



ANNO QUINQUAGESIMO PRIMO

# GEORGI II. REGIS.

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## *Cap. 103.*

An Act to enable Doctor *Robert John Thornton* to dispose of his Collection of Paintings, Drawings, and Engravings, together with several Copies of certain Books therein mentioned, by way of Chance. [21st May 1811.]

WHEREAS *Robert John Thornton* of *Hinde Street, Manchester Square*, in the County of *Middlesex*, Member of the University of *Cambridge*, Doctor of *Physic*, in the Year One thousand seven hundred and ninety-one, conceived a Plan to promote Sciences, and improve the Arts of *Painting* and *Engraving* in this Country, and not doubting to receive Encouragement in the Prosecution of such Plan did select the Science of *Botany*, as advanced by *Linnaeus* and subsequent Authors, as a Source of employing the first Painters and other eminent Artists of this Country, which might eventually prove a national Concern and Honour: And whereas in pursuance of this laudable Design the said *Robert John Thornton* has, at a very considerable Expenditure, during several Years past, formed a most valuable Collection of *Paintings* and *Drawings* by the most eminent Artists of this Country, which are now exhibiting at the *European Museum* in *King Street, Saint James's Square*, and the said *Robert John Thornton* hath proceeded to publish and hath nearly completed a most splendid Series of Books; first, a *New Illustration of the Sexual System of Plants*, being a *British Trophy* in Honour of *Linnaeus*; secondly, the *Temple of Flora, or Poet's, Painter's, and Philosopher's Botanic Garden*; and thirdly, the *Philosophy of Botany*, ornamented

[Loc. & Per.]                      - 23 X                      with

with Engravings from Paintings by *British* Artists, and has thereby greatly encouraged the Arts of Painting and Engraving, and materially contributed to securing to this Country a Superiority in those Arts over all other Nations: And whereas the Sources of Assistance upon which the said *Robert John Thornton* depended having entirely failed, it has become necessary for him to dispose of his said Collection of Paintings, Drawings, and Engravings, and of the Copies of the said Books now remaining upon his Hands unsold: And whereas the same cannot be disposed of by the common Mode of Sale but at a Loss wholly ruinous to the said *Robert John Thornton*, and unless some Encouragement under the Sanction of Parliament be given to him, to enable him to dispose of the same to the best Advantage, his Endeavours to promote the Arts of Painting and Engraving, and to diffuse Science, will prove highly injurious and detrimental to himself: In order therefore that the said *Robert John Thornton* may be enabled to dispose of his said Collection of Paintings, Drawings, and Engravings, and also of the unsold Copies of the *New Illustration of the Sexual System of Plants*, being a *British* Trophy in honour of *Linnaeus*, the *Temple of Flora*, and the *Philosophy of Botany*, together with other Works of the same Science, to the best Advantage: May it please Your Majesty (at the humble Petition of the said *Robert John Thornton*) that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said *Robert John Thornton*, his Executors, Administrators, or Assigns, and he and they is and are hereby authorized and empowered, to sell and dispose of the said Collection of Paintings, Drawings, and Engravings, and the several Pieces composing the same, together with the said Copies of the *New Illustration*, the *Temple of Flora*, and the *Philosophy of Botany*, and other Botanical Works of his composing, yet unsold, by way of Chance, without being liable or subject to any Penalty or Forfeiture imposed by any Act or Acts of Parliament against any Sale or Sales by way of Lottery, or by Lots, Tickets, Numbers, or Figures, or upon any Person or Persons for opening, setting up, exercising, or keeping an Office, without Licence, for buying, selling, or disposing of or otherwise dealing in Tickets by way of Lottery; and that such Sale or Sales so to be made by the said *Robert John Thornton*, his Executors, Administrators, or Assigns, of the said Collection, and of the several Pieces composing the same, and the said Copies yet unsold, subject only to the Terms, Provisoos, and Restrictions herein-after mentioned, shall be good and valid, any Law or Statute to the contrary notwithstanding.

Enabling  
Dr. Thornton  
to dispose of  
his Botanical  
Works by  
way of  
Chance.

Limiting the  
Sum to be  
raised, and  
the Number  
and Price of  
the Tickets,  
which are to  
be signed by  
One or more  
of the Trus-  
tees.

II. Provided always, and be it further enacted, That the Money to be raised by the said *Robert John Thornton*, his Executors, Administrators, or Assigns, by way of Lottery, shall not exceed the Sum of Forty-two thousand Pounds, upon the Sale of the whole of his said Collection, and the said Copies yet unsold, mentioned and referred to in the Schedule hereunto annexed; and that the Number of Tickets shall not exceed in the whole Twenty thousand, to be numbered from One to Twenty thousand both inclusive; and no Ticket in the said Lottery shall be sold at a less Value than Two Pounds Two Shillings; and that each of such Tickets shall be signed by One or more of the Trustees herein-after named.

III. Pro-

III. Provided also, and be it further enacted, That the said *Robert John Thornton*, his Executors, Administrators, or Assigns, shall, within Forty-two Days after the passing of this Act, and before he or they shall sell, dispose of, or deliver any Ticket, Number, or Figure under or in pursuance of this Act, give Notice in *The London Gazette* of his or their Intention to sell and dispose of the said Collection of Paintings, Drawings, and Engravings, and the several Pieces composing the same, and the said Copies of the *New Illustration*, the *Temple of Flora*, and the *Philosophy of Botany*, yet unsold, under and in pursuance of the Terms, Provisions, and Restrictions herein contained, and shall also publish in Two or more of the *London* daily Newspapers a List of the specific Matters to be allotted as Prizes to the Holders of each of the fortunate Tickets, to be ascertained in Manner herein-after mentioned.

Notice to be given in the Gazette of the Intention to sell, and a List of the Prizes to be published.

IV. Provided also, and be it further enacted, That immediately upon such Notice being given in *The London Gazette* as aforesaid under and in pursuance of this Act, the absolute Right and Property of the said *Robert John Thornton*, his Executors, Administrators, and Assigns, in and over the said Collection of Paintings, Drawings, and Engravings, and the several Pieces composing the same, and the said Copies yet unsold, shall become and be pledged with and vested in *James Everard Lord Arundel* of *Wardour* in the County of *Wilts*, *Augustus Applegarth* of *James Street, Covent Garden*, in the County of *Middlesex*, Stationer, and *Charles Cook* of *Cumming Street, Pentonville*, in the said County, Gentleman, their Executors and Administrators, in Trust nevertheless for the said *Robert John Thornton*, his Executors, Administrators, and Assigns, till the Determination of the Chances by the drawing of the said Lottery, and from and immediately after the drawing of the said Lottery, in Trust for the respective Holders of the fortunate Tickets as to the Prizes allotted to each of such Tickets respectively; and the same Collection, and every Piece composing the same, and the said Copies yet unsold, and every of them, shall be freed and absolutely acquitted and discharged by the said *Robert John Thornton*, his Executors and Administrators, of, from, and against all Assignments, Sales, Judgments, Executions, Titles, Charges, Debts, and Incumbrances whatsoever, and shall become the Property of and be delivered and assigned to the Bearers of each of the said fortunate Tickets respectively (Accidents by Fire only excepted).

The Collection, &c. vested in Trustees.

V. And whereas certain Articles and Things composing the Prizes mentioned in the Schedule hereunto annexed are not yet completed and finished, be it therefore enacted, That all the Monies arising from the Sale of such Tickets shall be paid to and vested in the said *James Everard Lord Arundel*, *Augustus Applegarth*, and *Charles Cook*, or any Two of them, and shall be by them or any Two of them paid into the Bank of *England*, there to remain in their Names until the said several Articles and Things shall be fully completed and finished, and a Certificate thereof published in *The London Gazette* in Manner herein-after directed, and until such Articles and Things, when so completed and finished, shall be delivered to the said Trustees or any Two of them: Provided always, that in case such Articles and Things shall not be completed and finished, and delivered to the said Trustees or any Two of them, Fifty Days prior to the drawing of the

For enabling the Trustees to receive and pay the Money arising from the Sale of Tickets into the Bank of England, to be disposed of on certain Conditions.

the Lottery, whereby the several Articles and Things composing the Prizes mentioned in the said Schedule are to be finally disposed of, then and in every such Case the said Trustees shall and they are hereby required to repay the Sum of Two Pounds Two Shillings for each of the Tickets issued in pursuance of this Act to the several Holders thereof, upon Demand, and upon his, her, or their producing and delivering up or tendering such Ticket or Tickets; any thing herein contained to the contrary thereof in anywise notwithstanding.

For appointing certain Persons to certify the Completion of the Articles composing the Prizes.

VI. Provided always, and be it enacted, That the several Articles and Things composing the Prizes mentioned in the said Schedule so remaining incomplete and unfinished shall not be deemed complete or finished, save and except such Articles and Things shall, in the Judgment of the Reverend *Joseph Townsend*, Rector of *Pewsey* in the County of *Wilts*, the Reverend *Colin Milne* of *Deptford* in the County of *Kent*, and *Paul Colnaghie* of *Cockspur Street* in the City of *Westminster*, or any Two of them, have been completed and finished with as much Art and Skill as and in all respects equal in point of Execution to such Parts thereof as are now already completed and finished, nor until they or any Two of them shall have published or caused to be published a Certificate thereof under their Hands in *The London Gazette*, specifying the several Articles and Things so submitted to them or any Two of them; which Certificate they or any Two of them are hereby required to publish or cause to be published when and so soon as such Articles and Things shall, in the Judgment of the said *Joseph Townsend*, *Colin Milne*, and *Paul Colnaghie*, or any Two of them, be completed and finished in Manner aforesaid.

For nominating other Persons, in case of Death, to certify the Completion of the Articles composing the Prizes.

VII. Provided also, and be it enacted, That in case any One or more of them the said *Joseph Townsend*, *Colin Milne*, and *Paul Colnaghie*, or any other Person or Persons to be elected as herein-after mentioned in their Room or Stead, shall die before such Certificate shall have been given as aforesaid, then and in every such Case the Survivors or Survivor of them shall and they and he are and is hereby required from Time to Time to elect, nominate, and appoint, by Writing under their or his Hands or Hand, One other Person or Persons in the Room or Stead of the Person or Persons so dying; and the Person or Persons so elected, nominated, or appointed as aforesaid shall have the like Powers and Authorities as if he or they had been nominated in and by this Act.

Empowering the Trustees, after the Work is completed, to proceed in the Execution of the Act.

VIII. And be it further enacted, That when and as soon as such Certificate shall have been published in Manner aforesaid all the Articles and Things mentioned in such Certificate shall be delivered to and deposited with the said Trustees or any Two of them, who shall thereupon, within Ten Days after the Receipt thereof, give Notice in *The London Gazette* that such Articles and Things, having been completed and finished in Manner by this Act directed, have been delivered to and deposited with them; and upon such Notice being given, and the whole of the several Articles and Things composing the said Prizes being so fully completed and finished, and delivered to and deposited with the said Trustees or any Two of them, the said Trustees or any Two of them shall and they are hereby required to pay the Monies so received and

and paid by them into the Bank of *England* to the said *Robert John Thornton*, his Executors, Administrators, or Assigns.

IX. And whereas the said *Robert John Thornton* has laid out and expended very considerable Sums of Money in engraving the Copper-plates requisite to complete the said *New Illustration, Temple of Flora, and Philosophy of Botany*, and he is desirous that the Value of the Prints from the said Copper-plates engraved for the said Works shall be as much as possible enhanced to the several Persons who, as Holders of fortunate Tickets, shall, after the Drawing of the said Lottery, be entitled to the said Advantage; be it therefore enacted, That immediately on such Notice being given in *The London Gazette* as last aforesaid, under and in pursuance of this Act, the absolute Right and Property of the said *Robert John Thornton*, his Executors, Administrators, or Assigns, in and over all the said Copper-plates, shall become vested in the said *James Everard Lord Arundel, Augustus Applegarth, and Charles Cook*, their Executors and Administrators, in Trust nevertheless for the said *Robert John Thornton*, his Executors, Administrators, and Assigns, till the Determination of the Chances by the Drawing of the said Lottery, and upon further Trust, that within One Month after the Drawing of the said Lottery they the said Trustees do and shall and they are hereby authorized and required to break and destroy, or cause to be broken and destroyed, all and singular the same Copper-plates of the before-mentioned Works.

The Copper-plates engraved for *New Illustration, Temple of Flora, and Philosophy of Botany*, are to be destroyed within One Month after the Drawing of the Lottery.

X. And be it further enacted, That for the Purpose of the further enhancing the Value of the Prints from the said Copper-plates engraved for the said Works, it shall not be lawful for any Person or Persons who may become possessed of any of the Paintings or Drawings in the said Collection to engrave, etch, work, or copy the same for Sale, or cause or suffer or permit the same to be engraved, etched, worked, or copied, or cause or permit any Drawing to be made of any such Painting, for the Purpose of making or having made or permitting to be made any Engraving or Etching therefrom, within such respective Periods of Time as he the said *Robert John Thornton* is by Law now entitled to the Copy Right of, in, and to the same Works respectively; and that all Powers, Provisions, Clauses, Penalties, and Forfeitures contained in the several Acts made and now in force for securing the Property of Prints to Inventors and Engravers shall be and remain in full Force, as to any Persons offending against such Acts, as fully and effectually as if this Act had not been made; and that the said *Robert John Thornton*, his Executors, Administrators, and Assigns, in any Action, Suit, or Proceeding whatsoever that may be commenced, instituted, or had for the enforcing any of the Provisions of the said Acts, or any of them, against any Person who shall have offended therein, shall be deemed and taken to be the Proprietor or Proprietors of such Painting or Paintings, Drawing or Drawings, Copper-plate or Copper-plates as aforesaid, for the Purpose of recovering any such Penalties or Forfeitures, or of enforcing any of the Provisions of the said several Acts, or any of them.

Persons who may become possessed of the Paintings or Drawings not to engrave or copy the same for Sale.

XI. Provided always, and be it further enacted, That the said Collection of Paintings, Drawings, and Engravings, together with the said Copies of Works yet unsold, shall be divided and allotted according to the Schedule to this Act annexed; and that the Ten thousand

That the Collection, &c. shall be divided into 10,000

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Prizes

Prizes, and determined by the drawing of any State Lottery that shall consist of 20,000 or more Tickets, drawn between the First Day of August 1811 and the First Day of December 1813.

Prizes therein mentioned shall be determined by the Drawing of any State Lottery that shall consist of Twenty thousand Tickets or upwards, and that shall be drawn in *London* between the First Day of *August* One thousand eight hundred and eleven and the First Day of *December* One thousand eight hundred and thirteen, in pursuance of any Act or Acts of Parliament that may hereafter be passed for that Purpose, if any such shall be passed; and if more than One such Lottery shall be appointed by any such Act or Acts to be drawn within such Period, then by such of the said Lotteries as shall be chosen by the said *Robert John Thornton*, his Executors or Administrators, and notified in *The London Gazette* Forty-two Days before the drawing such Lottery; and that the first Ten thousand Numbers that shall be drawn in such State Lottery, be they either Blank or Prize, the Numbers whereof shall respectively correspond with any Numbers of the Tickets of the Lottery authorized by this Act, shall respectively be and they are hereby declared to be the Prizes, in the Order in which the said Collection of Paintings, Drawings, and Engravings, and the said several Pieces composing the same, and the said Copies of Works yet unsold, are divided and allotted in the Schedule to this Act annexed.

Determining to what Class the Capital Prize shall belong.

XII. Provided always, and be it further enacted, That if any such State Lottery so to be chosen by the said *Robert John Thornton* shall be drawn in Classes, or by some special Direction, either of the Act of Parliament authorizing the Drawing of any such Lottery, or by Agreement between the Lords Commissioners of the Treasury and the Contractors for any such Lottery for determining the whole Number of Tickets composing the said Lottery by the Drawing of a proportionate Number of the Tickets composing such Lottery, then it shall be lawful for the Commissioners appointed to manage the Drawing of the State Lottery and they are hereby required to determine, by drawing out of a Box (to be prepared for that Purpose prior to the drawing of any Ticket from the Wheel in which the numbered Tickets shall be deposited, containing the Number, Letter, or Description of each of the said Classes or other Description sealed up,) One of the said Numbers, Letters, or other Descriptions; and such Number, Letter, or Description so drawn by the said Commissioners shall be proclaimed before the opening of the Wheel containing the Tickets of the State Lottery, and which shall and is hereby declared to be the Class or Description to which the Benefit of the Capital Prize in the Lottery by this Act established shall appertain.

For Disposal of unclaimed Prizes.

XIII. And be it further enacted, That if after the Determination of the said Lottery any of the Prizes shall remain unclaimed for the Space of Five Years by any of the Proprietors of the fortunate Tickets to which Prizes shall belong, it shall be lawful for the said *James Everard Lord Arundel*, *Augustus Applegarth*, and *Charles Cook*, their Executors and Administrators, to dispose of the same by public Auction, or by such other Way as shall appear to them most beneficial; and the Produce to arise therefrom shall, by the said *James Everard Lord Arundel*, *Augustus Applegarth*, and *Charles Cook*, their Executors and Administrators, be invested in the Funds for the Space of Five Years then to come, for the Benefit of the Proprietors of such fortunate Tickets, in such Proportions as they may be entitled unto; and after the Expiration of such last-mentioned Time,  
if

if any Sum shall remain unclaimed, then the same shall be applied to and for the Benefit of the Royal Linnæan Society of *London*.

XIV. Provided also, and be it further enacted, That in case any One or more of them the said *James Everard Lord Arundel, Augustus Applegarth,* and *Charles Cook,* or other the Trustees to be elected as herein-after mentioned, shall happen to die before the Trusts hereby reposed in them shall have been performed, that thereupon the Survivors or Survivor of them shall and they and he are and is hereby required from Time to Time to elect, nominate, or appoint, by Writing under their respective Hands, One other Person in the Stead of the Person so dying, for the Purpose of carrying this Act into Execution; and the Person or Persons so elected, nominated, or appointed as aforesaid shall, together with the surviving Trustee or Trustees, have the like Powers, Rights, Interests, and Authorities as are vested in the Persons so named Trustees by this Act. Power for appointing new Trustees.

XV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Declaring the Act public.

SCHEDULE to which this Act refers.

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BOTANICAL LOTTERY,

FOR THE PROMOTION AND ENCOURAGEMENT OF SCIENCE.

1	CAPITAL PRIZE (entitled the Linnæan Gallery), being all the original Paintings of Flowers, Allegorical Subjects, and Heads of Botanists, (now exhibiting at the European Museum in King Street, St. James's,) executed by those most eminent Painters, Opie R.A., Russel R.A., Howard R.A., Reinagle R.A., &c. &c., accompanied with a superb Copy of each of the other Prizes, most elegantly bound, valued together at upwards of	£5,080
199	CAPITAL PRIZES, each containing the Temple of Flora, New Illustration of the Sexual System, and Philosophy of Botany, making together Five Grand Volumes, including Two hundred Plates by those most eminent Artists, Bartolozzi, Earlom, Landseer, Milton, Lowry, Tomkins, Dunkerton, Ward, &c. &c., each Set valued £80,	15,920
200	CAPITAL PRIZES, each being a Copy of the Botanical coloured Plates in the Temple of Flora, forming a most elegant Portfolio of Botanical Flower-plates, with a descriptive Catalogue in 8vo. Value £30 each,	6,000
600	CAPITAL PRIZES, being the Plates of the Temple of Flora, 4to Size, richly coloured, valued £15 each,	9,000
2000	Flora Britannica, or Description of British Plants, 400 Plates, in Five Volumes 8vo. £5 each,	10,000
7000	Elements of Botany, Two Volumes 8vo, with 200 Plates, £3 each,	21,000
10,000 Prizes		Value £67,000

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Printers to the King's most Excellent Majesty. 1833.