

# THE RUSKIN MUSEUM

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Date: 24<sup>th</sup> January 2022

An Open Letter

**FAO: Mr W. H. Smith, Directors of The Bluebird Project Ltd, and Volunteers of The Bluebird Project**

**Re: *Bluebird K7* - The Coniston Institute & Ruskin Museum ("The Museum") and The Bluebird Project Ltd ("BBP")**

We refer to the recent activity on the BBP Twitter feed and The Bluebird Project Forum & Diary page.

On 26th August 2021 Project Director (Mr. Smith) agreed with one of our lawyers, (Mr. Johnson) only to carry out "absolutely necessary maintenance" on *Bluebird K7*, pending formal resolution as to her status.

The recent work undertaken by the BBP associated with the engine air start system and modification to fuel catch tanks of our property *Bluebird K7*, are a significant alteration to the craft in its state when driven by Donald Campbell CBE, along with renewal of some spar bolts all of which are not 'essential maintenance' during an ownership dispute. Some of these modifications have damaged our undisputed property for which you did not have our permission to alter or modify.

We therefore now insist that no further works on The Museum's property *Bluebird K7* are undertaken by The Bluebird Project Ltd including Mr. Smith, or indeed anyone else until we have taken entire possession of our property.

It appears that Mr. Smith and the Bluebird Project Ltd are now holding The Museum's property *Bluebird K7* under the false pretence of continuing to restore it upon the Ruskin Museum's behalf.

There seems to be some misunderstanding on the part of the Directors of The Bluebird Project Ltd, including Mr. Smith (and some members of the public following this matter), regarding the options open to The Museum and their resolve in this matter.

For the avoidance of doubt and for future reference, the phrase BBP refers to all directors of The Bluebird Project Ltd and volunteers of The Bluebird Project irrespective of their standing within the organisation or the length of involvement.

So there remains no ambiguity, and to be absolutely clear to the Directors of The Bluebird Project Ltd, volunteers at The Bluebird Project and to interested members of the public we make the following statements:-

1. The Ruskin Museum has, since 2021, ceased all partnership with Mr. Smith and/or BBP and will not work with them ever again. This decision by the Museum Trustees is final and there are no circumstances under which that decision will be reconsidered.
2. Consequentially the Ruskin Museum will not permit Mr. Smith and/or BBP to ever run *Bluebird K7* again upon the water and will enforce that decision through the courts if there is any attempt to do so during the time it takes from the date of this letter, until our property *Bluebird K7*, is taken out of possession of Mr. Smith and/or BBP and handed over to its owners the Ruskin Museum.
3. The Ruskin Museum will not from this date forward enter into any further negotiation, mediation, or arbitration with Mr. Smith and/or BBP and courts cannot enforce us to do so.
4. It should be fully understood that there is no possibility or remedy whereby the courts could force the Ruskin Museum to allow its property *Bluebird K7* to be run in a public demonstration by Mr. Smith and/or BBP against the absolute final decision by the Ruskin Museum to prevent Mr. Smith and/or BBP from ever doing so.
5. The Ruskin Museum own at the very least all original elements of *Bluebird K7* as recovered from Coniston Water.
6. Ownership of anything added to *Bluebird K7* as part of its restoration has not as yet been determined by the courts as to whether it is now incorporated into the craft and become, by the rules of accession, owned by the Ruskin Museum.
7. The Ruskin Museum is in the process of recovery of its property *Bluebird K7* from Mr. Smith and/or BBP who are withholding our property *Bluebird K7* directly against our formal request to hand over our property and will continue that process of recovery of our entire property *Bluebird K7* without deviation, or reconsideration until we have secured that possession.
8. The Ruskin Museum from the date of this letter, does not grant permission for Mr. Smith and/or BBP to start a jet engine within the hull of *Bluebird K7*, nor to house or use high pressure air within the hull of *Bluebird K7* due to the inherent risk of damage to our property *Bluebird K7*.
9. The Ruskin Museum has not and will not grant permission for Mr. Smith and/or BBP from the date of this letter to modify, alter or damage our property *Bluebird K7* in any way whilst in their physical possession.
10. The Ruskin Museum from the date of this letter does not grant permission for their property *Bluebird K7* to be publicly displayed by Mr. Smith and/or BBP at their premises or any other venue other than the Ruskin Museum.
11. The Ruskin Museum from the date of this letter does not grant permission for their property *Bluebird K7* to be used for publicity by Mr. Smith and/or BBP.

From the above it should be absolutely clear that the Ruskin Museum will inevitably take possession of its property *Bluebird K7* and go forward to publicly display, maintain and run the craft as it so wishes without any association with Mr. Smith and/or BBP.

We are aware that Mr. Smith and/or BBP could try to frustrate that process, but they cannot prevent it becoming a reality. Our written requests to hand over our entire property *Bluebird K7*, have been

ignored by Mr. Smith and/or BBP to date. We are therefore aware that there is a risk Mr. Smith and/or BBP may ignore our written instructions as detailed within this letter but to what end?

One cannot use or withhold property belonging to another when the owner of that property demands their rightful possession of it. Equally one cannot assume the rights of an owner when clearly one is not. Certainly the courts would take into account with both their judgement and awarding of costs, any attempts by Mr. Smith and/or BBP to frustrate or further delay the inevitable recovery of our property and also during that process any disregarding of our written instructions of what occurs with our property *Bluebird K7*.

The longer the process takes of Mr. Smith and/or BBP either voluntarily handing over our entire property or being forced to do so by the courts, the longer Mr. Smith and/or BBP are preventing the Ruskin Museum as owners of *Bluebird K7* from displaying the craft to the public both statically and running upon Coniston Water.

Mr. Smith and members of BBP have publicly fallen out with members of The Campbell Family Heritage Trust (CFHT). We have been advised by the CFHT that this relationship is irrecoverable. Clearly that has repercussions for the Ruskin Museum given the almost entire dedication of the Bluebird Wing to the Campbell Family. To be clear, we view our relationship with the CFHT as integral to the collection. We would further add that, from a moral perspective if nothing else, their request for Mr. Smith and/or BBP handing over our property the legendary *Bluebird K7* so we may display it for the benefit of the Nation should be understood and observed, something which currently Mr. Smith, members, and supporters of BBP seem in our view to be ignoring.

We again urge Mr. Smith and The Bluebird Project Ltd to consider their next course of action very carefully, as there is still an opportunity for their reputations to remain relatively intact. But let it be clear the Ruskin Museum will recover its property *Bluebird K7* from Mr. Smith and/or BBP of that there is absolute certainty. For however long that process takes the Ruskin Museum will prevent Mr. Smith and/or BBP from ever running our property *Bluebird K7* on the water again.

Yours sincerely

**The Trustees of the Coniston Institute & Ruskin Museum**

**Notes to be read in conjunction with this open letter:**

This open letter comes from the Ruskin Museum Trustees in their entirety, and it would be incorrect to presume or suggest otherwise.

Mr Smith asserts that the question of ownership was settled in 2019. It was not. The Museum maintains that as an undertaking by Mr Smith to lead the restoration at no cost to The Museum, any new parts added which do not automatically become part of the original via the legal process of accession and therefore constitute part of the "original", were donated for the express purposes of restoring the Museum's property as per the 2006 Deed of Gift. If purchased the components were bought with monies donated for the express purposes of restoring the Museum's property as per the 2006 Deed of Gift.

The continuous assertion that the 2006 Deed of Gift does not bind Mr. Smith and/or BBP to anything within that Deed, both pre- and post-incorporation as The Bluebird Project Ltd is at best morally wrong and legally questionable. Mr. Smith's continued assertion that his draft Deed of Gift from BBP to The Museum that he produced at the end of 2013 and which as he knows was never countersigned by the Ruskin Museum Board of Trustees could be binding upon the Ruskin Museum is equally incorrect. For many reasons there was never any prospect of Mr. Smith's draft 2013 Deed of Gift being countersigned by the Ruskin Museum

Board of Trustees. Mr. Smith's continued reliance upon any initial discussions between himself and that draft document remains absurd.

It is a fact that in February 2021 Mr. Smith wrote to the Ruskin Museum formally withdrawing any and all agreements, including his draft 2013 Deed of Gift; this makes Mr. Smith's continued reference to it / reliance upon it irrelevant.

The Museum has previously stated that they have third parties to both maintain and run their property *Bluebird K7* once they have possession of the craft. The fact that we have not disclosed contact details of those third parties to the Directors of The Bluebird Project Ltd and the public merely reflects the desire of the Ruskin Museum to protect those third parties from being approached during the process of recovering our property *Bluebird K7* from Bill Smith and/or BBP. This should not be construed as a suggestion that these third-party partners do not exist, and nor should it be assumed that the Ruskin Museum will not run *Bluebird K7* upon Coniston Water once we have possession of the boat and it is configured along with being independently authorised as acceptably safe to be dynamically displayed to the public in this setting.

The Trustees are reasonable people, as are most of those who have assisted in the restoration of our property *Bluebird K7*. The bulk of these volunteers we understand simply want to be involved with *Bluebird K7* because of its iconic status. We urge these people to reflect upon the inevitable outcome of the Museum recovering its property *Bluebird K7* and whether they wish to continue their association with the craft once that process is concluded.