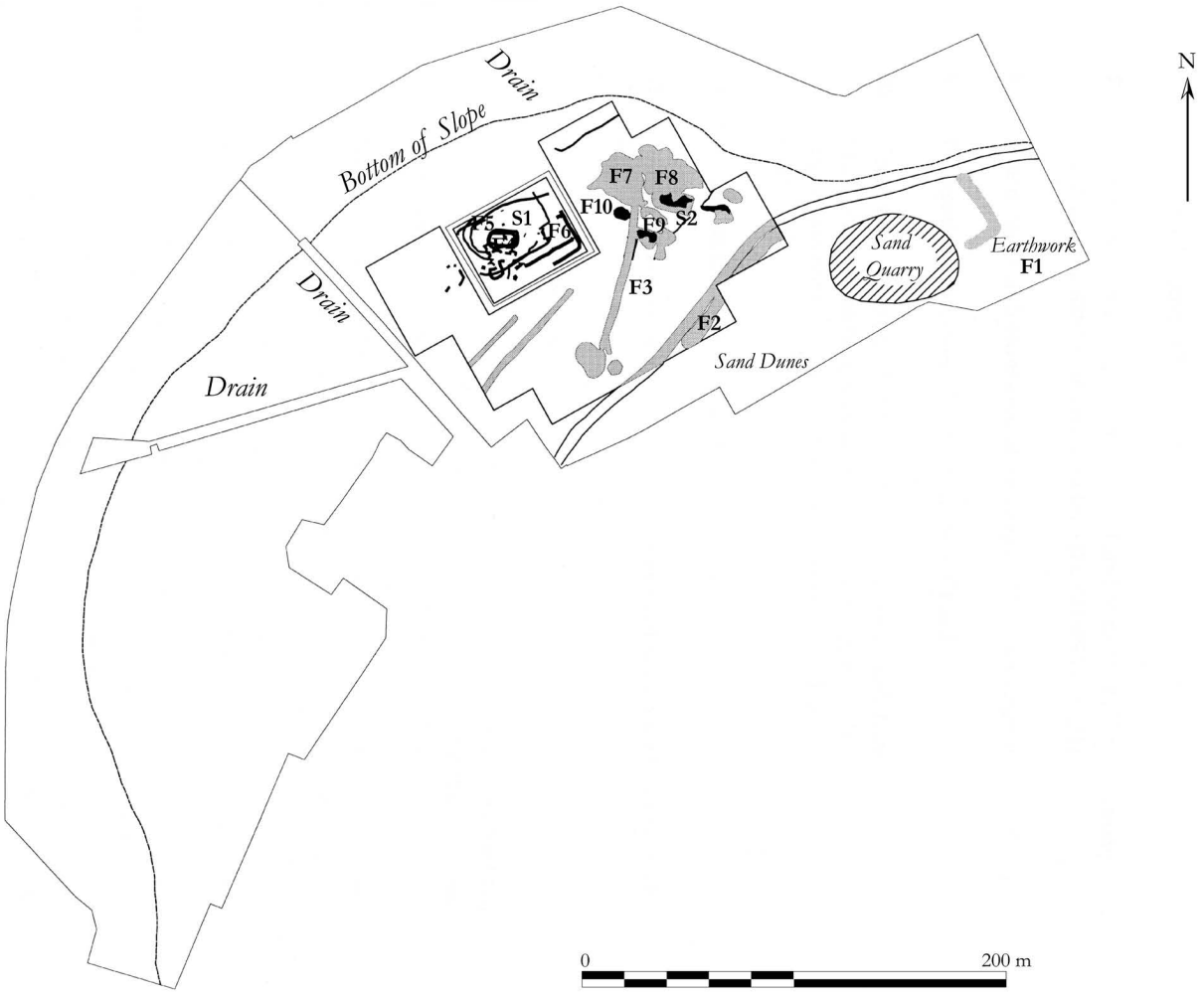

Illustration 1.7
Summary of features interpreted from its magnetometry and soil resistivity surveys (© FAS Heritage)

Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) (illus 1.5).[18] The University of York team interpreted their results as suggesting that there may be further enclosures and structures in the vicinity of the chapel site, but they did not detect any likely original locations for the Hilton of Cadboll slab.[19] Other sources suggest that this area may be the site of a medieval village, perhaps Catboll Fisher (see Chapter 6.3.2). This includes stray finds of what may be 14th/15th-century pottery comparable with Inverness local wares.[20]

Discussions took place between Historic Scotland and local parties about where it might be appropriate to erect a replica. In 1998 these led Historic Scotland to organise a minor, three-day excavation of an area 6sq m just outside the west gable of the chapel. This aimed to test the hypothesis that the sculpture had once stood here (informed by the First Edition OS map, the RCAHMS interpretation of the semi-circular feature at the west end of the chapel as the site of the slab in the mid-19th century, local tradition and dowsing).[21] Kirkdale Archaeology limited their exploration to the levels above the surface on which tumble from the west gable rested,[22] on the grounds that this was the most likely level at which to reveal any basal structure that held the slab, and in order to

avoid intrusion into medieval levels. While they did not recover any evidence for the basal structure, they did find over 650 fragments of stone of which 458 bear decoration. These seemed to be from the 17th-century redressing of the missing side of the slab and suggested that there was the potential for further discovery of missing sculpture.[23] It also demonstrated that this was an inappropriate place to consider erecting a modern replica given the archaeological sensitivities of the area.

The following year Barry Grove, a sculptor, was commissioned by Highland Council and Tain and Easter Ross Civic Society (funded by Highland Council, Highlands and Islands Enterprise and Glenmorangie Distillery) to carve a new stone for the site (the 'Pictish Stone Replica Project'), due for completion in July 1999. The first phase involved making a copy of the surviving Pictish face, and Grove interpreted what the missing lower portion might have looked like. With the permission and co-operation of Historic Scotland, in 2000 this was erected in an archaeologically sterile area to the west of the fenced-off chapel.[24] Grove completed his carving of the second side of the modern carving in September 2005.

The Pictish Stone Reconstruction Project, as the Replica Project became formally known by August 2001, always intended to carve both sides of the new sculpture. The original intention has been to carve modern designs on the unknown Pictish face, but the 1998 excavations had opened the possibility that further research at the chapel site might enable the original form of the sculpture to be recognised, and for the new sculpture to be informed by this. This possibility prompted Historic Scotland to commission further exploratory work by Kirkdale Archaeology, again on a modest scale.[25]

Early in 2001, three-week excavations of an area of 40sq m led to the discovery of more carved fragments, but also, and to everyone's surprise and delight, the massive lower portion of the sculpture was discovered in the ground.[26] (This was known colloquially as 'the stump' or, incorrectly, 'base'.) We now knew that that the cross-slab had stood on the chapel site for part of its life and that there was further evidence to be recovered relating to how the slab was broken up and defaced. There was also the potential, given the volume and quality of the surviving carved fragments (an additional 1680 carved fragments), to reconstruct missing parts of the cross-slab. Significantly, the buried lower portion was seen to be carved on both sides (ie its buried part had been saved from defacement in 1676) and was exceptionally well preserved. Clearly, the future recovery of this provided the greatest opportunity yet to understand the original form of the monument. We also recognised that there was a gap between the lower portion (in the ground) and the slab in Edinburgh (the upper portion), and that we were finding parts of the missing mid-portion (there were three mid-portion fragments from 1998 and 47 from 2001). We also found a fragment from an additional carved stone, part of a ring-headed cross.

With the financial support of Ross and Cromarty Enterprise, the National Museums of Scotland and Highland Council, Historic Scotland organised an expanded archaeological exploration for summer 2001 (88.5sq m).[27] It is the results from this four-week excavation, undertaken by Glasgow University Archaeology Research Division (GUARD), directed by Heather James, that form the body of Chapter 3, along with the publication of the earlier 1998 and 2001 excavations by Kirkdale Archaeology.[28] The objectives of this final stage of fieldwork included recovering and recording all surviving material relating to the Hilton of Cadboll cross-slab, and in such a way that all reasonable efforts could be made to reconstruct the missing sculpture.[29] The aim was to explore, date and explain the sculpture's history and association with the chapel site, both before and after 1676. Geological and pigment analysis were to be included and the possibility of OSL dating was encouraged. Afterwards, the site was to return to its appearance prior to excavation.

1.4 The modern heritage politics of Hilton of Cadboll

The Hilton of Cadboll cross-slab is something of a *cause célèbre* in the history of the curation of early medieval sculpture. The circumstances are quite unique, a factor of its highly fractured and complex biography (see Chapter 6). For present purposes, it is sufficient to note that the owner moved the upper portion of the slab to Invergordon Castle sometime in the mid-19th century. His son then donated it to the National Museums of Scotland's predecessor body in 1921, but not before there had been national outcry because he first offered it to the British Museum. Opinion divided as to whether or not it would have been more appropriate to return it to Hilton or a home somewhere in the near vicinity.

Over the last century or so, the issue of where sculpture, particularly early medieval sculpture,

should be curated and displayed has sometimes been a 'hot' political issue. We see occasional high-profile disagreements about this material between national institutions, as well as between institutions (local and national) and local communities. The issue has usually been about where to display, but occasionally also ownership.[30] In curatorial terms, this issue has arisen because of the dual identity of sculpture. While originally conceived by its creators as a monument, years later each individual survival we have inherited retains greater or lesser monumental qualities and it is the present form of a sculpture that determines how it is treated. This means that different institutions can have different attitudes to where it is most appropriate to display such material, specifically, whether or not it is better to retain sculptures *in situ* or locally, or whether display in a suitable museum (regional or national) is more appropriate. The issue of dual identity also links closely to the question of legal ownership, since we legally define portable sculptures as an artefact rather than a monument, and this affects the process by which we assign ownership to new discoveries.

In fact, the present position for all new discoveries is quite open and straightforward.[31] New finds must be declared as Treasure Trove and reported to the Queen's and Lord Treasurer's Remembrancer (Q&LTR), advised by an independent panel, the Scottish Archaeological Finds Allocation Panel (formerly known as the Treasure Trove Advisory Panel), to make a decision on ownership. If the crown claims an object, ie the finder cannot keep it, registered museums have the opportunity to bid to become the owners of the new find. Once allocated, it is then up to them where to display the find. For new finds from a site where a museum already holds earlier finds, the presumption is that the Q&LTR will normally allocate new discoveries to the museum that holds the rest of the collection. A museum may have earlier finds from a site because they were donated or because it actively acquired them (eg through purchase).

The rare past instances of where disagreements have arisen between institutions tend to relate to the relocation of known finds that are monumental or retain significant monumental qualities.[32] The Dupplin Cross is the classic example. In the mid-1990s, Historic Scotland and the National Museums of Scotland had contrary views about whether or not the Cross should be preserved at or near Dupplin or in Edinburgh. [33]

To return to Hilton of Cadboll, ongoing local unhappiness about the slab being in Edinburgh came to the fore in the 1990s when local parties sought to have the slab returned to Hilton. This initiative was led by Jane Durham, a Commissioner of RCAHMS, who lived locally. Some contested the Museum's ownership of the slab in the first place, arguing that it was not Captain Macleod's to give in 1921. The National Museums of Scotland were not able to agree to loan requests for the slab from Hilton because the poor condition of the stone meant that the journey would have involved considerable risk to it and because no suitable site for displaying the slab was available. Further, the fragile nature of the surviving decoration prevented the creation of a cast of the slab. Consequently, the community developed alternative plans for the site (see below).

The discovery and excavation of the lower portion of the slab in 2001 re-ignited the long-running controversy over the ownership and display of the monument (see Chapter 6.8). In curatorial terms, it was clear enough that the ownership of new finds would go to the National Museums of Scotland (the new finds were not simply from the same site, but the majority from an object already owned by the Museum) and this inflamed local passions. One outcome was local opposition to the lifting of the slab, because of the misconception that if left in the ground its ownership rested with the owners of the ground.[34] We eventually lifted the lower portion of the slab but left it in Hilton, for the local political difficulties did not allow for the safe conveyance of the slab. Historic Scotland brokered this temporary compromise, to allow clarification of the formalities of ownership.[35] As of November 2006, the National Museums of Scotland has sought, unsuccessfully, to agree a partnership with Historic Hilton Trust. The basis of their proposal requires the recognition that ownership lies with the National Museums of Scotland. Once the Trust acknowledges this, the National Museums of Scotland are committed to working with them to find ways to ensure that the new finds would normally be on local display, as has happened 'up the road' at Tarbat Discovery Centre. The way forward lies in drawing a distinction between legal ownership (which formally rests with the National Museums of Scotland) and the question of where the material is displayed, and by whom (Hilton being an option).[36] Initially the lower portion was stored and presented to the public in the Wm Paterson Industrial Unit in Hilton, but latterly the Trust has moved the lower portion to the Seaboard Memorial Hall at Balintore, the settlement conjoined to Hilton.

1.5 Related research: a community study

Encouraged and supported by Historic Scotland, Siân Jones of Manchester University undertook a community study, in parallel with the second season of excavation in 2001. She sought to gain an understanding of the meanings and values surrounding early medieval sculpture and the basis of conflict between various interest groups. This is published in full elsewhere (see Chapter 6 for key findings as they relate to the biography of the monument).[37]

The benefits of this study extend beyond Hilton of Cadboll to wider methodological, practical and political implications.[38] It is a critical assessment of aspects of the wider practices of heritage management, with implications for all involved in this. We recognise that it is important to embrace social value and broader cultural significance, as well as to have the tools and means to do this. This provides an excellent case study of one way in which to do this. It is particularly timely as Historic Scotland and others involved in the conservation of monuments now operate in an environment in which formal assessment of the significance of monuments is becoming the standard first step in the development of conservation plans. The recommendations arising from the study have also informed the Scottish Government's 2005 policy and guidance on carved stones.[39] Finally, we have learned something about Hilton of Cadboll chapel site itself, and a considerable amount about what this means to its immediate residents, the community at Hilton, as well as others. This knowledge will inform how Historic Scotland interprets and presents the chapel site in the future.

The circumstances at Hilton of Cadboll are of course unique to this place, and the controversy raised by the discovery of the lower portion of the cross-slab is by no means typical. Nevertheless, it is a good example of the difficulties of determining the correct home for such an object, while such extreme circumstances have provided here a most productive test-bed for a community study.

1.6 Bringing the project to fruition

Out of the field, the post-excavation of this project has provided some unique practical and political challenges. GUARD has been responsible for writing up the excavations, directing and co-ordinating the production of the report as a whole, including the catalogue and associated analytical work. Isabel Henderson has been responsible for all art-historical aspects. Ian G Scott has produced the illustrations of the sculpture and undertaken most of the reconstruction. A project group of the key specialists from GUARD (Heather James), independents Isabel Henderson and Ian G Scott, plus National Museums of Scotland staff (David Clarke, Andy Heald and Fraser Hunter) and Historic Scotland (as overall project manager, Sally Foster, latterly Noel Fojut) have sought to steer the work. Siân Jones has built on her earlier community study to make a major contribution to our understanding of the later history of the monument.

It would only be fair to acknowledge that determining how to deal realistically with the 11,252 fragments, of which 3370 are carved, has posed major methodological questions. The approach taken has had to evolve as the project developed and we had a better understanding of the material and its potential for analysis and reconstruction (see Chapters 4, 5 and 7.1). We have also had to decide when to come, as Isabel Henderson describes it, to an 'honourable stop'. One significant aspect of this was out of our control, since Historic Hilton Trust refused to 'release' the lower portion of the cross-slab from Hilton for study in Edinburgh. This means that it has not been possible to examine all parts of the sculpture side by side and we recognise that this has impaired optimum reconstruction and interpretation of the sculpture. They have been more than willing, however, to facilitate access to the lower portion in Balintore. As to the rest of the sculpture, we have had to determine carefully what approaches to analysis stood the best chance of enabling us to understand the original form, layout and decoration of the monument, and could provide value for money when it came to detailed reconstruction. This has involved focusing on the 800 most informative carved fragments, with selective analysis of the remainder. We have aimed to make it clear what has and has not been done, and why, and we recognise that this material will still provide plenty of scope for study by future researchers.[40]

Financial support for the post-excavation work has come from Historic Scotland, the National Museums of Scotland, and Ross and Cromarty Enterprise. The National Museums of Scotland, as owners of the finds, additionally provided considerable in-kind support.

It is also appropriate to acknowledge the limitations of the archaeological approach that we took. These focused on the sculpture, recovery of the fragments and gaining and understanding of the sculpture's immediate setting (see above). Without the local political circumstances,

the fieldwork, and indeed post-excavation work, would not have developed in the way that they did, but on the other hand the project would probably not have happened. There remain many unanswered questions, and the largely unexplored site retains high archaeological potential for addressing future broader research questions and strategies, including some of those posed in the conclusions of this study (Chapter 8). Meantime, we have developed beyond expectations our appreciation of the art-historical significance of the cross-slab (Chapter 5), and of its biography (Chapter 6). The wider implication is that we will all now look in a different way at the work of Pictish sculptors, the later uses of such monuments, and the values which society has placed on these artistic achievements through time.

Notes

1 Accession no NMS X.IB 189.
2 SAM index no 90320.
3 For an introduction to the Picts see Carver 1999 and Foster 2004.
4 Henderson & Henderson 2004, 53.
5 Johnstone & Mykura 1989, illus 29, 136.
6 Cordiner 1780, 66.
7 RCAHMS 1979, 26, no 224.
8 Robbins 1996b; Alston 1999, 181.
9 Watson 1904, 44.
10 Macdonald & Gordon (1971, 59) suggest that the cholera victims were buried at Cadbollmount; Miller (1889, 442) states that the Hilton of Cadboll burial ground 'seems' to have been used.
11 *Pace* Robbins 1996a, 10.
12 Cordiner 1780, 66. See also Cordiner 1795.
13 Stuart 1856, 10.
14 RCAHMS 1979, 26, no 224.
15 OS Name Book, Book 11, Fearn Parish, 33.
16 The site was already formally accessible to the public, since it was in the care of Scottish Ministers.
17 Carver 1998, 1.
18 RCAHMS Archive E 10517, drawn at 1:250 by J Borland.
19 Carver 1998, 9–10, 12, illus 2; Field Archaeology Specialists Ltd 1998.
20 Robin Hanley *in litt* to Nick Bridgland, 10 January 1997.
21 The dowsing was undertaken in December 1996 by D L Bates, at the invitation of Jane Durham (Bates & Durham 1996), and is reported by Carver (1998, 11): 'A rectangular plinth was said to have been detected at this location, in which the stone would have stood facing west. The missing portion of the stone was said to remain in position in this plinth. The mound west of the chapel was interpreted as the grave of a prominent person dated by dowsing to 724 AD. Dowsing dated the walls of the enclosure to 736 and the chapel itself to 844 AD.'
22 Kirkdale Archaeology 1998. Nick Bridgland, Inspector of Ancient Monuments, initiated this work.
23 Not all of the opened area was excavated fully to the level at which fragments were was encountered.
24 Kirkdale Archaeology 2000.
25 Kirkdale Archaeology 2001.
26 The initial area opened was 36sq m, but this was extended when the lower portion was located on the edge of the trench.
27 The original intention was to excavate 100sq m, but we modified this during the course of excavation when the complexities of the area around the lower portion were recognised.
28 GUARD 2001.
29 Strictly speaking, the use of 'cross-slab' at this time was incorrect. It was assumed (rightly) that the slab had originally been a cross-slab, but proof awaited the recovery of the buried lower portion of the original front (cross-) face.
30 Foster (2001) explores the history of this issue in Scotland.
31 Scottish Executive 1999; www.treasuretrove.org.uk.
32 This might include, for example, where the present location of the sculpture is highly significant in terms of its understanding and appreciation.
33 Foster 2001, 18.
34 This was incorrect. The fact that the lower portion was still in the ground did not affect its status as a new find.
35 With the benefit of hindsight, there was nothing ambiguous about ownership to clarify. The finds from the 1998 and earlier 2001 excavations, which comprised new pieces from the Hilton of Cadboll slab, as well as other artefacts, were declared to the TTAP. They passed them to the FDP to make a decision on because they came from a state-funded excavation. In line with existing guidance, they disposed them to the National Museums of Scotland. Again, with hindsight, it might have been easier for all parties if we had made a distinction at this earlier stage between the new finds from the Hilton of Cadboll slab, which were technically not ownerless, and the other artefacts, which did need ownership defined. As it was, the finds from the later season of 2001 work, in which we lifted the lower portion, were subsequently formally declared to the TTAP. In May 2002, the TTAP agreed not to recommend the new finds from the slab for claiming by the Crown under the Treasure Trove procedures because they are part of an object that appears by the Panel to be owned by the National Museums of Scotland. The Q&LTR endorsed the Panel's view in writing on 6 November 2003.
36 See Chapter 5 and Jones 2004 and 2005a & b for an understanding of why it is difficult for some local parties to be happy with this distinction.
37 Jones 2004; 2005a & b.
38 For a critique of the approach taken see Clarke forthcoming.
39 Scottish Executive 2005.
40 The electronic database is lodged in the Arts and Humanities Data Service, University of York: http://ahds.ac.uk.