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SPY CAVE

125 years of multidisciplinary research
at the Betche aux Rotches
(Jemeppe-sur-Sambre, Province of Namur, Belgium)

Edited by Hélène ROUGIER & Patrick SEMAL

Volume 1

2013

TABLE OF CONTENTS

Camille PISANI, Foreword	5
--------------------------------	---

INTRODUCTION

I. Patrick SEMAL, Hélène ROUGIER, Isabelle CREVECOEUR, Damien FLAS, Anne HAUZEUR & Cécile JUNGELS, Prologue	9
II. Patrick SEMAL, Anne HAUZEUR, Michel TOUSSAINT, Cécile JUNGELS, Stéphane PIRSON, Laurence CAMMAERT & Philippe PIRSON, History of excavations, discoveries and collections	13
III. Philippe PIRSON, Spy cave: which name?	41
IV. Laurence CAMMAERT, Through the correspondence: the little story of the “Spy bones”	55

THE SPY CAVE CONTEXT

V. Stéphane PIRSON, Bernard DELCAMBRE & Éric GOEMAERE, Geological context	73
VI. Stéphane PIRSON, Kévin DI MODICA, Cécile JUNGELS, Damien FLAS, Anne HAUZEUR, Michel TOUSSAINT & Patrick SEMAL, The stratigraphy of Spy cave. A review of the available lithostratigraphic and archaeostratigraphic information	91

ARCHAEOLOGICAL MATERIAL

VII. Anne HAUZEUR, Cécile JUNGELS, Éric GOEMAERE & Stéphane PIRSON, Non-flint raw materials	135
VIII. Éric GOEMAERE, Cécile JUNGELS & Anne HAUZEUR, Oolithic ironstones from Spy cave	151
IX. Kévin DI MODICA, Cécile JUNGELS & Anne HAUZEUR, What do we know today about the Middle Palaeolithic of Spy?	167
X. Cécile JUNGELS, Aude COUDENNEAU, Anne HAUZEUR & Philippe PIRSON, Typological, technological and functional analyses of Mousterian points	201
XI. Damien FLAS, Jerzmanowice points from Spy and the issue of the Lincombian-Ranisian-Jerzmanowician	217
XII. Damien FLAS, Elise TARTAR, Jean-Guillaume BORDES, Foni LE BRUN-RICALENS & Nicolas ZWYNS, New perspectives on the Aurignacian from Spy: lithic assemblage, osseous artefacts and chronocultural sequence	231
XIII. Damien PESESSE & Damien FLAS, Which Gravettians at Spy?	257
XIV. Gennady A. KHLOPACHEV, Cultural and chronological attribution of the objects of mammoth ivory from Spy cave: a look from Eastern Europe	269

FAUNAL REMAINS

XV. Mietje GERMONPRÉ, Mircea UDRESCU & Evelyne FIERES, The fossil mammals of Spy	289
--	-----

BIOGEOCHEMISTRY

XVI. Patrick SEMAL, Anne HAUZEUR, Hélène ROUGIER, Isabelle CREVECOEUR, Mietje GERMONPRÉ, Stéphane PIRSON, Paul HAESAERTS, Cécile JUNGELS, Damien FLAS, Michel TOUSSAINT, Bruno MAUREILLE, Hervé BOCHERENS, Thomas HIGHAM & Johannes VAN DER PLICHT, Radiocarbon dating of human remains and associated archaeological material	331
XVII. Hervé BOCHERENS, Mietje GERMONPRÉ, Michel TOUSSAINT & Patrick SEMAL, Stable isotopes	357
XVIII. Eva-Maria GEIGL, Sophie CHAMPLLOT, Silvia DE LIMA GUIMARAES, E. Andrew BENNETT & Thierry GRANGE, Molecular taphonomy of Spy: DNA preservation in bone remains	371

Guide for authors	381
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INTRODUCTION

Patrick SEMAL & Anne HAUZEUR
(Coordinators)

CHAPTER I

SEMAL P., ROUGIER H., CREVECOEUR I., FLAS D., HAUZEUR A. & JUNGELS C., 2013.
Prologue: 9-11.

CHAPTER II

SEMAL P., HAUZEUR A., TOUSSAINT M., JUNGELS C., PIRSON S., CAMMAERT L. & PIRSON P., 2013.
History of excavations, discoveries and collections: 13-39.

CHAPTER III

PIRSON P., 2013.
Spy cave: which name?: 41-54.

CHAPTER IV

CAMMAERT L., 2013.
Through the correspondence: the little story of the “Spy bones”: 55-69.

In: H. ROUGIER & P. SEMAL (ed.), Spy cave. 125 years of multidisciplinary research at the Betche aux Rotches (Jemeppe-sur-Sambre, Province of Namur, Belgium), Volume I. Anthropologica et Præhistorica, 123/2012. Brussels, Royal Belgian Institute of Natural Sciences, Royal Belgian Society of Anthropology and Prehistory & NESPOS Society.

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CHAPTER IV

THROUGH THE CORRESPONDENCE: THE LITTLE STORY OF THE “SPY BONES”

Laurence CAMMAERT

Abstract

In the summer 1886, the Neandertal fossils of Spy were unearthed in the so-called Betche aux Rotches cave. Ever since, they have been through many events and have been the stake of discords, sometimes impassioned, between the various protagonists of their discovery and their conservation. The succession of these events will be redrawn here and the positions of each cleared up in the light of the rereading of two archives collections coming from the discoverers, namely the correspondence collection of Maximin Lohest, which is Mrs Dallemagne-Ophoven's property, and the correspondence collection of Marcel De Puydt, handed over to the Royal Belgian Institute of Natural Sciences (RBINS), which we shall refer to as “the Vercheval collection”.

FRAMEWORK

It is within the framework of a much larger research project on the Spy collections that these two correspondence collections were read again. In fact, the Spy project that led to the publication of this present monograph, was concerned with the restudy of the anthropological, archaeological and palaeontological collections coming from the different excavation campaigns at the Spy cave. It would have been incomplete not to include this correspondence. This particularly gives first-hand information as to the circumstances of the 1886's excavations and especially as to the fate of the bones and artefacts collections for more than a hundred years.

These archives were first transcribed to make them easier to read. However, some words remained illegible. The blanks were of course indicated in the transcription. Then, the original documents were digitised and joined to the transcription. These text files were finally exported in PDF files and put down into the database dedicated to the Spy site in the MARS system (Multimedia Archaeological Research System). Through this media, a wide public has access to both collections without having to

handle these fragile documents.

The Dallemagne collection contains 154 documents, mainly letters, but also working notes and, sometimes, personal notes. These letters cover mostly the period from 1885 to 1902. They give an outline of Maximin Lohest's life at the *Université de Liège* and relate the spirit of research at that time. Mrs Dallemagne-Ophoven, Maximin Lohest's granddaughter, entrusted this collection to us to make the digitalisation. We are grateful to her for this fruitful collaboration.

The Vercheval collection is composed of 234 documents of the same order, although globally more recent because a big part of the correspondence concerns the period of “the lawsuit” begun by the State against the Lohest heirs, and date thus more particularly from 1928 and 1929. Following Marcel De Puydt's succession, this collection was kept until 26th February 1952 by Félix Vercheval, Marcel De Puydt's son-in-law, a jurist and amateur archaeologist. He then donated this collection to the Section of Anthropology and Prehistory of the Royal Belgian Institute of Natural Sciences. It is as such that the collection bears his name.

THE PROTAGONISTS

Marcel De Puydt (Antwerp, 20th February 1855 – Antwerp, 22nd January 1940; Figure 1) knew the existence of the Spy cave since his youth. Although from Antwerp, he studied in Namur and developed an early passion for Prehistory. His surveys led him to scour the Namur region and visit the Spy cave. He collected, on the sides of the terrace, quantities of fossil teeth and flint artefacts and had the strong conviction that it was a place to investigate more thoroughly¹. In spite of his passion for Prehistory, Marcel De Puydt studied Law and Administration at the *Université de Liège*. He was after named at the head of the litigation management of the city of Liège. All the while, he continued his archaeological surveys and became, in 1879, member of the Liège archaeological Institute.

In 1881, in this Liège context, he met Max Lohest (Liège, 8th September 1857 – Liège, 7th December 1926; Figure 2), mining engineer and geologist at the *Université de Liège*, and Ju-

lien Fraipont (Liège, 17th August 1857 – Liège, 22nd March 1910; Figure 3), palaeontologist at the same university. They all shared the same curiosity about the Origin of Man. Max Lohest was Gustave Dewalque's assistant at the geology course at the University, whereas Julien Fraipont taught palaeontology.

THE 1885 SOUNDING

Marcel De Puydt had had the opportunity to take Max Lohest on the field of his archaeological discoveries. Quite naturally, the scientific interest of the Spy cave must have been evoked. Alfred Rucquoy had already investigated the site in August 1879 (Rucquoy, 1886-1887). A doctor in Namur as well as an amateur archaeologist, Rucquoy had almost completely excavated the cave². The project of Marcel De Puydt and Max Lohest would consequently be to estimate the terrace potential by digging a sounding, that was made in August 1885. They asked Armand Orban, a former miner from Huccorgne to do the work. Lohest writes about him that he was a man “above

¹ In 1929, Marcel De Puydt drafted a memoir still unpublished, recounting, according to his memories, the events since his meeting with Max Lohest. This memoir is a very rich source of information. We shall often make reference to it in this text.

² In 1885, Rucquoy's excavations results had not been published yet. They will be published only after the Lohest and De Puydt discoveries.



Figure 1. Marcel De Puydt young, photographic portrait.



Figure 2. Maximin Lohest, photographic portrait, 1899.



Figure 3. Julien Fraipont, photographic portrait.

his status” (Lohest *et al.*, 1925: 17), a good observer, eager to learn and capable of initiative. At first, Orban was asked to investigate the rockslide on the terrace, a tedious work because the thickness of these rocks could sometimes reach over 2 metres. It seems that later, it was decided to dig a sounding trench, 3 metres long, 2 metres wide and 1.80 metres deep, just at the entrance of the cave (De Puydt & Lohest, 1886: 34-35).

In the trench, they saw a fossiliferous level that sunk under the terrace rockslide. To reach it without having to drill through the rocks, Orban suggested digging galleries, as his former profession as a miner allowed him to do. Orban dug by candlelight and brought the sediment out in broad daylight where it was examined by Lohest or De Puydt (Lohest *et al.*, 1925: 19). A letter from De Puydt to Lohest³ gives more details, in particular that Orban drew up a survey of the galleries, which we no longer have any trace of today. In this letter, De Puydt expresses his fears of letting “escape interesting things” from the geological point of view and insists on Lohest going on the field.

This sounding seems, in the light of these letters and publications, to have taken a larger range. The discoveries of 1885, although they delivered no Neandertal bones, were plentiful (several thousands of flints [De Puydt & Lohest, 1886: 36]) and contained enough fauna bones and interesting artefacts so that a real excavation campaign was envisaged for the next spring.

THE 1886 EXCAVATION CAMPAIGN

There are no field notes left from the 1886 excavation. In his Memoir⁴, Marcel De Puydt indicates that the notebook in which he recorded the information about the duration of the work, his presence on the site and his archaeological researches, was accidentally destroyed at the beginning of the 20th century.

Besides, there is no mention of notes taken by Max Lohest, which of course does not

mean that there were none. Consequently, the correspondence contemporary with the excavation could have had a reference value for the restoration of the facts. But regrettably, only a single letter, signed by Orban, directly concerns the excavation with certainty⁵ (Figure 4). The document is not dated but its contents indicate that it precedes the drafting of the discovery statement. It gives us information about some field facts, useful for the understanding of the work’s progress. In the letter, it appears that the scientists were not permanently on the site during the excavation, left then to the miner’s initiative. Orban writes about how fast he dug to reach the substratum, in order to do the survey of the stratigraphy. And that he is waiting for instructions. What is more, he adds that the human limbs are scattered all over the terrace and that

⁵ Letter no. 2 without date, from Orban to De Puydt.

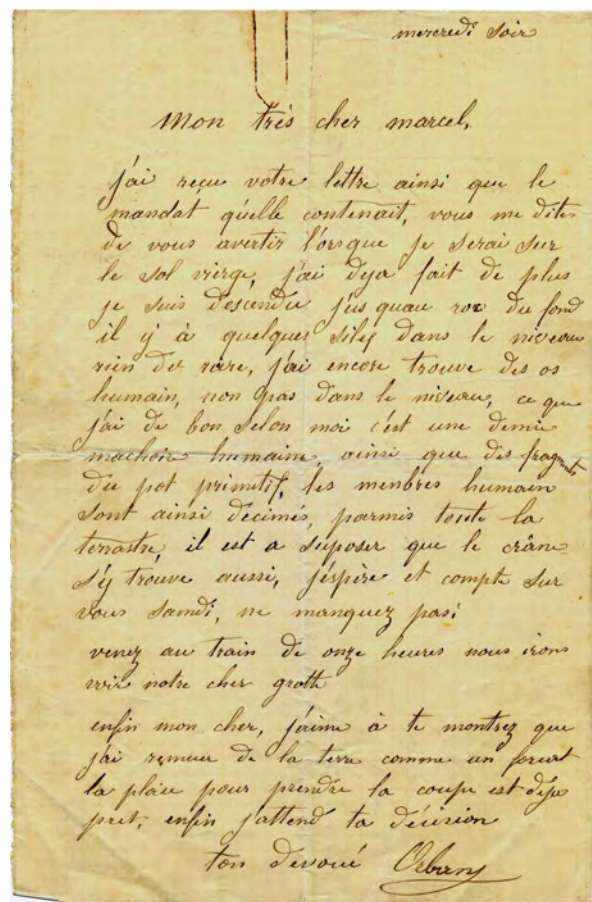


Figure 4. Original letter from Armand Orban to Marcel De Puydt.

³ Letter no. 4 without date from Marcel De Puydt to Max Lohest.

⁴ Marcel De Puydt’s Memoir, p. 7.

he thinks “the skull is among them”.

It thus appears that it is Orban alone who discovered most of the human bones and that therefore, for the majority, the stratigraphical observations were made afterwards.

Another letter⁶ (Figure 5), already mentioned above, sent by De Puydt to Lohest, may also be contemporaneous with the 1886 excavation. But we have reasons to believe that it could also have been written in 1885 as De Puydt describes a hollow and engraved bone which could be the one described in the publication on the sounding (De Puydt & Lohest, 1886: 37). Apart from that, the correspondence gives us no further details concerning the 1886 excavation. Nevertheless, in his Memoir, written 43 years after the events, Marcel De Puydt gives information as to

the organisation of the work. Both Max Lohest and himself went to Spy together on Sundays and alternately during the rest of the week, which does not seem to have been the reality, as we have already seen previously in Orban’s letter. Time may have smoothed Marcel De Puydt’s memories.

THE DRAFTING OF THE STATEMENT

At the beginning of July 1886, Lohest and De Puydt suddenly break up the excavation (Lohest *et al.*, 1925: 19). The trench threatens to collapse while human bones are still in place in the stratigraphy section. It was very important at that time, when the existence of fossil Man was still a very controversial hypothesis even in the scientific world, to notify the presence of these fossil human bones below a layer containing the fossil bones of extinct species. To this purpose, Max Lohest drafted a statement in July 1886, describing briefly the stratigraphy developed on the site (see figure 7 in

⁶ Letter no. 4 without date, from De Puydt to Lohest.

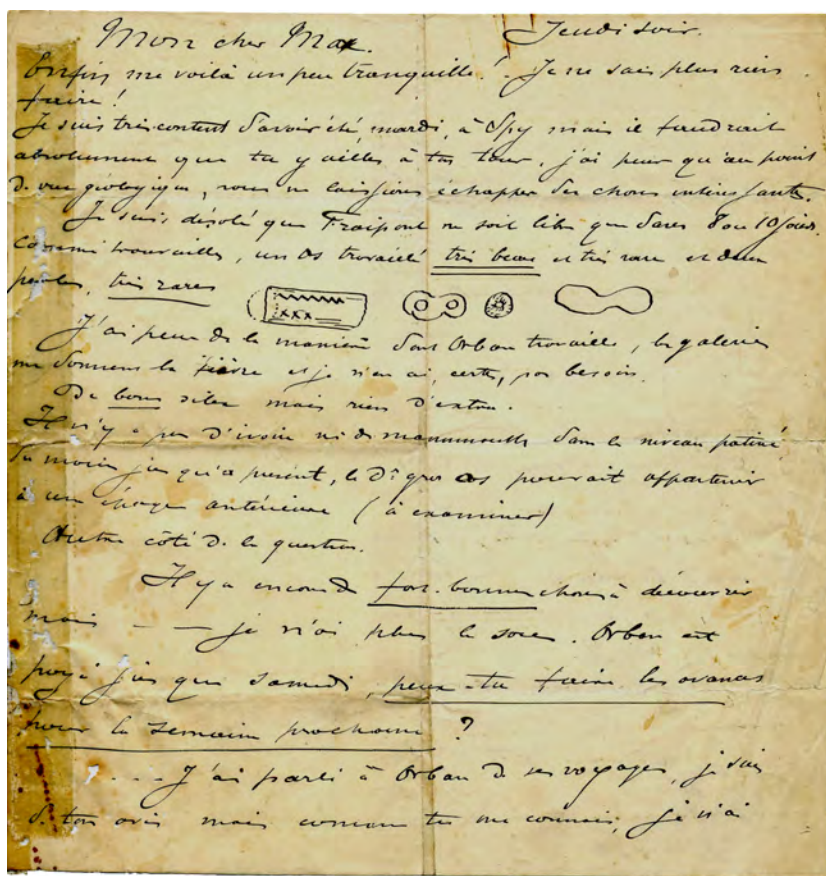


Figure 5. Original letter from Marcel De Puydt to Maximin Lohest, either from 1885, the period of the sounding, or from 1886, the period of the excavation.

Semal *et al.*, this volume: chapter II). The signatories were Julien Fraipont, Marcel De Puydt, Ivan Braconier and Lohest himself. A doubt remains as to the exact date of the document as the original manuscript indicates “*11 Juillet 1886*” whereas its publication in the appendix of *L’Homme contemporain du Mammouth à Spy* (De Puydt & Lohest, 1887) gives the date of “*11 Juillet 1886*” (SF1). It may have been a typography error. The document contains others, among which a mistake in the initial of Ivan Braconier’s first name (SF1). Nevertheless, this date of 11th July is unanimously retained in the later publications, as the article of the Annals logically served as reference.

THE DESTINATION OF FOSSILS AND ARTEFACTS

To clear up the questions about the destination of the excavation finds and about their property, both long-debated subjects, sometimes even with passion in the 1920s, the following elements must be taken into consideration.

1. Prior to the excavation, it had been agreed that the incurred expenses would be shared between De Puydt and Lohest, on stockholders’ equity. The correspondence exchanged between Max Lohest and Gustave Dewalque enlightens us on the refusal by the *Université de Liège* to finance the excavations at the Spy cave. In fact, Gustave Dewalque (1828-1905; Lohest, 1911), professor of palaeontology, geology and mineralogy at the *Université de Liège*, had oriented his researches mainly to the Devonian and Carboniferous periods. He did not wish to finance excavations on the Quaternary⁷ which he considered too distant from the orientations taken by his laboratory. This crucial point of the financing of the excavation will have essential implications as to the property of the fossils and artefacts⁸.
2. The second crucial point concerns the agreements taken when Count Albert de Beaufort, the owner of the cave, gave the authorisation for the excavation (De Puydt, 1939). Marcel

De Puydt was in charge of obtaining this agreement and the Count had willingly given it, following the orientations reminded in his letter of 8th August 1886, namely, to execute the research “to contribute to the progress of science”⁹. In his Memoir, Marcel De Puydt mentions another letter dated 16th July 1886 relating the precise terms of the interview that he had had with the Count. The original letter did not reach us, we only have a copy made by De Puydt¹⁰. After the excavation, the fossils and artefacts discovered at Spy were split up: Marcel De Puydt took the lithic artefacts, and Max Lohest the bone material, including artefacts, as it had been agreed between them.

3. A third element will play a role in its time. It concerns the publication of the excavation. In the publication of the discovery (De Puydt & Lohest, 1887: 240), the *Nota Bene* of the explanation of the plates indicates that the illustrated objects belong, respectively to De Puydt and Lohest’s collections. On this subject, Marcel De Puydt defends himself in his Memoir¹¹, explaining that it was just a way for him to give the objects a localisation. Nevertheless, much later, Lohest will use that *Nota Bene* to confirm his property rights on these objects.

The lithic artefacts

Marcel De Puydt kept all his collections coming from his surveys and excavations at the Spy cave in a place the City of Liège had put at his disposal. However, in his Memoir, he declares never to have considered himself as the lawful owner of these artefacts in spite of the “sharing” mentioned above, but as the trustee of a collection that should finally be deposited in an archaeological museum. Nevertheless, he kept this collection for many years, considering this detention as useful for the study. Afterwards, in April 1909, he donated to the Palaeontology Museum of the *Université de Liège* a part of his flint artefacts collection¹². Then came the First World War, freez-

⁷ Gustave Dewalque’s letter to Max Lohest dated 13th May 1889, concerning other excavations in Namur.

⁸ About the property legal aspects, see the frame page 62.

⁹ Letter from Albert de Beaufort to Marcel De Puydt, 8th August 1886.

¹⁰ Marcel De Puydt’s Memoir written in 1929, p. 5-6.

¹¹ Marcel De Puydt’s Memoir, p. 22-23.

¹² Letter from Julien Fraipont to Marcel De Puydt, 29th April 1909.

ing any other similar action. After that, De Puydt delayed getting rid of the other pieces to which “he had become attached”¹³. He finally urgently bequeathed them to the Liège archaeological museum (*Grand Curtius* Museum) by a deed made by notary in 1920, at a time when his health worried him. This collection is still there today.

However, one can only bequeath what one possesses. On this subject, the position of Marcel De Puydt is ambivalent. Although considering that the Spy collection had to go to a public institution, it seems that he also ended considering, like his friend Lohest, “that concerning furniture, ownership is worth title”¹⁴, which allowed him to dispose of the Spy flints as he pleased. One element must be pointed out: during the signing of the deed to which Max Lohest had been invited as witness, an incident occurred. While the text of the deed mentioned that the donation to the museum was made so as to respect Count Albert de Beaufort’s wish, Lohest insisted on clarifying that the commitments taken towards the Count concerned only De Puydt. In no way could it limit his own freedom in this matter¹⁵.

This incident was at the origin of a cooling in the relationship between Lohest and De Puydt.

This second legacy of Marcel De Puydt and this incident brought on speculations as to what would happen to the bone material of Spy and more specifically to the Neandertal bones.

The bone material

From the day of their discovery, there were discussions about the destination of the Neandertals. In his Memoir, Marcel De Puydt recalls how Max Lohest announced to him the discovery of the “skulls” and suggested keeping one each. De Puydt answered that he could keep both because, from a scientific point of view, it was better not to scatter the bones¹⁶. Since this date and until Julien Fraipont’s succession, the bones

were kept in the Human Palaeontology Laboratory where Fraipont carried out the anthropological study and where other anthropologists and prehistorians could come and examine them. But after Fraipont’s death (22nd March 1910), the succession at the Chair of Palaeontology did not turn out as Max Lohest had hoped. He, in fact, wished that Charles Fraipont (1883-1946), Julien’s son, also a palaeontologist, would succeed to his father. On this occasion, Lohest even suggested offering the Spy fossils to the University if this appointment were to be confirmed.

Charles Fraipont already managed the Palaeontology Laboratory and his appointment was in progress, when the responsible Minister changed his mind and appointed two other persons, whose skills were not anthropological (Paul Cerfontaine, zoologist and Armand Renier, engineer and geologist).

Max Lohest, particularly disappointed by this lack of consideration for human evolution on behalf of the politics, and worried about the future of the Spy bones in laymen’s hands, chose to remove them from the laboratory. He even threatened to sell them to stir the public opinion against the Minister’s behaviour. On this subject, he had a conversation with Marcel De Puydt that is also related in his Memoir¹⁷. Fortunately, Lohest didn’t sell the bones and kept them as from then on in his office at the University¹⁸.

In August 1914, just after the German invasion, Louis Dumont, the laboratory technician, took the initiative to urgently remove the bones after the occupant had plundered Max Lohest’s office. He took them to Charles Fraipont’s home, at the Mont-Saint-Martin in Liège, Max Lohest having left Liège at this period. These facts are reported in the newspaper “La Meuse”¹⁹ published in 1923. The daily paper explains that Charles Fraipont was asked on four occasions by the Germans to restore the bones. He would have succeeded in convincing them that they were in a safe place, abroad. By 1917, as the Lo-

¹³ Marcel De Puydt’s Memoir, p. 11.

¹⁴ Marcel De Puydt’s Memoir, p. 25.

¹⁵ Marcel De Puydt’s Memoir, p. 13.

¹⁶ Marcel De Puydt’s Memoir, p. 10.

¹⁷ Marcel De Puydt’s Memoir, p. 24-25.

¹⁸ Letter from Charles Fraipont to Marcel De Puydt, 18th October 1928, p. 2.

¹⁹ Maurice Beerblock, “Un beau geste à faire”, La Meuse, Saturday 17th March 1923.

hest family was back in Liège, Fraipont brought the bones to Max Lohest’s residence where he locked them in a safe. After the war, the bones never returned to the University although Charles Fraipont obtained the direction of the Palaeontology Laboratory.

Thanks to a very instructive letter from Fraipont to De Puydt²⁰, we learn that later Lohest received an offer from Bashford Dean, a famous American zoologist (1867-1928), acting in the name of the American Museum of Natural History. Dean offered one hundred thousand dollars for the Spy bones. Lohest refused the offer vehemently.

Yet Lohest had already thought about selling the bones, the idea did not strike him as being so shameful. As early as 1889, he had drafted his first will²¹ in which he asks his heirs to address themselves to the main museums in Europe and America to sell the “Spy skulls”. Besides, Charles Fraipont mentions, in his letter dated 18th October 1928, the existence of two handwritten notes from Max Lohest that do not exclude either that his heirs sell the bones after his death. What is certain is that the Lohest family, and Max the first, considered itself to be the legitimate owner of all the bone material of Spy coming from the excavations of 1885-1886, as he had partially financed the excavations.

THE PROPERTY OF THE BONES

However, although kept at Lohest’s residence, the general view was that these bones were the property either of the *Université de Liège*, or of the de Beaufort family. The ins and outs of this debate are complex for several reasons. Particularly because there is no written document, official enough, so that it can definitively solve the problem. Also because there are personal considerations involved, the nature of which would be too delicate to try to reconstitute but that can strongly be felt in the correspondence²².

As previously mentioned, Count Albert de Beaufort had authorised the excavations at the cave. The conditions of these excavations were discussed between De Puydt and de Beaufort but without their putting it down in writing: a “gentleman’s word” is not to be doubted. There are two letters, already mentioned, signed by the Count, dated from the period of the excavations: one first-hand, dated 8th August 1886, and one dated 24th July 1885, of which we only have a transcription by De Puydt. The Count is delighted to have been able to contribute to the progress of science. This gives us an idea of his state of mind. A letter to Dom Grégoire Fournier, a new protagonist in this affair, who will appear again later, and a letter to Marcel De Puydt, both written in 1925²³ by Count Georges de Beaufort, Albert’s son, of which we only have a transcription, again by De Puydt, go in the same direction: Count Albert wished to enrich “the national scientific treasure” and to leave the Spy excavations material at the scholars disposal. Count Georges adds that he blames those who do not conform to his father’s will, that is to say Max Lohest, still alive at the time. According to these readings, Count Albert also considered himself to be the owner of the finds. Even if he didn’t wish to keep anything, he considered having a say over their destination. It was in the same spirit that he granted, afterwards, the same excavation permit to de Loë and Rahir who excavated the Spy cave from 1906 till 1909, for the benefit of the *Musée du Cinquantenaire*.

From a third point of view, the *Université de Liège* could also claim ownership of the Spy finds as, although having only very little contributed financially to the excavations²⁴, the University, through Gustave Dewalque, had authorised Max Lohest to carry on with the excavation. In other words, the University paid his salary and thus contributed to the expenses of the excavations.

In spite of this fact, the rules were not clear in those days. The custom for a scientist seems to have been to constitute his own collections, geological, palaeontological or archaeological, even

²⁰ Letter from Charles Fraipont to Marcel De Puydt, 18th October 1928, p. 3.

²¹ Max Lohest’s manuscript, 4th April 1889.

²² Among others, Grégoire Fournier’s letter to Marcel De Puydt, 25th November 1925 or the letter of Max Lohest’s son to Charles Fraipont, 30th July 1929.

²³ Letter from Marcel De Puydt to Grégoire Fournier, 22nd October 1925.

²⁴ In his letter (15th June 1929), Charles Fraipont mentions a 188 francs payment, done by his father, in the name of the Palaeontology Laboratory to execute excavations at the Spy cave.

The legal aspect.

From the legal point of view, in 1886, the civil code said this: “the property of a treasure belongs to the one who finds it in his own estate: if the treasure is found in another’s estate, it belongs for half to the one who discovered it, and for the other half to the owner of the estate. The treasure is any hidden or buried thing on which nobody can justify his ownership, and which is discovered by chance”.

It is probably Armand Orban who discovered the bones. But he worked at the request of Max Lohest and Marcel De Puydt. Legally thus, the Spy discoveries should have belonged for half to both inventors and for half to Count de Beaufort, with the nuance that Max Lohest worked for the University.

Another question arises: should this discovery be considered fortuitous such as described by this extract of the civil code? Probably yes. As there was no legislation on archaeological excavations at that time, this possibility was not taken into account in the civil code. The regulations on archaeological excavations in the Walloon Region date only from 22nd May 1999.

within the scope of his work. The abundant correspondence between Dewalque and Lohest gives an idea on the way things were done in their laboratory²⁵. Upon his retirement, Dewalque wished to sell the important collection of fossils and minerals he had accumulated throughout his career to the *Université de Liège*. As for Max Lohest, a document written in 1899²⁶ summarises the extent of the palaeontological collections he also wished to sell to the University. In the same letter, he specifies moreover that if the University agreed to this purchase, he would give, in addition, the Spy bones. These practices, which would probably be considered as questionable today, seem to have been common at the turn of the 20th century.

²⁵ Dewalque’s correspondence.

²⁶ Document, 27th February 1899.

THE FRUITLESS ENDEAVOURS

Some time already before Max Lohest’s death, Grégoire Fournier²⁷ had attempted a first embassy to bring the Lohest family to part with the Spy bones to the University’s benefit. Grégoire Fournier was a monk in the Benedictine abbey of Maredsous. He also was a self-taught scientist, who had gathered large collections in mineralogy, geology, biology, archaeology and palaeontology. Nowadays, there is a centre bearing his name in the Maredsous Abbey, where these collections can be seen. Without many details, it seems that Grégoire Fournier was relatively close to the Lohest, the de Beaufort and the De Puydt families. Grégoire Fournier had been imprisoned at Diest during the First World War together with two of Max Lohest’s sons²⁸. In this affair, Fournier’s role was to be a tactful mediator so that the Spy bones return to the *Université de Liège*, or at least to have them be deposited in a Belgian public institution. Did anybody officially charge him with this mission? It seems not, but his central position between the various protagonists, as well as his interest for these matters placed him as the ideal person to lead a small investigation. In his Memoir, Marcel De Puydt briefly recounts how Fournier was brought to it²⁹.

He had a very large correspondence with Marcel De Puydt about the affair. It is these letters that inform us about the initiatives undertaken by Fournier. The available documents do not allow us to date exactly the beginning of this correspondence. They may have gotten acquainted through Félix Vercheval, Marcel De Puydt’s son-in-law, who had met Grégoire Fournier during the excavation at the Félix cave in 1903. The first letters we have date from 1925. Generally, when Marcel De Puydt wrote or answered to Grégoire Fournier, he kept a draft of his letter so that we often have the exchanges³⁰. In these first exchanges, we can see that Grégoire Fournier gathered the point of view of each party, without really intervening in favour of a donation. A letter in partic-

²⁷ Civilian, Victor Fournier, Grégoire for the Church, Namur 2nd December 1863 - Antwerp 16th November 1931.

²⁸ Letter from Grégoire Fournier to Pierre Lohest, 13th July 1929.

²⁹ Marcel De Puydt’s Memoir, p. 17-18.

³⁰ Nevertheless, a visit to the Maredsous archives could complete some blanks.

ular describes the feelings between the persons involved at the end of the year 1925³¹. Fournier concludes that they are particularly aggravated and that any initiative made to convince the Lohest family to part with the Spy bones must be maturely reflected so as not to obtain the opposite result. Moreover, Max Lohest’s health was unstable at the time and, by common consent, the various protagonists decided not to go on, so to spare him.

But after Max Lohest’s death (1926), the question of the Spy bones ownership became more sensitive. At first, during the succession, his heirs didn’t undertake a deed of covenant nor of sale either, although the vice-chancellor of the University had been appointed by the Minister of Sciences and Arts³² to make a purchase offer of 100,000 francs³³. Anyway, one of Lohest’s daughters was still minor at that time which made any decision difficult to take. Afterwards, rumours of a sale to the United States circulated in the Liège archaeological circles and worry increased. In October 1928, Charles Fraipont³⁴ wrote to Marie Lohest, Max’s widow, to convince her to give the Spy bones to the *Université de Liège*. In one of his letters³⁵ to Marcel De Puydt, Charles Fraipont gives a copy of Marie Lohest’s answer where she specifies that her family still considers itself to be the owner of the bones³⁶ and that a donation is out of the question.

As from 1928, the correspondence between De Puydt and Fournier intensified. It mainly contains information on the state of things, with many repetitions and guesses. Marcel De Puydt wished to act in order to return the Spy bones to the public heritage but he could not do it openly as he had lost all credit in the eyes of Lohest’s heirs. In fact, they bore him rancour since

the incident at the notary in 1920. His action was therefore limited to supplying information to the other persons concerned, mainly Grégoire Fournier and Charles Fraipont.

Later, De Puydt will write his Memoir, already mentioned here several times, in order to collect in a single document the scattered information about the events since the excavations, and give some explanations on the shadier parts of his behaviour. This work was to be included in a general report by Joseph Hamal-Nandrin³⁷, who excavated at the Spy cave between 1927 and 1933 and who wished to take up all the previous works. Finally, this report was not written and De Puydt’s Memoir remained unpublished.

On 2nd December 1928, Marcel De Puydt had an interview with Louis Giltay, representing the Royal Belgian Museum of Natural History³⁸. The interview report³⁹ as well as a rectifying letter from Giltay⁴⁰, declare basically that there seems to have been a 4 million francs American offer for the sale of the Spy fossils, that Lohest’s family is not against the idea of selling, and that if the sale is really envisaged, the justice should be brought in. It must be noted as well that Louis Giltay’s initiative constituted the first intervention of the Natural History Museum in the affair.

Much later, in 1976, Henry Field, acting for the Chicago Field Museum, attested of a meeting that he had in Brussels around 1930, when one of the owners of the bones offered to sell them for a million dollars⁴¹. According to Henry Field, it was a proposition made to him and not an offer from his part. He considered that fossils of such importance had to stay in their country of origin⁴². From this moment, it is obvious to all the protagonists that the bones must be prevented from

³¹ Letter from Grégoire Fournier to Marcel De Puydt, 25th November 1925.

³² Camille Huysmans was Minister of Sciences and Arts from 17th June 1925 to 22nd November 1927.

³³ Letter from Grégoire Fournier to Marcel De Puydt, 17th October 1927.

³⁴ Carbon copy letter from Charles Fraipont to Marie Lohest, 8th October 1928.

³⁵ Letter from Charles Fraipont to Marcel De Puydt, 31st December 1928.

³⁶ Marcel De Puydt’s notes, 30th October 1928.

³⁷ Joseph Hamal-Nandrin (1869-1958), professor at the *Université de Liège*. He created the first prehistoric archaeology course in a Belgian university (1926).

³⁸ Became the Royal Belgian Institute of Natural Sciences by a Regent Order, 3rd September 1948.

³⁹ Document, 11th December 1928.

⁴⁰ Letter from Louis Giltay to Marcel De Puydt, 6th December 1928.

⁴¹ Letter from Henry Field to Erik Trinkaus, 17th February 1976.

⁴² Another letter of Field, from 1930, to Marcel De Puydt, supports this opinion but on the other hand eludes the sale question.

leaving the country. To that purpose, various strategies are envisaged either on the legal or on the public level, such as for example a press campaign. At random, bringing in de Beaufort's heirs so that they legally contest Lohest's heirs, voting, as a matter of urgency, a law protecting the archaeological objects found on the territory, organising a discreet deal, to put the bones under sequestration, and finally, the possibility of a lawsuit by the Belgian State to Lohest's heirs. In March 1929, Charles Fraipont indicated to the Minister of Sciences and Arts that he had received the visit of Pierre and Alexandre Lohest, two of the Max Lohest's sons, who had informed him that the bones had been or were going to be moved abroad⁴³ if the Prime Minister didn't guarantee their peaceful ownership by an official document. Fraipont adds that they also threatened to sell the bones and even destroy them.

THE SUMMONS

On 24th May 1929, the State assigns Max Lohest's heirs to appear before the Civil Court of Liège to hear their condemnation to return the Spy bones to the Belgian State⁴⁴, the State acting in the name of the *Université de Liège*. At this moment, Lohest's elder son, also named Max, probably the most relentless to defend their cause, is in Congo where he is kept informed and from where he sends his reactions. Max's letter to Charles Fraipont⁴⁵ expresses with violence the indignation felt when reading the summons. This letter also gives a motive for which the Spy bones were not donated, and shows the grudge felt towards Marcel De Puydt, but also the one developed now for Grégoire Fournier.

The months following the summons were devoted, on both sides, examining the legal aspects of the affair. Articles published in daily papers⁴⁶ give an insight on the situation at the beginning of the year 1930. It seems that the State demands on

the Spy bones were not legally founded as its property right on these objects was difficult to establish. Lohest's heirs, for their part, asked that the action be declared inadmissible and counter-attacked by suing for damages in repair of the undergone prejudice.

Then, the State lawyers thought of bringing in the lawsuit, Albert de Beaufort's wife still alive at the time but very old, as well as his surviving sons, to testify as to the will of their husband and father and assert their property right on the bones. Finally, she will not intervene in the lawsuit but will make a statement before a notary⁴⁷, but to no effect. The affair was to be pleaded on 27th March 1930 but was postponed for further inquiry.

In spring 1931, a meeting took place between Max Lohest and the director of the Royal Belgian Museum of Natural History, in Brussels, Victor Van Straelen, concerning the possibility of depositing the Spy bones in this institution. This time, Max Lohest asserts that the *Université de Liège*, and consequently Charles Fraipont's laboratory, will never have the Spy remains. Indeed, the situation between both men had deteriorated after the summons, their interests being divergent but also for more personal reasons⁴⁸. Gradually, the correspondence reveals that the idea of the Spy bones being in Brussels rather than in Liège makes its way, as it could be a compromise.

Victor Van Straelen then begins to visit protagonists of this affair to inquire further. The negotiations are under way. It seems that an agreement intervened between the Minister of Sciences and Arts⁴⁹, Victor Van Straelen and Max Lohest. But this can only be concluded after Max Lohest's return from Congo, in two years. In the meantime, the judicial procedure is suspended in May 1931, without first consulting the lawyers, without any written commitment having been provided by Max Lohest and, apparently, without any of the other heirs taking part in the negotiations.

⁴³ Letter from Charles Fraipont to the Minister of Sciences and Arts, 1st March 1929.

⁴⁴ Summons copy.

⁴⁵ Letter from Max Lohest to Charles Fraipont, 30th July 1929.

⁴⁶ Articles published in the daily papers "La Meuse" (30th January 1930), "Le Soir" (1st February 1930), "La Nation belge" (1st February 1930), "Vers l'Avenir" (2nd February 1930).

⁴⁷ Letter from Gustave Kleyer to Marcel De Puydt, 5th January 1931.

⁴⁸ Letter from Grégoire Fournier to Marcel De Puydt, 11th June 1931.

⁴⁹ P. Petitjean, the Minister of Sciences and Arts from May 1931 to October 1932.

Meanwhile, on 2nd December 1931, Grégoire Fournier dies unexpectedly in Antwerp.

It is only the 18th June 1934, that the Minister of State Education⁵⁰ wrote officially to Marie Lohest to inform her about the State’s withdrawal from the lawsuit which opposed them.

THE FIRST DEPOSIT OF THE BONES AT THE MUSÉE ROYAL D’HISTOIRE NATURELLE DE BELGIQUE

In 1935, some forty letters are exchanged about the Spy bones deposit at the Royal Belgian Museum of Natural History. Victor Van Straelen writes to Max Lohest to suggest him depositing the bones on the occasion of the Anthropology Congress that will be held there. Max Lohest accepts but first writes to the Minister of State Education⁵¹ to ask about the Ministry claims on the bones. He is in fact afraid that this exhibition might be the pretext for a seizure by the State. The Minister puts him at rest by reminding him that the State has withdrawn its suit. Max Lohest then delegates his friend Paul Ronchesne, living in Brussels, to take care of the deposit at the Museum. It is this same friend who will intervene later in the contacts with the Museum and more particularly with Félix Demanet, geologist in the Department of Palaeontology of the Museum (the Section of Anthropology had not yet been created at that time). Ronchesne deposited the bones for the first time in the Museum on 30th August 1935⁵².

Upon analysis of the inventory established at the deposit, it appeared that pieces, formerly indicated in the collection in the publication by Fraipont & Lohest (1887), were missing⁵³. Charles Fraipont was implicated as he was the only one to have a free access to the bones at the Mont-Saint-Martin house, and had made X-

rays of some of them around 1930.

He defends himself in two letters, one to Victor Van Straelen, the other to Max Lohest⁵⁴ in which he gives details as to the problematic bones: he remembers no vertebra except the sacral vertebra still at the *Université de Liège*; the rib fragments seen by a Warsaw professor at the Museum, should logically be there⁵⁵; he has never seen a right calcaneus and does not mention either the jaw fragment or the radius. He also indicates the existence of a left talus. These bones will never be found again. Three bones that never left the *Université de Liège* are going to be the object of a new debate: that is a sacrum and two shoulder blades fragments. Charles Fraipont entered these bones on the inventory of the animal palaeontology collections of the University on 5th June 1929, when the turmoil was in full. More subtly, Fraipont had suggested to the general administrator of the University to order him to do it. According to Charles Fraipont, Maximin Lohest had not transferred these bones from the anthropology laboratory to his office in 1910, voluntarily or inadvertently. According to Lohest’s heirs, Louis Dumont would have forgotten these bones in the haste of their evacuation in 1914. Which leads us to think that Charles Fraipont could have recovered them then for his laboratory, without it being possible to know when or how. As for Marcel De Puydt, he declares in a handwritten note that, for the purpose of cohesion, these three pieces should join the main part of the collection in Brussels when the donation to the Museum will become official⁵⁶. In October 1935, the heirs demand that Charles Fraipont gives them back, which he will never do. To this day, these bones are still kept in the Service of Animal and Human Palaeontology of the *Université de Liège*.

A SUCCESSION OF DEPOSITS AND WITHDRAWALS

In July 1936, Max Lohest is worried

⁵⁰ Victor Maistriau, Minister of State Education, during a few months in 1934.

⁵¹ François Bovesse, Attorney General, Minister of State Education and of Fine Arts, from 1935 to 1936.

⁵² Letter from Paul Ronchesne to Félix Demanet, 31st August 1935.

⁵³ It was 7 vertebrae, 1 maxillary fragment, a heel bone, rib fragments and a radius fragment.

⁵⁴ Charles Fraipont’s letter to Max Lohest, 25th September 1935.

⁵⁵ Charles Fraipont’s postcard to Max Lohest, 12th September 1935. As regards the rib fragments, they probably are pieces now identified as reindeer bones, which are kept at the Museum.

⁵⁶ Marcel De Puydt’s notes, 3rd July 1936.

about a possible prescription concerning the bones deposit at the Museum and asks Paul Ronchesne to remove them. The latter, in league with the curator Demanet, drags things but it seems that the bones are nevertheless removed from the Museum as we find in the correspondence a receipt for a new deposit dated from 12th May 1937. In May 1939, Max Lohest is worried again about a possible seizure of the bones by the State following a change of the Minister of State Education. The Minister Duesberg⁵⁷ had indeed shown an unfavourable attitude to Lohest's heirs during their lawsuit. He was in fact vice-chancellor of the *Université de Liège* and professor of anatomy at that time... Following this change, Lohest asked once again Paul Ronchesne to remove the bones from the Museum and to put them in a safe at the *Société générale de Belgique*⁵⁸. Were they or not put in a safe at the bank, did they return again to the Museum? Mrs Dallemagne's account⁵⁹ as well as a letter from Max Lohest⁶⁰ suggest that the bones are removed again in May 1940, which would mean that they would have been put back in the Museum meanwhile, maybe after the new change of Minister in January 1940.

THE SECOND WORLD WAR

The period of the Second World War is recounted by the granddaughter of Maximin Lohest, Mrs Dallemagne-Ophoven, already quoted above. Mrs Dallemagne remembers that her aunt, Marie-Antoinette de Spirlet, Maximin Lohest's daughter, left in flight with her children at the very beginning of the German invasion, taking the Spy bones in their luggage. She stayed in Limoges where she kept them in a hotel room, under her bed. After a few months, Mrs de Spirlet returned to Belgium with her treasure. During this journey, a talus would have been lost. The bones returned then to the Brussels Museum given that we find a new acknowledgement of receipt written on 10th February 1941 by Félix Demanet.

⁵⁷ Jules Duesberg was Minister of State Education from 16th April 1939 to 5th January 1940, but was also previously anatomy professor and vice-chancellor of the *Université de Liège* (1927-1939).

⁵⁸ Letter from Max Lohest to Paul Ronchesne, 4th May 1939.

⁵⁹ Personal communication from Mrs Dallemagne-Ophoven.

⁶⁰ Letter from Max Lohest to Victor Van Straelen, 1st March 1951.

A SHORT LULL JUST AFTER THE WAR

The correspondence concerning the directly post-war years is non-existent in our sources, whether in the Dallemagne collection or the Vercheval collection. But at the beginning of 1951, a letter from Max Lohest⁶¹ to Victor Van Straelen reveals a new worry: what to do with the bones in case of armed conflict? We are then at the end of the Royal Question, but also in the middle of the cold war aggravated by the Korea war. In this context, Max Lohest considers that in the case of an armed conflict, the Spy bones should be sent to the Belgian Congo, in Thysville more precisely (Mbanza-Ngungu, at present). It was not necessary, as everyone knows.

THE DEPOSIT AGREEMENT

Marcel De Puydt died in January 1940. He had no longer maintained much correspondence about Spy during the last years of his life.

In 1952, Félix Vercheval, Marcel De Puydt's son-in-law, donated an important collection of archaeological pieces, from various origins but not from Spy, and an even more important collection of letters from his father-in-law to what had now become the Royal Belgian Institute of Natural Sciences (RBINS)⁶² (Vivé & Versailles, 1996). As from this moment, the Vercheval - De Puydt family resumed its correspondence, in particular with Victor Van Straelen and François Twiesselmann⁶³ about the future of the Spy bones, which could at any time be removed from the Institute by Lohest's heirs. In 1953, Marcelle Vercheval - De Puydt, Marcel De Puydt's daughter, attempts a legal procedure to assert her rights on the Spy bones⁶⁴. Considering that her father was their inventor in the same way as Max Lohest, and being his only assignee, Marcelle Vercheval allowed herself to

⁶¹ Letter from Max Lohest to Victor Van Straelen, 1st March 1951.

⁶² Letter from Victor Van Straelen to Félix Vercheval, 26th February 1952.

⁶³ François Twiesselmann (1910-1999) created the Section of Anthropology at the RBINS, which he was in charge of from 1938 to 1976.

⁶⁴ Letter from Marcelle Vercheval - De Puydt to François Twiesselmann, 25th May 1955.

oppose to any withdrawal of the bones from the RBINS. She then declared donating her undivided rights to the Belgian State on 19th June 1953. This step seems to have had no result, in view of the following letters. Although it is not written in the available documents, Victor Van Straelen does not seem to have considered that this step could have legal strength, given that the Belgian State had recognised, in 1934, the property of the Lohest family. The situation was left as such. Marcelle Vercheval did not follow her act up before a notary. Although two years later she reminded the Institute’s director of her procedure, following the Lohest’s heirs fresh desire to withdraw the bones from the Institute. Her letter dated 25th May 1955 to Eugène Leloup⁶⁵ shows her indignation regarding what she considers as the incompetence and the slowness of the Institute’s authorities. In the stride, Félix Vercheval draws up an assessment of the situation for the State Minister and president of the Chamber, Camille Huysmans, considering that an invaluable heritage was threatened.

In July, the Minister of State Education Leo Collard⁶⁶ once again reminds Eugène Leloup that the State confirmed the property of Lohest’s heirs on the Spy bones and that therefore, there is no reason to refuse the withdrawal, which did take place. Nevertheless, the Minister encouraged Leloup to make all the possible efforts so that the bones return and stay in the Institute⁶⁷. To give an official dimension to the deposit and certain guarantees to Lohest’s heirs, an agreement was signed on 1st January 1956 between the heirs, the Institute’s director and the Minister of State Education.

This agreement, on Max Lohest’s initiative, guarantees to the Lohest family that the bones stay totally at its disposal and contains some constraints for the Institute, particularly in the case of an exhibition and because of the quinquennial renewal of the agreement. A new inventory of the pieces was made on this occasion.

⁶⁵ Eugène Leloup was the RBINS director *ad interim* from 1954 to 1958.

⁶⁶ Leo Collard was Minister of State Education from 23rd April 1954 to 26th June 1958.

⁶⁷ Letter from Leo Collard to Eugène Leloup, 14th July 1955.

RETURN TO LIÈGE!

The bones rested quietly for some years in the Section of Anthropology of the Institute before a new episode of their saga will bring them briefly out of their tranquillity! In 1970, Max Lohest proposed to professor Ubaghs of the *Université de Liège* that the bones return finally to his University. Contacts were taken with the notary Watelet in Liège to settle the donation. The available documents don’t indicate anything more. In fact, the bones did not leave the Institute of Natural Sciences. What were Max Lohest’s sudden motivations for this donation? The correspondence gives no explanation.

TOWARDS AN OUTCOME

The analysis of both archives collections ends with this unexplained episode of the long saga of the “Spy skulls”. But their story does not stop here: in the 1990s, the bones were once again the stakes in bitter discussions between several groups on the occasion of the exhibition “5 million years. The human adventure”. It is not our role to detail the events, in this work. Nevertheless, it turns out that these events were at the origin of an outcome. In fact, as years went by, the group of persons constituting what we called “Lohest’s heirs” had evolved after the death of Max Lohest’s wife and of several of his children. The grandchildren, the daughter and the daughter-in-law of Max Lohest, constituting now “the heirs”, were less emotionally involved in the passions which had animated the debates, in particular in the interwar period. In 1990, these new heirs wanted to give the Spy bones a public status by creating an establishment of public interest called the “Spy Foundation”, to which they wished to make a deed of covenant. Although a straightforward donation to the RBINS had already been envisaged, their disappointment to see the bones very rarely presented to the public since their deposit, as well as rarely the subject of scientific studies, incited Lohest’s heirs to prefer the solution of an outside foundation. On the other hand, that same year, Daniel Cahen, director of the RBINS⁶⁸, was preparing a similar project to which he had given the name of “Max Lohest Foundation”. Although both projects were quite advanced, they were not achieved.

THE DONATION TO THE BELGIAN STATE

Some time in the year 1993, a new donation project, a bilateral initiative, takes shape. Lohest's heirs and the direction of the RBINS agree on a donation to the Belgian State for a hosting in the Institute. The deed was made in front of the notary Thierry Van Halteren on 21st October 1994. A Royal Order approved the donation on 2nd May 1996. Since this date, the bones belong to the Belgian State. They are still kept in the Section of Anthropology and Prehistory of the RBINS.

CONCLUSION

Both archives collections gave a lot of details as to the events suffered by the Spy collections over more than a century. After all these events, we still shiver to imagine the inestimable Neandertal fossils sold abroad or simply destroyed. We have learnt that bone pieces from the original collection were mislaid, in circumstances that remain unexplained. We are distraught by the lack of legal procedures that would have avoided all these adventures to this invaluable heritage.

But, apart from the factual interest of these archives, this correspondence also reveals an important aspect in the story of these bones: the impact of human relations. Repeatedly, we can

observe how the protagonists acted so as not to satisfy the other party. We can also observe how each of them has his own vision of reality, which is sometimes in perfect contradiction with that of the other, without it being a question of ill faith. Therefore, for the reader who intervenes a hundred years or fifty years after the events, it is difficult to find through writs, often incomplete, an objective vision of these events. There will of course have been some preconception.

To clear up these questions, it will be useful to consult other archives, in particular those of Grégoire Fournier kept in the Maredsous Abbey, or the voluminous archives of the RBINS.

ACKNOWLEDGEMENTS

Some persons contributed to this work by different means. Mrs Suzanne Dallemagne-Ophoven entrusted us with her precious correspondence collection and reported us some personal memories about the affair.

Mr André Leguebe, who lived personally some of the events related, had the kindness to read this text and to give us comments and corrections about it. Mr Patrick Semal gave us the opportunity to execute this work and exchanged a lot of impressions about the meaning of the words. We would like to thank them warmly.

In a more general way, we are grateful to the Max Lohest and Marcel De Puydt's descendants which provided us the documentation and archives.

⁶⁸ Daniel Cahen, prehistorian, was the RBINS director from 1988 to 2005.

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