

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. CXXVII.

An Act to veſt the *Townleian* Collection of Ancient Sculpture in the Truſtees of the *Britiſh Muſeum*, for the Uſe of the Publick. [12th *July* 1805.]

WHEREAS by an Act of Parliament made and paſſed in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the Purchaſe of the Muſeum or Collection of Sir* Hans Sloane, *and of the* Harleian *Collection of Manuſcripts; and for providing One general Repoſitory, for the better Reception and more convenient Uſe of the ſaid Collections, and of the* Cottonian *Library, and of the Additions thereto*; the Archbiſhop of *Canterbury*, the Lord Chancellor, or Lord Keeper of the Great Seal of *Great Britain*, the Lord Treaſurer of *Great Britain*, or the Firſt Commiſſioner of the Treaſury, the Lord Preſident of the Council, the Lord Privy Seal, the Lord High Admiral of *Great Britain*, or the Firſt Commiſſioner of the Admiralty, the Lord Steward of His Majeſty's Houſehold, the Lord Chamberlain of His Majeſty's Houſehold, the Biſhop of *London*, each of the Principal Secretaries of State, being a Peer or Lord of Parliament, the Speaker of the Houſe of Commons, each of the Principal Secretaries of State not being a Peer or Lord of Parliament, the Chancellor of the Exchequer, the Lord Chief Juſtice of the Court of King's Bench, the Maſter of the Rolls, the Chief Juſtice of His Majeſty's Court of Common Pleas at *Weſtminſter*, His Majeſty's Attorney and Solicitor General, the 26 G. 2. c. [illegible]

President of the Royal Society, and the President of the College of Physicians severally, for the Time being, and certain other Persons named or described in the said Act, or to be appointed under the Powers therein contained, were appointed Trustees, and incorporated by the Name of "The Trustees of the *British Museum*," for putting the said Act into Execution, with such Powers, and under such Directions as are therein expressed; and particularly it was thereby enacted, that within the Cities of *London* or *Westminster*, or the Suburbs thereof, One general Repository should be erected and provided for the Reception of the Collections and Libraries therein mentioned, and of such other Collections and Libraries as, with the like Approbation, should be admitted into the same; which several Collections, Additions, and Libraries, so received into the said general Repository should remain and be preserved therein for publick Use to all Posterity: And whereas under the Provisions of an Act of the Twenty-eighth Year of His late Majesty King George the Second, intituled, *An Act for vesting* Montagu House *in Trustees and their Heirs, freed and discharged from all Estates, Uses, and Agreements to which it at present stands limited and appointed, upon Trust, to convey the same to the Trustees of the* British Museum *for a general Repository, and upon such other Trusts as therein are mentioned*; the capital Messuage or Mansion House, heretofore called *Montagu House*, situate in *Great Russell Street*, in the Parish of *Saint George*, *Bloomsbury*, in the County of *Middlesex*, and the Out Houses, Buildings, and Gardens, belonging to the same, were duly conveyed and assured unto and to the Use of the Trustees of the said Museum by Indentures of Lease and Release, bearing Date respectively the Fourth and Fifth Days of *April*, in the Year One thousand seven hundred and fifty-five, and made between the Right Honourable *George Dunk* Earl of *Halifax* and *William Folkes* Esquire, (Trustees under the said last mentioned Act for carrying the Trusts thereof into Execution) of the One Part, and the Trustees of the said Museum of the other Part, and since that Time the said capital Messuage or Mansion House and its Appurtenances has been generally called or known by the Appellation of the *British Museum*: And whereas *Charles Townley*, late of *Townley*, in the County Palatine of *Lancaster* Esquire, duly signed and published his last Will and Testament, bearing Date the Twenty-ninth Day of *November* One thousand eight hundred and two, and did thereby devise the Manors and other Hereditaments, situate in the said County of *Lancaster*, therein particularly mentioned and distinguished by the Name of the *Townley Estates*, unto *John Trafford* of *Trafford House* in the said County, and *Stephen Tempest* of *Broughton Hall* in the County of *York*, Esquires, and their Heirs, to the Use of Sir *John Lawson* Baronet, and *Thomas Eccleston* Esquire, their Executors, Administrators, and Assigns, for the Term of Eight hundred Years, in Trust, by the Ways and Means therein mentioned, to raise Money for the Payment of his Debts, Legacies, and Funeral Expences, in exoneration of his Personal Estate, and for the Payment of certain Annuities, and after the Expiration of the said Term of Eight hundred Years, to the Use of *Edward Townley Standish* Esquire, the Brother of him the said Testator, during the Term of his natural Life, with a Limitation to the said *John Trafford* and *Stephen Tempest*, and their Heirs, during the Life of the said *Edward Townley Standish*, in Trust, to preserve the contingent Remainders therein-after devised, and after his Decease, to the Use of the First and other Sons of the said *Edward Townley Standish*, severally and successively, according to

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Recital of the Will of C. Townley Esq.

their

their respective Seniorities, in Tail; and in Default of such Issue, to the Use of *John Towneley* Esquire, the Uncle of the said *Charles Townley* the Testator, and his Assigns, during his natural Life without Impeachment of Waste; and after his Decease, to such Uses as the said *John Towneley*, and *Peregrine Edward Towneley* Esquire, his Son, should by any Deed, to be executed by them as therein is mentioned, direct or appoint, and in Default of such Appointment, to the Use of the said *John Towneley*, his Heirs and Assigns for ever: And the said *Charles Townley*, did by his said Will, bequeath to the said Sir *John Lawson* and *Thomas Eccleston*, his Collection of Ancient Marbles, which should be in, or about, or belong to his House in *Park Street*, *Westminster*, at the Time of his Decease, to hold the same unto the said Sir *John Lawson* and *Thomas Eccleston*, their Executors and Administrators, in Trust for the *British Museum*: Provided that the Trustees or Managers for the Time being of that Institution should within the Term of Two Years from the Time of his Decease, set apart a Room or Rooms, which then was or were or which might thereafter be erected at the said Museum, sufficiently spacious and elegant, to exhibit those Antiquities most advantageously to the Publick, such Room or Rooms to be exclusively set apart for the Reception and future Exhibition of the said Antiquities, and in some conspicuous Part of the said Room or Rooms such a suitable and appropriate Inscription to be made and fixed up as the Trustees or Managers of the said Museum should deem proper, and that in case the said Trustees or Managers should decline to accept of that his Gift, or should not fully comply with the Conditions thereby imposed by him, then his Will was, that the said Sir *John Lawson* and *Thomas Eccleston*, and the Survivor of them, and the Executors and Administrators of such Survivor, should stand possessed of his said Collection of ancient Marbles in Trust for the Testator's Brother, the said *Edward Townley Standish*, his Executors, Administrators, and Assigns: And the said Testator appointed the said *Edward Townley Standish* and *John Towneley* the Executors of that his Will: And whereas the said *Charles Townley* signed and published a Codicil to his said Will, which Codicil bears Date the Twenty-second Day of *December* One thousand eight hundred and four, and by his said Codicil revoked the Trusts declared by his Will of the said ancient Marbles, for the Benefit of the *British Museum*, and of the said *Edward Townley Standish*, and directed that the said Sir *John Lawson* and *Thomas Eccleston*, their Executors, Administrators, and Assigns, should stand possessed of the said Collection of ancient Marbles upon the Trusts following, that is to say, in case his the Testator's said Brother *Edward Townley Standish*, or his the Testator's Uncle *John Towneley*, or his Heirs, should within Five Years from his the Testator's Decease expend not less than the Sum of Four thousand five hundred Pounds in placing the said Marbles in a proper and suitable Manner for Exhibition in his Mansion House at *Townley*, or in the erecting and completing of or purchasing a Suite of Rooms for the Reception and Exhibition, to be added for the Purpose to, or being Part of any House to be built, purchased, or belonging to them, or any of them, in *London*, then in Trust for the Person or Persons who, by virtue of or under the Limitations contained in his said Will, should for the Time being be entitled to the Possession, or to the Receipts of the Rents, Issues, and Profits of his *Townley* Estates in his said Will mentioned, yet so that for the Purpose of Transmission the same should not vest absolutely in any Son of his said Brother *Edward Townley Standish*, until such Son should attain

Disposition of his Collection of ancient Marbles.

attain to the Age of Twenty-one Years, or depart this Life under that Age, leaving Iſſue inheritable under his ſaid Will, or born in due Time afterwards; and in caſe of the Death of his ſaid Brother *Edward Townley Standiſh* without Iſſue Male, as expreſſed in his ſaid Will, or in Failure of ſuch Iſſue, then in Truſt for his ſaid Uncle *John Towneley* and his Heirs; but in caſe his ſaid Brother *Edward Townley Standiſh*, or his ſaid Uncle *John Towneley*, or his Heirs, ſhould refuſe or neglect to make ſuch proper Proviſion for the Reception and Exhibition of the ſaid ancient Marbles within the ſaid Term of Five Years, then it was his Will and Mind that the ſaid Sir *John Lawſon* and *Thomas Eccleſton*, their Executors, Adminiſtrators, and Aſſigns, ſhould ſtand poſſeſſed thereof in Truſt for the *Britiſh Muſeum*, ſubject to the ſame Terms, Conditions, and Reſtrictions as were contained in his ſaid Will in reſpect to the Truſts therein declared for the *Britiſh Muſeum*, and in caſe the Truſtees or Managers of the *Britiſh Muſeum* ſhould not comply with ſuch Terms, Conditions, and Reſtrictions then in Truſt for his the ſaid Teſtator's Executors and Adminiſtrators: And whereas the ſaid *Charles Townley* departed this Life on the Third Day of *January* laſt, and the ſaid Will and Codicil were duly proved by the ſaid *Edward Townley Standiſh* and *John Towneley* in the Prerogative Court of the Archbiſhop of *Canterbury*: And whereas at the Time of the Deceaſe of the ſaid *Charles Townley* the ſaid *Townley* Eſtates, or ſome Part thereof, was ſubject to a Mortgage Debt of Thirty-ſix thouſand five hundred Pounds, charged thereupon by Indentures of Leaſe and Releaſe, bearing Date reſpectively the Twenty-firſt and Twenty-ſecond Days of *November* One thouſand eight hundred and two; the Releaſe made between *Thomas Starkie* Eſquire, of the Firſt Part, the ſaid *Thomas Starkie* and *Mary Starkie* of the Second Part, *Lawrence Rawſtorne* Eſquire, and *James Starky* Eſquire, of the Third Part, *Roger Wilbraham* of the Fourth Part, the ſaid *Charles Townley* of the Fifth Part, the ſaid *John Towneley* of the Sixth Part, and *James Edge* of the Seventh Part; whereby in Conſideration of the Sum of Thirty-ſix thouſand five hundred Pounds by the ſaid *John Towneley* advanced to or upon the Account of the ſaid *Charles Townley*, the ſaid *Townley* Eſtates, or ſome Part thereof, was conveyed by, or by the Direction of the ſaid *Charles Townley* unto and to the Uſe of the ſaid *John Towneley*, his Heirs and Aſſigns, by way of Mortgage for ſecuring to the ſaid *John Towneley*, his Executors, Adminiſtrators, and Aſſigns, the Sum of Thirty-ſix thouſand five hundred Pounds with lawful Intereſt for the ſame: And whereas the Collection of ancient Marbles, bequeathed by the ſaid Will and Codicil of the ſaid *Charles Townley*, was made by him with great Knowledge, Judgement, and Care, and at a very conſiderable Expence, and is generally conſidered to be one of the moſt valuable Collections of ancient Sculpture, and on many Accounts is ſuch a Property as is highly deſirable to be poſſeſſed by the Publick: And whereas a Propoſal having been made by the Truſtees of the *Britiſh Muſeum* to the ſaid *Edward Townley Standiſh*, *John Towneley*, and *Peregrine Edward Towneley*, for the Purchaſe of the ſaid Collection of ancient Marbles and Terra Cottas, at or for the Price or Sum of Twenty thouſand Pounds; and it having been repreſented to them, that it was highly deſirable the ſame ſhould be poſſeſſed by the Publick in a proper Repoſitory generally open at proper Times and under ſuitable Reſtrictions, to the Inſpection of Artiſts and the curious in the fine Arts; they the ſaid *Edward Townley Standiſh*, *John Towneley*, and *Peregrine Edward Towneley* conſented to the ſaid Propoſal, and agreed to add to the ſaid

Mortgage on the Townley Eſtate.

Propoſals for the Purchaſe of the Collection of ancient Marbles.

said Collection the Bronze Statues of *Apollo* and *Hercules*, which also belonged to and made a Part of the said Collection of the said *Charles Townley*, on Condition that the Whole of the said Collection should be kept together, and open to Inspection, as herein-before is mentioned, and called by the Name of the *Townleian Collection*: May it therefore please Your Majesty 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 the Lord High Treasurer of *Great Britain*, or the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, shall, and he or they is and are hereby authorized and empowered, out of any of the Aids or Supplies granted in this Session of Parliament for the Service of *Great Britain* for the Year One thousand eight hundred and five, immediately after the passing of this Act, to issue and advance the Sum of Twenty thousand Pounds to the Trustees of the *British Museum*, or any Person to be appointed by the said Trustees to receive the same, which Money shall be paid without any Fee or other Deduction whatever, and shall be applied in the Purchase of the said Collection; and that the Trustees of the *British Museum* shall, on or before the First Day of *September* One thousand eight hundred and six, require the Delivery of the said Collection; and if the same shall be then delivered to them, and they shall be satisfied that the several Statues and other Articles forming the said Collection are then conformable to the Catalogue thereof deposited in the *British Museum*, signed by the said *Edward Townley Standish*, *Joseph Planta* Esquire, Principal Librarian of the *British Museum*, and *Taylor Combe* Esquire, another of the Librarians, and duly certified by them on the Third Day of *July* One thousand eight hundred and five, they the said Trustees shall, on the Delivery of the same into their Custody, pay the said Sum of Twenty thousand Pounds to the said *John Towneley*, his Executors, Administrators, and Assigns, towards the Discharge of his said Mortgage Debt of Thirty-six thousand five hundred Pounds.

Treasury to issue 20,000 *l.* to the Trustees of the British Museum for the Purchase of the said Collection of ancient Marbles.

II. And be it further enacted, That on Payment of the Sum of Twenty thousand Pounds the said Collection shall be vested in the Trustees for the Time being of the said *British Museum*, and their Successors in Perpetuity, for the Purposes of the said Act of the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, absolutely freed and discharged from all the Trusts, Powers, Provisoes, and Declarations expressed or contained of or concerning the same by or in the said Will and Codicil of the said *Charles Townley*.

On Payment of the Purchase Money, the Collection to vest in the Trustees of the British Museum.

III. And be it hereby further enacted, That the said Collection shall be preserved and kept together in the said *British Museum* whole and entire, and distinguished by the Name or Appellation of *The Townleian Collection*.

distinguished by the Name of the Townleian Collection.

IV. And be it enacted by the Authority aforesaid, That the said *Edward Townley Standish* shall be associated to the Trustees for the Time being of the *British Museum*, in the Execution of the Trusts reposed in them by the said recited Act, and that upon the Decease of the said *Edward Townley Standish* it shall be lawful for his Sons severally, successively, and in remainder one after another, as they respectively shall be in Seniority of Age and Priority of Birth, and the Heirs of their respective Bodies, being

E. Townley Standish Esq. to be added to the Trustees of the British Museum;

of full Age, and for his, her, or their Guardian or Guardians, during his, her, or their respective Minorities; and in Default of such Issue to and for the said *John Towneley*, and his Heirs being of full Age, and for their respective Guardian or Guardians, during their respective Minorities, by any Writing under their respective Hands, to nominate some fit Person to supply the Place of the said *Edward Townley Standish*, or the last actual Trustee in the said Trust, when and so often as any Person so nominated shall happen to die.

and to have the like Powers as the Trustees under the recited Acts.

V. And be it further enacted, That the Trustee hereby appointed, or so to be appointed as herein-before is mentioned, shall have the like Powers in all Respects in the Execution of the Trusts reposed or to be reposed by the said recited Act, or any other Act, in the Trustees of the *British Museum*, as are, or shall be by the said Acts, or any of them, given to the Trustees therein named or described.

How the Money shall be applied till Payment of the Purchase Money is made.

VI. And be it further enacted, That until the said Sum of Twenty thousand Pounds shall be paid to the said *John Towneley*, the same shall be laid out by the Trustees of the *British Museum*, in the Purchase of Navy or Victualling Bills, or Exchequer Bills, and the Money received for the same as they respectively are paid off by Government, shall be laid out in the Purchase of other Navy, or Victualling, or Exchequer Bills, and all the said Navy, Victualling, or Exchequer Bills, shall be deposited in the Bank, in the Name of the Trustees of the *British Museum*, and shall there remain until the said Sum of Twenty thousand Pounds shall be payable to the said *John Towneley*, and when the said Sum of Twenty thousand Pounds shall be payable to the said *John Towneley*, the said Navy, Victualling, or Exchequer Bills shall be sold, and the Money which shall arise from the Sale thereof, shall be paid to the said Trustees of the *British Museum*, and be by them paid over to the said *John Towneley*, his Executors, Administrators, or Assigns, in the Discharge or Satisfaction of the said Sum of Twenty thousand Pounds, and whatever the said Navy, Victualling, or Exchequer Bills shall produce, over and beyond the said Sum of Twenty thousand Pounds, shall at the same Time be paid with the said Sum of Twenty thousand Pounds, to the said *John Towneley*, his Executors, Administrators, and Assigns, in or towards Discharge of the Interest which shall have accrued on the said Mortgage Debt of Thirty-six thousand and five hundred Pounds.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1805.